



ORDINARY COUNCIL MEETING

NOTICE OF MEETING

To: Mayor Jan-Claire Wisdom

Councillor Kirrilee Boyd
Councillor Adrian Cheater
Councillor Nathan Daniell
Councillor Pauline Gill
Councillor Chris Grant
Councillor Malcolm Herrmann
Councillor Lucy Huxter
Councillor Leith Mudge
Councillor Mark Osterstock
Councillor Kirsty Parkin
Councillor Louise Pascale
Councillor Melanie Selwood

Notice is given pursuant to the provisions under Section 83 of the *Local Government Act 1999* that the next meeting of the Council will be held on:

Tuesday 10 December 2024

6.00pm

63 Mt Barker Road Stirling

A copy of the Agenda for this meeting is supplied under Section 83 of the Act.

Meetings of the Council are open to the public and members of the community are welcome to attend. Public notice of the Agenda for this meeting is supplied under Section 84 of the Act.

A handwritten signature in black ink, appearing to read 'GG', is written over a horizontal line.

Greg Georgopoulos
Chief Executive Officer



ORDINARY COUNCIL MEETING

AGENDA FOR MEETING
Tuesday 10 December 2024
6.00pm
63 Mt Barker Road Stirling

ORDER OF BUSINESS

1. COMMENCEMENT

2. OPENING STATEMENT

2.1. *Acknowledgement of Country*

Council acknowledges that we meet on the traditional Country of the Peramangk and Kurna people. We pay our respects to Ancestors and Elders past and present as the Custodians of this ancient and beautiful land.

2.2. Together we will care for this place for the generations to come and in this context the decisions we make should be guided by the principle that nothing we do should decrease our children's ability to live on this land.

3. APOLOGIES/LEAVE OF ABSENCE

- 3.1. Apology
Apologies were received from
- 3.2. Leave of Absence
- 3.3. Absent

4. MINUTES OF PREVIOUS MEETINGS

Council Meeting – 26 November 2024

That the minutes of the ordinary meeting held on 26 November 2024 as supplied, be confirmed as an accurate record of the proceedings of that meeting.

5. DECLARATION OF CONFLICT OF INTEREST BY MEMBERS OF COUNCIL

6. MAYOR'S OPENING REMARKS

7. QUESTIONS ADJOURNED/LYING ON THE TABLE

- 7.1. Questions Adjourned
Nil
- 7.2. Questions Lying on the Table
Nil

8. PETITIONS / DEPUTATIONS / PUBLIC FORUM

- 8.1. Petitions
- 8.2. Deputations
- 8.3. Public Forum

9. PRESENTATIONS (by exception)

- 9.1. Save our Wildlife Foundation Inc.

10. QUESTIONS ON NOTICE

- 10.1. 26 November 2024 Council Resolution 430/24 – Cr Pauline Gill
- 10.2. Our Watch Toolkit for Local Government – Cr Louise Pascale
- 10.3. Verge Policy and Maintenance – Cr Louise Pascale
- 10.4. Hamilton Hill and New Building Inspections – Cr Louise Pascale
- 10.5. 26 November 2024 Council Resolutions – Cr Mark Osterstock – late paper

11. MOTIONS ON NOTICE

- 11.1. Lobethal Primary School Correspondence – Cr Lucy Huxter
 - 1. *Council receives and notes the correspondence from year 6 students at Lobethal Primary School, identifying that young people are passionate about more extracurricular activities being available to them in their community.*
 - 2. *The Administration reviews the correspondence and identifies any opportunities for consideration.*
 - 3. *The CEO prepare a response to the authors on behalf of the Council before the end of the school year to:*
 - a) *Thank the students for their ideas*
 - b) *Encourage the students to continue advocating for their communities*
 - c) *Identify ways in which the students can contribute to making change*
- 11.2. Mount Torrens Signs – Cr Melanie Selwood
 - 1. *Council notes that Mount Torrens is listed as a state heritage area.*
 - 2. *The CEO undertakes the required process with the Department for Infrastructure and Transport (DIT) and the Department for Environment and Water, in conjunction with Adelaide Hills Tourism, to replace the*

existing timber town entry signs at each of the main entrances to Mount Torrens with town attraction signs as provided for in the DIT's Road Sign Guidelines: Guide to visitor and service road signs in South Australia.

3. *Feedback on potential listings on the signs be sought from the Mount Torrens and Districts Community Association.*
4. *Any projected expenditure over \$3000 required for the signage is brought back to Council for consideration.*

12. ADMINISTRATION REPORTS – DECISION ITEMS

12.1. Fabrik Board Options

1. *That the report be received and noted.*
2. *For Council decision.*

12.2. Proposal for Adoption of a New Community Land Management Plan for Heathfield Oval

1. *That the report be received and noted.*
2. *That pursuant to Section 198 of the Local Government Act 1999, Council undertakes public consultation on the proposal to:*
 - a. *Amend Community Land Management Plan 1 - Generic Plan for All Categories to remove the prohibition of commercial activities on Crown Land under the care and control of the Council.*
 - b. *Remove Heathfield Oval (described in Crown Record 5752/187) as a site covered by Community Land Management Plan 6 – Sport and Recreation and to adopt a new standalone Community Land Management Plan as contained in Appendix 2 for the site.*
3. *That following public consultation, a further report be submitted to Council advising of the outcomes of the public consultation process, with a view to proceed with the proposal above.*
4. *That this resolution should not be taken to infer the Council's permission will ultimately be granted for a commercial gymnasium business to sub lease any portion of the site.*
5. *That subject to the outcome of the community land process above, a further report be provided to Council in due course outlining a new lease proposal for the site.*

12.3. Response into the Review of the Environment Protection (Waste to Resources) Policy 2010

1. *That the report be received and noted.*

2. *That Council make a submission into the review of the Environment Protection (Waste to Resources) Policy 2010 as contained within Appendix 1.*
3. *That the Chief Executive Officer be authorised to finalise the response, including making any minor changes not affecting the substantive nature of the response, and submit it on Council's behalf.*

12.4. CEO Performance Review Panel Membership
Decision 1

1. *That the report be received and noted.*
2. *To determine that the method of selecting the CEO Performance Review Panel Committee Members be by an indicative vote to determine the preferred persons for the two Council Member positions utilising the process set out in this Agenda report.*
3. *To adjourn the Council meeting for the purposes of seeking nominations for and, if necessary, conducting an indicative vote to determine the preferred persons for the CEO Performance Review Panel Committee Member roles and for the meeting to resume once the results of the indicative vote have been declared.*

Decision 2

1. *To appoint _____ and _____ as members of the CEO Performance Review Panel Committee to commence 10 December 2024 and conclude on the end of the current term of Council.*
2. *To determine that the method of selecting the CEO Performance Review Panel Committee Presiding Member to be by an indicative vote to determine the preferred person utilising the process set out in this Agenda report.*
3. *To adjourn the Council meeting for the purposes of seeking nominations for and, if necessary, conducting an indicative vote to determine the preferred person for the CEO Performance Review Panel Committee Presiding Member role and for the meeting to resume once the results of the indicative vote have been declared.*

Decision 3

1. *To appoint _____ to the position of CEO Performance Review Panel Presiding Member to commence 10 December 2024 and conclude on the end of the current term of Council.*

12.5. Council Resolutions Status Update

1. *That the report be received and noted.*
2. *That the completed items in Appendix 1 be removed from the Action List.*

13. ADMINISTRATION REPORTS – INFORMATION ITEMS

Nil

14. CORRESPONDENCE FOR NOTING

Nil

15. QUESTIONS WITHOUT NOTICE

16. MOTIONS WITHOUT NOTICE

17. REPORTS

17.1. Council Member Function or Activity on the Business of Council

17.2. Reports of Members/Officers as Council Representatives on External Organisations

17.3. CEO Report

18. REPORTS OF COMMITTEES

18.1. Council Assessment Panel

18.2. Audit Committee

18.3. CEO Performance Review Panel

18.4. Boundary Change Committee – 3 December 2024

That the minutes of the Boundary Change Committee meeting held on 3 December 2024 as supplied, be received and noted.

19. CONFIDENTIAL ITEMS

19.1. Citizen of the Year 2025 Recommendations

20. NEXT MEETING

Tuesday 28 January 2025, 6.30pm, 63 Mt Barker Road, Stirling

21. CLOSE MEETING

Council Meeting & Workshops 2024

DATE	TYPE	LOCATION	MINUTE TAKER
JANUARY 2024			
Wed 10 January	CAP	Stirling	Karen Savage
Tues 23 January	Council	Stirling	Rebekah Lyons
Tues 30 January	Workshop	Stirling	N/A
FEBRUARY 2024			
Mon 5 February	Workshop	Woodside	N/A
Tues 13 February	Council	Stirling	Rebekah Lyons
Wed 14 February	CAP	Stirling	Karen Savage
Mon 19 February	Audit Committee	Stirling	Jody Atkins
Tues 20 February	Professional Development	Stirling	N/A
Thurs 22 February	CEO PRP	Stirling	Jody Atkins
Tues 27 February	Council	Stirling	Rebekah Lyons
MARCH 2024			
Mon 4 March	Workshop	Woodside	N/A
Tues 12 March	Council	Stirling	Rebekah Lyons
Wed 13 March	CAP	Stirling	Karen Savage
Tues 19 March	Professional Development	Stirling	N/A
Tues 26 March	Council	Stirling	Rebekah Lyons
APRIL 2024			
Tues 2 April (Easter Monday)	Workshop	Woodside	N/A
Wed 10 April	CAP	Stirling	Karen Savage
Tues 16 April	Professional Development	Stirling	N/A
Mon 15 April	Audit Committee	Stirling	TBA
Mon 22 April	Boundary Change Committee	Stirling	Zoë Gill
Tues 23 April	Council	Stirling	Rebekah Lyons
MAY 2024			
Mon 6 May	Workshop	Woodside	N/A
Wed 8 May	CAP	Stirling	Karen Savage
Tues 14 May	Ordinary Council	Stirling	Rebekah Lyons
Mon 20 May	Audit Committee	Stirling	TBA
Tues 21 May	Professional Development	Stirling	N/A
Thur 23 May	CEO PRP	Stirling	Kelley Jones Lawyers
Tues 28 May	Council	Stirling	Rebekah Lyons
JUNE 2024			
Mon 3 June	Workshop	Woodside	N/A
Tues 11 June	Ordinary Council	Stirling	Rebekah Lyons
Wed 12 June	CAP	Stirling	Karen Savage
Tues 18 June	Professional Development	Stirling	N/A
Tues 25 June	Ordinary Council	Stirling	Rebekah Lyons

DATE	TYPE	LOCATION	MINUTE TAKER
JULY 2024			
Mon 1 July	Workshop	Woodside	N/A
Tues 9 July	Ordinary Council	Stirling	Rebekah Lyons
Wed 10 July	CAP	Stirling	Karen Savage
Tues 16 July	Professional Development	Stirling	N/A
Tues 23 July	Ordinary Council	Stirling	Rebekah Lyons
AUGUST 2024			
Mon 5 August	Workshop	Woodside	N/A
Tues 13 August	Ordinary Council	Stirling	Rebekah Lyons
Wed 14 August	CAP	Stirling	Karen Savage
Mon 19 August	Audit Committee	Stirling	TBA
Tues 20 August	Professional Development	Stirling	N/A
Thur 22 August	CEO PRP	Stirling	Kelley Jones Lawyers
Tues 27 August	Ordinary Council	Stirling	Rebekah Lyons
SEPTEMBER 2024			
Mon 2 September	Workshop	Woodside	N/A
Tues 10 September	Ordinary Council	Stirling	Rebekah Lyons
Wed 11 September	CAP	Stirling	Karen Savage
Tues 17 September	Professional Development	Stirling	N/A
Tues 24 September	Ordinary Council	Stirling	Rebekah Lyons
OCTOBER 2024			
Tues 1 October (Public Holiday)	Workshop	Woodside	N/A
Tues 8 October	Ordinary Council	Stirling	Rebekah Lyons
Wed 9 October	CAP	Stirling	Karen Savage
Tues 15 October	Professional Development	Stirling	N/A
Mon 14 Oct	Audit Committee	Stirling	TBA
Tues 22 October	Ordinary Council	Stirling	Rebekah Lyons
NOVEMBER 2024			
Mon 4 November	Workshop	Woodside	N/A
Tues 12 November	Ordinary Council	Stirling	Rebekah Lyons
Wed 13 November	CAP	Stirling	Karen Savage
Mon 18 November	Audit Committee	Stirling	TBA
Tues 19 November	Professional Development	Stirling	N/A
Tues 26 November	Ordinary Council	Stirling	Rebekah Lyons
DECEMBER 2024			
Mon 2 December	Workshop	Woodside	N/A
Wed 11 December	CAP	Stirling	Karen Savage
Tues 17 December	Ordinary Council	Stirling	Rebekah Lyons

Meetings are subject to change, please check agendas for times and venues. All meetings (except Council Member Professional Development) are open to the public.

Council Member Attendance 2024

Information or Briefing Sessions

Meeting Date	Mayor Jan-Claire Wisdom	Cr Kirrilee Boyd	Cr Adrian Cheater	Cr Nathan Daniell	Cr Leith Mudge	Cr Louise Pascale	Cr Mark Osterstock	Cr Kirsty Parkin	Cr Pauline Gill	Cr Chris Grant	Cr Malcolm Herrmann	Cr Lucy Huxter	Cr Melanie Selwood
19.03.2024 (PD)	LOA	F	F	F	F	F	AP	F	F	F	F	F	F
23.03.2024 (WS)	LOA	P	F	F	F	F	P	P	F	F	F	AP	F
02.04.2024 (WS)	LOA	AP	F	F	F	F	F	P	A	F	F	P	P
09.04.2024 (WS)	LOA	F	F	F	F	LOA	F	F	A	F	F	LOA	F
16.04.24 (WS)	LOA	F	P	F	AP	LOA	LOA	LOA	F	F	F	F	F
06.05.2024 (WS)	LOA	F	F	F	F	F	A	F	LOA	F	F	F	F
21.05.2024 (WS)	F	F	F	F	F	P	LOA	F	LOA	F	F	AP	F
3.06.2024 (WS)	AP	AP	F	F	F	F	AP	F	F	F	F	AP	F
18.06.2024 (PD)	F	F	F	F	F	F	F	AP	F	F	F	AP	F
01.07.24 (WS)	AP	F	AP	F	F	AP	AP	F	AP	F	P	P	F
09.07.24 (WS)	AP	F	F	F	LOA	F	F	F	AP	F	F	LOA	F
16.07.2024 (PD)	F	F	F	AP	F	F	LOA	F	AP	F	F	LOA	F
05.08.24 (WS)	A	F	F	F	F	P	A	F	F	A	F	F	F
20.08.24 (WS)	LOA	F	F	AP	F	F	F	AP	F	F	F	F	F

Index: Workshop (WS) / Professional Development (PD) / F = Full Attendance / P = Partial Attendance / AP = Apology / LOA = Leave of Absence / A = Absent

Meeting Date	Mayor Jan-Claire Wisdom	Cr Kirrilee Boyd	Cr Adrian Cheater	Cr Nathan Daniell	Cr Leith Mudge	Cr Louise Pascale	Cr Mark Osterstock	Cr Kirsty Parkin	Cr Pauline Gill	Cr Chris Grant	Cr Malcolm Herrmann	Cr Lucy Huxter	Cr Melanie Selwood
26.08.24 (PD)	LOA	F	F	F	F	F	F	F	F	F	F	F	F
02.09.24 (WS)	LOA	F	P	F	F	AP	AP	F	A	AP	F	F	F
16.09.24 (WS)	AP	F	AP	F	F	F	AP	F	F	F	F	F	F
17.09.24 (PD)	P	F	AP	F	F	AP	AP	AP	F	F	F	F	F
30.09.24 (WS)	A	LOA	F	F	F	F	LOA	F	F	F	F	AP	F
1.10.24 (WS)	F	LOA	F	AP	F	F	AP	AP	F	F	F	AP	F
15.10.24 (PD)	F	F	F	F	F	F	LOA	LOA	AP	F	F	F	F
28.10.24 (WS)	F	LOA	F	F	F	LOA	F	LOA	F	AP	F	AP	F
4.11.24 (WS)	F	LOA	F	F	F	LOA	F	F	F	F	F	AP	F
19.11.24 (PD)	F	F	F	A	F	F	A	F	F	F	P	F	P
2.12.24 (WS)	AP	F	AP	F	F	A	AP	P	F	F	F	AP	F

Index: Workshop (WS) / Professional Development (PD) / F = Full Attendance / P = Partial Attendance / AP = Apology / LOA = Leave of Absence / A = Absent

Council Member Attendance 2024

Council Meetings (including Special Council Meetings)

Meeting Date	Mayor Jan-Claire Wisdom	Cr Kirrilee Boyd	Cr Adrian Cheater	Cr Nathan Daniell	Cr Leith Mudge	Cr Louise Pascale	Cr Mark Osterstock	Cr Kirsty Parkin	Cr Pauline Gill	Cr Chris Grant	Cr Malcolm Herrmann	Cr Lucy Huxter	Cr Melanie Selwood
26.03.2024	LOA	AP	F	F	F	P	LOA	F	F	AP	F	AP	F
9.04.2024	LOA	F	F	F	F	LOA	F	F	P	F	F	LOA	F
23.04.2024	LOA	F	F	F	F	LOA	F	F	AP	F	F	F	F
14.05.2024	LOA	F	F	F	F	F	LOA	AP	LOA	F	F	F	F
28.05.2024	F	F	F	F	F	AP	F	LOA	LOA	F	F	F	F
11.06.2024	F	F	F	F	F	F	F	LOA	F	F	F	AP	F
17.06.2024	F	F	F	F	F	F	AP	F	F	F	F	F	F
25.06.2024	F	AP	F	F	F	F	F	F	AP	F	F	F	F
01.07.2024	F	F	AP	F	F	AP	F	F	AP	F	F	F	F
09.07.2024	AP	F	F	F	LOA	F	F	F	AP	F	F	LOA	F
23.07.2024	LOA	F	F	F	F	LOA	F	F	LOA	F	F	LOA	F
13.08.2024	F	F	F	F	F	F	F	F	F	F	F	F	F
27.08.2024	LOA	AP	F	F	F	P	F	F	P	F	P	F	F
10.09.2024	LOA	F	LOA	F	LOA	F	F	F	LOA	F	F	F	F
24.09.2024	F	F	F	F	F	F	F	F	F	F	F	F	F
15.10.2024	F	F	F	F	F	F	LOA	LOA	AP	F	F	F	F
22.10.2024	F	LOA	F	F	F	LOA	P	F	F	F	F	F	F
12.11.2024	F	F	F	F	LOA	LOA	F	F	A	F	F	F	F
26.11.24	AP	F	F	F	F	P	F	F	AP	F	F	AP	F

Index: F = Full Attendance / P = Partial Attendance / AP = Apology / LOA = Leave of Absence / A = Absent

Conflict of Interest Disclosure Form

CONFLICTS MUST BE DECLARED VERBALLY DURING MEETINGS

Date: _____

Meeting Name (please tick one)

- | | | | |
|------------------------------|--------------------------|---------------------------|--------------------------|
| Ordinary Council | <input type="checkbox"/> | Audit Committee | <input type="checkbox"/> |
| Special Council | <input type="checkbox"/> | Boundary Change Committee | <input type="checkbox"/> |
| CEO Performance Review Panel | <input type="checkbox"/> | Other: _____ | <input type="checkbox"/> |

Item No **Item Name:**

(Only one conflict of interest entry per form)

I, Mayor / Cr _____ have identified a conflict of interest as:

GENERAL

MATERIAL

GENERAL

In considering a General Conflict of Interest (COI), an impartial, fair-minded person might consider that the Council Member’s private interests might result in the Member acting in a manner that is contrary to their public duty.

MATERIAL

In considering a Material Conflict of Interest (COI), a member of a council has a material conflict of interest in a matter to be discussed at a meeting of the council if a class of persons as defined in s75(1)(a-l) in the Act would gain a benefit, or suffer a loss, (whether directly or indirectly and whether of a personal or pecuniary nature) depending on the outcome of the consideration of the matter at the meeting.

The nature of my conflict of interest is as follows:

(Describe the nature of the interest, including whether the interest is direct or indirect and personal or pecuniary)

I intend to deal with my conflict of interest in the following transparent and accountable way:

- I intend to **stay** in the meeting (please complete details below)
- I intend to **stay** in the meeting as exempt under s75A (please complete details below)
- I intend to **leave** the meeting (*mandatory if you intend to declare a Material conflict of interest*)

The reason I intend to stay in the meeting and consider this matter is as follows:

(This section must be completed and ensure sufficient detail is recorded of the specific circumstances of your interest.)

Office use only: Council Member voted FOR / AGAINST the motion.

8. DEPUTATIONS

For full details, see Code of Practice for Meeting Procedures on www.ahc.sa.gov.au

1. A request to make a deputation should be made by submitting a Deputation Request Form, (available on Council's website and at Service and Community Centres) to the CEO seven clear days prior to the Council meeting for inclusion in the agenda.
2. Each deputation is to be no longer than ten (10) minutes, excluding questions from Members.
3. Deputations will be limited to a maximum of two per meeting.
4. In determining whether a deputation is allowed, the following considerations will be taken into account:
 - the number of deputations that have already been granted for the meeting
 - the subject matter of the proposed deputation
 - relevance to the Council agenda nominated – and if not, relevance to the Council's powers or purpose
 - the integrity of the request (i.e. whether it is considered to be frivolous and/or vexatious)
 - the size and extent of the agenda for the particular meeting and
 - the number of times the depute has addressed Council (either in a deputation or public forum) on the subject matter or a similar subject matter.

8.3 PUBLIC FORUM

For full details, see Code of Practice for Meeting Procedures on www.ahc.sa.gov.au

1. The public may be permitted to address or ask questions of the Council on a relevant and/or timely topic.
2. The Presiding Member will determine if an answer is to be provided.
3. People wishing to speak in the public forum must advise the Presiding Member of their intention at the beginning of this section of the meeting.
4. Each presentation in the Public Forum is to be no longer than five (5) minutes (including questions), except with leave from the Council.
5. The total time allocation for the Public Forum will be ten (10) minutes, except with leave from the Council.
6. If a large number of presentations have been requested, with leave from the Council, the time allocation of five (5) minutes may be reduced.
7. Any comments that may amount to a criticism of individual Council Members or staff must not be made. As identified in the Deputation Conduct section above, the normal laws of defamation will apply to statements made during the Public Forum.
8. Members may ask questions of all persons appearing relating to the subject of their presentation.

Minutes of Council

**ADELAIDE HILLS COUNCIL
MINUTES OF ORDINARY COUNCIL MEETING
TUESDAY 26 November 2024
63 MT BARKER ROAD STIRLING**

In Attendance

Presiding Member: Deputy Mayor Melanie Selwood

Members:

Councillor Kirrilee Boyd
Councillor Adrian Cheater
Councillor Nathan Daniell
Councillor Chris Grant
Councillor Malcolm Herrmann
Councillor Leith Mudge
Councillor Mark Osterstock
Councillor Kirsty Parkin
Councillor Louise Pascale

In Attendance:

Greg Georgopoulos	Chief Executive Officer
Gary Lewis	Director Corporate Services
Jess Charlton	A/Director Community and Development
David Waters	Director Environment and Infrastructure
Zoe Gill	Executive Governance Officer
Skye Ludzay	Minute Secretary
Tom Portas	Technical Support

1. COMMENCEMENT

The meeting commenced at 6:30pm.

2. OPENING STATEMENT

2.1 Council acknowledges that we meet on the traditional Country of the Peramangk and Kurna people. We pay our respects to Ancestors and Elders past and present as the Custodians of this ancient and beautiful land.

2.2 Together we will care for this place for the generations to come and in this context the decisions we make should be guided by the principle that nothing we do should decrease our children's ability to live on this land.

Mayor _____

10 December 2024

**ADELAIDE HILLS COUNCIL
MINUTES OF ORDINARY COUNCIL MEETING
TUESDAY 26 November 2024
63 MT BARKER ROAD STIRLING**

3. APOLOGIES/LEAVE OF ABSENCE

3.1 Apology

Mayor Jan-Claire Wisdom
Cr Pauline Gill
Cr Lucy Huxter

3.2 Leave of Absence

Nil

3.3 Absent

Nil

4. MINUTES OF PREVIOUS MEETINGS

4.1 Council Meeting – 12 November 2024

Moved Cr Malcolm Herrmann
S/- Cr Chris Grant

414/24

Council resolves that the minutes of the Ordinary Council meeting held on 12 November 2024, as supplied, be confirmed as an accurate record of the proceedings of that meeting.

Carried Unanimously

5. DECLARATION OF CONFLICT OF INTEREST BY MEMBERS OF COUNCIL

5.1 Cr Malcolm Herrmann, Item 12.1 – Community Development Grant Recommendations

Under section 75B of the Local Government Act 1999 Cr Malcolm Herrmann disclosed a General (section 74) Conflict of Interest in Item 12.1.

5.2 Cr Nathan Daniell, Item 12.1 – Community Development Grant Recommendations

Under section 75B of the Local Government Act 1999 Cr Nathan Daniell disclosed a General (section 74) Conflict of Interest in Item 12.1.

5.3 Cr Malcolm Herrmann, Item 12.2 – 2024-2025 Community and Recreation Facility Grant Recommendations

Under section 75B of the Local Government Act 1999 Cr Malcolm Herrmann disclosed a General (section 74) Conflict of Interest in Item 12.2.

**ADELAIDE HILLS COUNCIL
MINUTES OF ORDINARY COUNCIL MEETING
TUESDAY 26 November 2024
63 MT BARKER ROAD STIRLING**

5.4 Cr Chris Grant, Item 12.2 2024-2025 – Community and Recreation Facility Grant Recommendations

Under section 75B of the Local Government Act 1999 Cr Chris Grant disclosed a General (section 74) Conflict of Interest in Item 12.2.

5.5 Deputy Mayor Melanie Selwood, Item 12.2 – 2024-2025 Community and Recreation Facility Grant Recommendations

Under section 75B of the Local Government Act 1999 Deputy Mayor Melanie Selwood disclosed a General (section 74) Conflict of Interest in Item 12.2.

5.6 Cr Mark Osterstock, Item 12.4 – Nominations to the Dog & Cat Management Board

Under section 75C of the *Local Government Act 1999* Cr Mark Osterstock disclosed a Material (section 75) Conflict of Interest in Item 12.4.

5.7 Cr Kirsty Parkin, Item 12.4 – Nominations to the Dog & Cat Management Board

Under section 75B of the Local Government Act 1999 Cr Kirsty Parkin disclosed a General (section 74) Conflict of Interest in Item 12.4.

5.8 Deputy Mayor Melanie Selwood, Item 19.1 – Behavioural Standards Complaint

Under section 75B of the Local Government Act 1999 Deputy Mayor Melanie Selwood disclosed a General (section 74) Conflict of Interest in Item 19.1.

6. PRESIDING MEMBER'S OPENING REMARKS

The Deputy Mayor welcomed and thanked members of the gallery for their attendance.

7. QUESTIONS ADJOURNED/LYING ON THE TABLE

7.1 Questions Adjourned

Nil

7.2 Questions Lying on the Table

Nil

8. PETITIONS/DEPUTATIONS/PUBLIC FORUM

8.1 Petitions

Nil

**ADELAIDE HILLS COUNCIL
MINUTES OF ORDINARY COUNCIL MEETING
TUESDAY 26 November 2024
63 MT BARKER ROAD STIRLING**

8.2 Deputations

Nil

8.3 Public Forum

Nil

9. PRESENTATIONS**9.1 Regional Development Australia Update – Steve Shotton**

6:37pm Cr Adrian Cheater joined the meeting.

6:37pm Cr Louise Pascale left the meeting room.

6.38pm Cr Louise Pascale returned to the meeting room.

6.38pm Cr Louise Pascale left the meeting room.

10. QUESTIONS ON NOTICE

Nil

11. MOTIONS ON NOTICE

Nil

12. OFFICER REPORTS – DECISION ITEMS**12.1 Community Development Grant Recommendations**

Under section 75B of the Local Government Act 1999 Cr Nathan Daniell disclosed a General (section 74) Conflict of Interest in Item 12.1.

- I am Chair of Activating Bridgewater who auspiced an application. May receive an indirect pecuniary benefit if approved.

6:53pm Cr Nathan Daniell left the meeting room.

Under section 75B of the *Local Government Act 1999* Cr Malcolm Herrmann disclosed a General (section 74) Conflict of Interest in Item 12.1.

- I am a sponsor of the Mt Torrens & Districts Community Association.

Cr Herrmann advised the meeting that his private interest would not result in him acting in a manner contrary to his public duty and that he will remain in the meeting when the item is discussed and participate in the debate and vote on the matter.

6:54pm Cr Louise Pascale returned to the meeting room.

**ADELAIDE HILLS COUNCIL
MINUTES OF ORDINARY COUNCIL MEETING
TUESDAY 26 November 2024
63 MT BARKER ROAD STIRLING**

Moved Cr Mark Osterstock
S/- Cr Chris Grant

415/24

Council resolves:

1. That the report be received and noted.
2. That Council approve the awarding of Community Development Grants totalling \$ 43,725.40 as follows:

Adelaide Hills Hawks Football Club Inc	Development of new website	\$2500
Balhannah Soldiers Memorial Hall Inc	Purchase and installation of wireless security system	\$2500
Bridgewater Adelaide Hills Walking Group	Automatic external defibrillator and backpack kit suitable for walks	\$2390
Bridgewater Hall Inc	Purchase tables and whiteboards	\$2500
Gravity Girls SA Inc	Purchase tools and equipment for bike trail maintenance	\$2475
Hills Biodiversity Inc	Engage contractors – control watsonia outbreak	\$2500
Hills Little Athletics Centre Inc	Purchase laptop and set of starter guns	\$1649
Mount Lofty Kindergym Inc	Purchase adult-friendly equipment designed for intergenerational activities	\$2358.05
Mount Torrens & Districts Community Association Inc	Purchase feather flags and double-sided A-frame boards	\$2500
Mylor Primary School	Contribute to First Nations Program run by Carclew	\$2500
Oakbank Golf Club Inc	Purchase and installation of industrial dishwasher	\$2500
Old School Community Garden Stirling Inc	Contribution towards purchase of new mower	\$2500
Save Our Wildlife Foundation Inc	Purchase possum nesting boxes	\$1928.85
SA Police Pistol Club Inc	Purchase laptop and tablets	\$2093
The Sustainability Fair Inc	Purchase storage units	\$2500
Top of the Torrens Gallery Inc	Purchase of custom made display units	\$2500
Upper Sturt CFS	Removal and replacement of flagpole	\$1336.50
Volunteers of Tour Down Under	Purchase event flags for existing GTRAX system	\$2000
Woodside Hall Inc	Purchase planter pots and plants	\$2495

6.55pm Cr Adrian Cheater left the meeting room.

Carried Unanimously Cr Herrmann voted in favour of the motion

6:56pm Cr Nathan Daniell returned to the meeting room.

**ADELAIDE HILLS COUNCIL
MINUTES OF ORDINARY COUNCIL MEETING
TUESDAY 26 November 2024
63 MT BARKER ROAD STIRLING**

12.2 2024-2025 Community and Recreation Facility Grant Recommendations

Under section 75B of the Local Government Act 1999 Cr Malcolm Herrmann disclosed a General (section 74) Conflict of Interest in Item 12.2.

- I am a sponsor of the Birdwood Park and Sporting Club.

Cr Herrmann advised the meeting that his private interest would not result in him acting in a manner contrary to his public duty and that he will remain in the meeting when the item is discussed and participate in the debate and vote on the matter.

Under section 75B of the Local Government Act 1999 Deputy Mayor Melanie Selwood disclosed a General (section 74) Conflict of Interest in Item 12.2.

- I have an association with an applicant, but they are not a recommended applicant.

Deputy Mayor Selwood advised the meeting that her private interest would not result in her acting in a manner contrary to her public duty and that she will remain in the meeting when the item is discussed and participate in the debate and vote on the matter.

Under section 75B of the Local Government Act 1999 Cr Chris Grant disclosed a General (section 74) Conflict of Interest in Item 12.2.

- I am a member of the Forest Range Community and the Forest Range Recreation Ground are receiving a grant.

Cr Grant advised the meeting that his private interest would not result in him acting in a manner contrary to his public duty and that he will remain in the meeting when the item is discussed and participate in the debate and vote on the matter.

6:57pm Cr Adrian Cheater returned to the meeting room.

**ADELAIDE HILLS COUNCIL
MINUTES OF ORDINARY COUNCIL MEETING
TUESDAY 26 November 2024
63 MT BARKER ROAD STIRLING**

Moved Cr Leith Mudge
S/- Cr Kirsty Parkin

416/24

Council resolves:

1. That the report be received and noted.
2. That Council approves the awarding of Community Recreation and Facility Grants for 2024-2025 totalling \$166,923.91 as follows:

Hills Archers	Clubroom Upgrade	\$9,239.08
Onkaparinga Cricket Club	Upgrade of Cricket Training Nets	\$31,500.00
Mount Lofty District Football Club	New Scoreboard	\$25,000.00
Johnston Memorial Park	New Football Coaches Boxes	\$40,000.00
Kersbrook Public Hall	External Building Maintenance	\$11,000.00
Uraidla Institute	Re-sealing Hall Floor	\$2,106.72
Sunset Rock Uniting Church	Community Connections Café Initiative	\$8,131.20
Aldgate Men's Shed	Relocation to new Shed	\$4,399.00
Birdwood Park & Sporting Clubs	Improving safety at Birdwood Park	\$9,239.08
Gumeracha District Bowling Club	Player and spectator shade and seating	\$9,918.00
Forest Range Recreation Ground	New Access Driveway	\$9,239.08
Bridgewater Junior Soccer Club	Soccer Pitch Extension	\$7,240.00

Carried Unanimously

Cr Herrmann voted in favour of the motion

Cr Grant voted in favour of the motion

Deputy Mayor Selwood did not use her casting vote

**ADELAIDE HILLS COUNCIL
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TUESDAY 26 November 2024
63 MT BARKER ROAD STIRLING**

12.3 Regional Climate Action Plan 2025-2030 and Regional Sector Agreement

Moved Cr Leith Mudge
S/- Cr Mark Osterstock

417/24

Council resolves:

1. That the report be received and noted.
2. To note the achievements of the Resilient Hills and Coasts partnership identified within the RH&C Annual Report 2023-2024 as provided in Appendix 1.
3. To note the outcomes of the stakeholder engagement associated with the development of the Resilient Hills & Coasts 'Regional Climate Action Plan' as provided in Appendix 4.
4. To endorse the Resilient Hills & Coasts *Regional Climate Action Plan 2025-2030* as one of the partner organisations of Resilient Hills & Coasts.
5. To recommit to the partnership by authorising the Mayor to sign the revised Resilient Hills & Coasts Climate Change Sector Agreement pursuant to the *Climate Change and Greenhouse Emissions Reduction Act 2007*, as contained in Appendix 3.
6. To authorise the Administration to make any changes to the *Regional Climate Action Plan 2025-2030* or Climate Change Sector Agreement of a minor, technical or formatting nature.
7. To note the Council's ongoing membership of the partnership includes a contribution of \$20,000 per annum to contribute to the engagement of a Coordinator to continue to advocate on climate change adaptation and mitigation for the region, and that this contribution remains subject to annual business planning and budget processes.

Carried

12.4 Nominations to the Dog & Cat Management Board

Under section 75B of the Local Government Act 1999 Cr Kirsty Parkin disclosed a General (section 74) Conflict of Interest in Item 12.4.

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- My father is the Chair of the Dog and Cat Management Board

Cr Parkin advised the meeting that she will remain in the meeting when the item is discussed and will not participate in the debate and will not vote on the matter.

Under section 75C of the *Local Government Act 1999* Cr Mark Osterstock disclosed a Material (section 75) Conflict of Interest in Item 12.4.

- Intends to nominate for the position which attracts a modest sitting fee.

7:06pm Cr Mark Osterstock left the meeting room.

Moved Cr Malcolm Herrmann

S/- Cr Chris Grant

418/24

Council resolves:

1. **That the report be received and noted.**
2. **To endorse the nomination of Cr Mark Osterstock for the Dog & Cat Management Board and authorise the Chief Executive Officer to lodge the completed nomination form to the Local Government Association by COB Friday 29 November 2024.**

Carried Unanimously

Cr Kirsty Parkin voted in favour of the motion
--

7.08pm Cr Mark Osterstock returned to the meeting room.

12.5 Gawler River Floodplain Management Authority Membership

Moved Cr Nathan Daniell

S/- Cr Mark Osterstock

419/24

Council resolves:

1. **That the report be received and noted.**
2. **That the CEO formally write to the Minister, by 31 December 2024, seeking approval to withdraw from the GRFMA, as required by Clause 19 of the Charter.**

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3. That the CEO write to the GRFMA and Constituent Councils, by 31 December 2024, to officially advise of its intention to withdraw from the GRFMA, as required by Clause 19 of the Charter.
4. That the Council approve an initial budget allocation of \$20,000 for consultant fees, enabling Council to obtain expert advice and effectively manage the negotiations required to exit the GRFMA.

Carried Unanimously

12.6 Draft 2023-24 Annual Report

Moved Cr Malcolm Herrmann
S/- Cr Nathan Daniell

420/24

Council resolves:

1. That the report on the Draft 2023-24 Annual Report be received and noted.
2. That the 2023-24 Annual Report, as contained in Appendix 1, be adopted.
3. That the Chief Executive Officer be authorised to make minor content, formatting or design changes necessary for publication purposes.

Carried Unanimously

12.7 Quarterly Council Performance Report – Q1 2024-25

Moved Cr Malcolm Herrmann
S/- Cr Chris Grant

421/24

Council resolves:

1. That the report on the Quarterly Council Performance Report – Q1 2024-25 be received and noted.
2. To adopt changes to the Corporate Performance Indicators as follows:

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- a. **CPI-B02 (Delivery of Capital Works Program) changed to an annual target of at least 90%, with cumulative quarterly reporting**
- b. **CPI-001 (Number of lost time injuries) changed to measure Lost Time Injury Frequency Rate (LTIFR) with a target of less than 13.2**
- c. **CPI-O11 (Employee turnover) changed to have two targets – 20% new starter turnover and 15% general turnover, with quarterly reporting that provides a 12 month percentage as at the end of the quarter.**

Carried

12.8 2024-25 Budget Review 1

Moved Cr Chris Grant
S/- Cr

Council resolves:

1. That the 2024-25 Budget Review report be received and noted.
2. To adopt the proposed budget adjustments presented in Budget Review 1 which result in:
 - a. A decrease in the Operating Surplus from \$0.457m to a deficit of \$1.728m for the 2024-25 financial year.
 - b. An operating deficit ratio of 2.8%, Net Financial Liabilities ratio of 56.2% and an Asset Renewal Funding ratio of 133.2%.

Lapsed for want of a seconder

Moved Cr Nathan Daniell
S/- Cr Mark Osterstock

1. That the 2024-25 Budget Review report be received and noted.
2. To adopt the proposed budget adjustments presented in Budget Review 1 which result in:
 - a. A decrease in the Operating Surplus from \$0.457m to a deficit of \$1.728m for the 2024-25 financial year.

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- b. Changes to Capital Works increasing capital expenditure by \$2.218 million for the 2024-25 financial year resulting in a revised capital expenditure budget of \$20.548 million.
- c. An operating deficit ratio of 2.8%, Net Financial Liabilities ratio of 56.2% and an Asset Renewal Funding ratio of 133.2%.

VARIATION

Through the Presiding Member, with the consent of the Mover and Seconder, leave of the meeting was sought and granted to vary the motion as follows:

Moved Cr Nathan Daniell
S/- Cr Mark Osterstock

1. That the 2024-25 Budget Review report be received and noted.
2. To adopt the proposed budget adjustments presented in Budget Review 1 which result in:
 - a. A decrease in the Operating Surplus from \$0.457m to a deficit of \$1.728m for the 2024-25 financial year.
 - b. Changes to Capital Works increasing capital expenditure by \$2.218 million for the 2024-25 financial year resulting in a revised capital expenditure budget of \$20.548 million.
 - c. An operating deficit ratio of 2.8%, Net Financial Liabilities ratio of 56.2% and an Asset Renewal Funding ratio of 133.2%.
3. That a workshop be held regarding the increased capital expenditure endorsed in Budget Review 1 on 2 December 2024.

MOTION AS VARIED

Moved Cr Nathan Daniell
S/- Cr Mark Osterstock

422/24

1. That the 2024-25 Budget Review report be received and noted.
2. To adopt the proposed budget adjustments presented in Budget Review 1 which result in:
 - a. A decrease in the Operating Surplus from \$0.457m to a deficit of \$1.728m for the 2024-25 financial year.

**ADELAIDE HILLS COUNCIL
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- b. Changes to Capital Works increasing capital expenditure by \$2.218 million for the 2024-25 financial year resulting in a revised capital expenditure budget of \$20.548 million.
 - c. An operating deficit ratio of 2.8%, Net Financial Liabilities ratio of 56.2% and an Asset Renewal Funding ratio of 133.2%.
3. That a workshop be held regarding the increased capital expenditure endorsed in Budget Review 1 on 2 December 2024.

Carried

13. OFFICER REPORTS - INFORMATION ITEMS

Nil

14. CORRESPONDENCE FOR INFORMATION

14.1 Regional Development Australia Adelaide Hills, Fleurieu and Kangaroo Island Annual Report 2023-24

Moved Cr Adrian Cheater
S/- Cr Kirsty Parkin

423/24

Council resolves that the correspondence is received and noted.

Carried Unanimously

15. QUESTIONS WITHOUT NOTICE

Cr Louise Pascale asked a question about when a report on Community Forums would be circulated.

16. MOTIONS WITHOUT NOTICE

Nil

17. REPORTS

17.1 Council Member Function or Activity on the Business of Council

Cr Malcolm Herrmann

- 2 November 2024, Relay for Life, Balhannah

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- 3 November 2024, Top of the Valleys All Saints Day, Lobethal
- 6 November 2024, Opening of the SA Water Mural, Woodside
- 8 November 2024, Turning of the sod - Amy Gillett Bikeway, Mount Torrens
- 10 November 2024, Australia Day Celebrations, Gumeracha
- 11 November 2024, Remembrance Day – Memorial Arch, Birdwood
- 13 November 2024, GCA Annual General Meeting, Gumeracha
- 16 November 2024, Book Launch, Birdwood
- 19 November 2024, Presentation Evening – Birdwood High School, Modbury

Cr Leith Mudge

- 18 November 2024, The Hills Christian Community School – Senior Presentation Night & Year 12 Graduation, Verdun.
- 20 November 2024, The Hut AGM, Stirling
- 23 November 2024, Ashton Christmas Party, Ashton
- 24 November 2024, Stirling Market & Laneways, Stirling

17.2 Reports of Members as Council/Committee Representatives on External Organisations

Nil

17.3 CEO Report

Greg Georgopoulos, CEO, provided Council with a verbal update, including:

- Meetings have been scheduled with the CEO's of member Councils' of the Gawler River Floodplain Management Authority
- Organisational Policies are being updated in line with improvement notices received from SafeWork SA
- An all staff meeting has been scheduled for the 12 December 2024
- Festivities have been scheduled for after the 10 December 2024 Council meeting.

18. REPORTS OF COMMITTEES

18.1 Council Assessment Panel – 13 November 2024

**Moved Cr Leith Mudge
S/- Cr Adrian Cheater**

424/24

Council resolves that the minutes of the Council Assessment Panel meeting held on 13 November 2024, as distributed, be received and noted.

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Carried Unanimously

18.2 Audit Committee – 18 November 2024

Moved Cr Malcolm Herrmann

S/- Cr Leith Mudge

425/24

Council resolves that the minutes of the Audit Committee meeting held on 18 November 2024, as distributed, be received and noted.

Carried Unanimously

18.3 CEO Performance Review Panel

Nil

18.4 Boundary Change Committee

Nil

19. CONFIDENTIAL ITEMS

19.1 Behavioural Standards Complaint – Exclusion of the Public

Moved Cr Chris Grant

S/- Cr Nathan Daniell

426/24

Council resolves:

Pursuant to section 90(2) of the *Local Government Act 1999* the Council orders that all members of the public, except:

- Director Corporate Services, Gary Lewis
- Executive Governance Officer, Zoë Gill
- Minute Secretary, Skye Ludzay
- Susie Inat, Special Counsel, MinterEllison

be excluded from attendance at the meeting for Agenda Item 19.1: (Behavioural Standards Complaint) in confidence.

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The Council is satisfied that it is necessary that the public, with the exception of Council staff in attendance as specified above, be excluded to enable Council to consider the report at the meeting on the following grounds:

1. Section 90(3)(a) of the *Local Government Act 1999*, the information to be received, discussed or considered in relation to this Agenda Item is Information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person
2. Section 90(3)(h) of the *Local Government Act 1999*, the information to be received, discussed or considered in relation to this Agenda Item is legal advice

Accordingly, on this basis the principle that meetings of the Council should be conducted in a place open to the public has been outweighed by the need to keep the information and discussion confidential.

Carried Unanimously

**ADELAIDE HILLS COUNCIL
MINUTES OF ORDINARY COUNCIL MEETING
TUESDAY 26 NOVEMBER 2024
63 MT BARKER ROAD STIRLING**

19.1.1 Behavioural Standards Complaint – Confidential Item

MOTION AS VARIED

Moved Cr Chris Grant
S/- Cr Mark Osterstock

428/24

Council resolves:

Decision 1

1. To receive and note the Council report titled “Behavioural Standards Complaint”
2. To receive and note the following information in relation to (item 19. 1, 26 November 2024):
 - a) The independent report provided by Minter-Ellison titled “Final Investigation Report: Behavioural Management Framework”, (dated 16 August 2024) at Appendix 1
 - b) legal advice (including the presentation).
3. To adopt the findings in the Final Investigation Report and determine that action (under s262C of the *Local Government Act 1999*) against the Mayor is required.
5. To nominate the Deputy Mayor to inform the Mayor of the decisions made in relation to this item 19.1 as soon as practicable.

Carried Unanimously

Deputy Mayor Selwood did not use her casting vote

**ADELAIDE HILLS COUNCIL
MINUTES OF ORDINARY COUNCIL MEETING
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19.1.2 Behavioural Standards Complaint – Duration of Confidentiality

Moved Cr Mark Osterstock

S/- Cr Adrian Cheater

429/24

Council resolves:

Subject to the CEO, or his delegate, disclosing information or any document (in whole or in part) for the purpose of implementing Council's decision(s) in this matter in the performance of the duties and responsibilities of office, Council, having considered Agenda Item 19.1 in confidence under sections 90(2) and 90(3)(a) and (h) of the *Local Government Act 1999*, resolves that an order be made under the provisions of sections 91(7) and (9) of the *Local Government Act 1999* to retain the Items in confidence as detailed in the Duration of Confidentiality Table below:

Item	Duration of Confidentiality NB: Item to be reviewed every 12 months if not released
Report	Nil
Related Attachments	Until further order for Appendix 1 Nil for Appendix 2
Minutes	Until further order for the minutes and part 4 of the resolution Nil for the remainder of the resolution
Other (presentation, documents, or similar)	Until further order

Pursuant to section 91(9)(c) of the *Local Government Act 1999*, the Council delegates the power to revoke the confidentiality order either partially or in full to the Chief Executive Officer.

Carried Unanimously

**ADELAIDE HILLS COUNCIL
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19.1.3 Behavioural Standards Complaint – Determination of Action

Moved Cr Chris Grant
S/- Cr Mark Osterstock

Council resolves:

Decision 2

1. To note that it has received and noted the Final Investigation Report, legal advice and presentation, in Item 19.1.
2. To note that it has adopted the findings that the Mayor breached the following clauses of the Behavioural Standards for Council Members:
 - a) 1.1 Show commitment and discharge duties conscientiously.
 - b) 1.4 Act in a reasonable, just, respectful and non-discriminatory way.
 - c) 2.2 Take all reasonable steps to provide accurate information to the community and the Council.
 - d) 2.3 Take all reasonable steps to ensure that the community and the Council are not knowingly misled.
 - e) 2.5 Act in a manner consistent with their roles, as defined in section 59 of the Act.
 - f) 3.1 Establish and maintain relationships of respect, trust, collaboration, and cooperation with all Council members.
 - g) 4.1 Establish and maintain relationships of respect, trust, collaboration, and cooperation with all Council employees.
 - h) 4.2 Not bully Council employees.
3. That the Mayor's series of inappropriate behaviour and conduct and the findings of multiple breaches warrant the making of the following determinations pursuant to section 262C of the *Local Government Act 1999*:
 - a) That Council formally censures the Mayor.
 - b) That Council declares it has no confidence in the Mayor and her capacity to continue as Mayor of the Council for the remainder of the Council term.
 - c) That Council calls on the Mayor to resign by close of business Friday, 29 November 2024.

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- d) That the Mayor is required to make an unconditional (and unreserved) public apology to the Council, the CEO, and the Administration at the next ordinary meeting of Council or by 10 December 2024 expressly apologising for the breaches identified in the Final Investigation Report, including explicitly her non-compliance with the Mayor Seeking Legal Advice Policy, and in a form approved by the Deputy Mayor.
- e) That the Mayor is required to make a private written apology to the identified victim or victims of bullying in a form approved by the Deputy Mayor by the 10 December 2024.
- f) That the Mayor is required to attend a program of training and education (organised by the Administration) directed towards:
- i. re-building the working relationship between the Mayor, elected members, the CEO and the Administration,
 - ii. workplace bullying and harassment,
 - iii. conflict of interest and the roles and responsibilities of elected members with such training and education
- to be completed before 31 March 2025.
- g) That the Mayor provide written confirmation to the Deputy Mayor by 10 December 2024 that she will attend the training outlined in part 3(f) of the resolution.
- h) That any and all functions, duties, responsibilities and roles (inclusive of any representative role) given to the Mayor under any Council policy, resolution, direction or convention be revoked. That the functions, duties, responsibilities and roles be undertaken by the Deputy Mayor, or other councillor nominated by the Deputy Mayor, with effect from the date of this resolution until the end of the Council term.
- i) That the Mayor be removed from any section 41 Council committee that the Mayor has been appointed to by Council for the balance of the Council term.
- j) That Council requests that the Mayor repay Council for the costs of the investigation and report into this behavioural matter as soon as possible, but in any event by 31 January 2025.
- k) That the Mayor's access to the Council building is restricted to only those parts which are necessary for her to access to undertake her roles and responsibilities.
- l) That Council instructs the Administration to write to:

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- i. the CEO, Office of Local Government,
- ii. the CEO, Department of Premier and Cabinet,
- iii. the CEO, Local Government Association,
- iv. Josh Teague, Member for Heysen,
- v. Dan Cregan, Member for Kavel,
- vi. Ashton Hurn, Member for Schubert, and
- vii. Rebekha Sharkie, Member for Mayo,

informing them of Councils' resolution. The correspondence should request that all future official correspondence be directed to the CEO and Deputy Mayor.

- m) that any invitation, request or other communication received by the Mayor, as a result of her position as Mayor, from the Federal Government or any State Government body, or any community group, local government or any other organisation, be immediately forwarded to the CEO and the Deputy Mayor for attendance or action.
 - n) that any requests from the media for interview or comment that are directed to the Mayor on any matter, that are received as a result of her position as Mayor, be immediately forwarded to the CEO and the Deputy Mayor for attendance or action.
4. That the Deputy Mayor, with the support of Council Administration (Director Corporate Services and/or delegate) as required:
- a) inform the Mayor of Council's decisions as soon as possible but otherwise before close of business Wednesday 27 November 2024.
 - b) report back to Council on the Mayor's response (if any) to parts 3(c),(e), (g) and (j) and otherwise any non-compliance by the Mayor with Council's determinations.
 - c) report to Council (as necessary) on any other matters arising and requiring Council consideration and/ or decision as a result of the actions determined by Council including but not limited to the removal of the Mayor and substitution of the Deputy Mayor in all policy, resolution, direction or convention.
5. Council notes and endorses the Mayor's office having been moved from the Stirling Administration Office Area to the Coventry Library.

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FORMAL MOTION

Moved Cr Kirrilee Boyd

S/- Cr Louise Pascale

Council resolves that the question be adjourned until the 10 December 2024 meeting.

Motion Lost

10:35pm Cr Louise Pascale left the meeting room and did not return.

Moved Cr Chris Grant

S/- Cr Mark Osterstock

430/24

Council resolves:

1. To note that it has received and noted the Final Investigation Report, legal advice and presentation, in Item 19.1.
2. To note that it has adopted the findings that the Mayor breached the following clauses of the Behavioural Standards for Council Members:
 - a) 1.1 Show commitment and discharge duties conscientiously.
 - b) 1.4 Act in a reasonable, just, respectful and non-discriminatory way.
 - c) 2.2 Take all reasonable steps to provide accurate information to the community and the Council.
 - d) 2.3 Take all reasonable steps to ensure that the community and the Council are not knowingly misled.
 - e) 2.5 Act in a manner consistent with their roles, as defined in section 59 of the Act.
 - f) 3.1 Establish and maintain relationships of respect, trust, collaboration, and cooperation with all Council members.
 - g) 4.1 Establish and maintain relationships of respect, trust, collaboration, and cooperation with all Council employees.
 - h) 4.2 Not bully Council employees.
3. That the Mayor's series of inappropriate behaviour and conduct and the findings of multiple breaches warrant the making of the following determinations pursuant to section 262C of the *Local Government Act 1999*:
 - a) That Council formally censures the Mayor.

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- b) That Council declares it has no confidence in the Mayor and her capacity to continue as Mayor of the Council for the remainder of the Council term.**
- c) That Council calls on the Mayor to resign by close of business Friday, 29 November 2024.**
- d) That the Mayor is required to make an unconditional (and unreserved) public apology to the Council, the CEO, and the Administration at the next ordinary meeting of Council or by 10 December 2024 expressly apologising for the breaches identified in the Final Investigation Report, including explicitly her non-compliance with the Mayor Seeking Legal Advice Policy, and in a form approved by the Deputy Mayor.**
- e) That the Mayor is required to make a private written apology to the identified victim or victims of bullying in a form approved by the Deputy Mayor by the 10 December 2024.**
- f) That the Mayor is required to attend a program of training and education (organised by the Administration) directed towards:
 - i. re-building the working relationship between the Mayor, elected members, the CEO and the Administration,**
 - ii. workplace bullying and harassment,**
 - iii. conflict of interest and the roles and responsibilities of elected members with such training and education**to be completed before 31 March 2025.**
- g) That the Mayor provide written confirmation to the Deputy Mayor by 10 December 2024 that she will attend the training outlined in part 3(f) of the resolution.**
- h) That any and all functions, duties, responsibilities and roles (inclusive of any representative role) given to the Mayor under any Council policy, resolution, direction or convention be revoked. That the functions, duties, responsibilities and roles be undertaken by the Deputy Mayor, or other councillor nominated by the Deputy Mayor, with effect from the date of this resolution until the end of the Council term.**
- i) That the Mayor be removed from any section 41 Council committee that the Mayor has been appointed to by Council for the balance of the Council term.**
- j) That Council requests that the Mayor repay Council for the costs of the investigation and report into this behavioural matter as soon as possible, but in any event by 31 January 2025.**

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- k) That the Mayor's access to the Council building is restricted to only those parts which are necessary for her to access to undertake her roles and responsibilities.
- l) That Council instructs the Administration to write to:
- i. the CEO, Office of Local Government,
 - ii. the CEO, Department of Premier and Cabinet,
 - iii. the CEO, Local Government Association,
 - iv. Josh Teague, Member for Heysen,
 - v. Dan Cregan, Member for Kavel,
 - vi. Ashton Hurn, Member for Schubert, and
 - vii. Rebekha Sharkie, Member for Mayo,
- informing them of Councils' resolution. The correspondence should request that all future official correspondence be directed to the CEO and Deputy Mayor.
- m) that any invitation, request or other communication received by the Mayor, as a result of her position as Mayor, from the Federal Government or any State Government body, or any community group, local government or any other organisation, be immediately forwarded to the CEO and the Deputy Mayor for attendance or action.
- n) that any requests from the media for interview or comment that are directed to the Mayor on any matter, that are received as a result of her position as Mayor, be immediately forwarded to the CEO and the Deputy Mayor for attendance or action.
4. That the Deputy Mayor, with the support of Council Administration (Director Corporate Services and/or delegate) as required:
- a) inform the Mayor of Council's decisions as soon as possible but otherwise before close of business Wednesday 27 November 2024.
 - b) report back to Council on the Mayor's response (if any) to parts 3(c),(e), (g) and (j) and otherwise any non-compliance by the Mayor with Council's determinations.
 - c) report to Council (as necessary) on any other matters arising and requiring Council consideration and/or decision as a result of the actions determined by Council including but not limited to the removal of the Mayor and

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substitution of the Deputy Mayor in all policy, resolution, direction or convention.

- 5. Council notes and endorses the Mayor's office having been moved from the Stirling Administration Office Area to the Coventry Library.**

Carried

Deputy Mayor Selwood did not use her casting vote

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19.2 Amy Gillett Bikeway Tender Approval – Exclusion of the Public

Moved Cr Nathan Daniell

S/- Cr Kirsty Parkin

431/24

Council resolves:

Pursuant to section 90(2) of the *Local Government Act 1999* the Council orders that all members of the public, except:

- Chief Executive Officer, Greg Georgopoulos
- Director Environment & Infrastructure, David Waters
- Director Corporate Services, Gary Lewis
- Acting Director Community & Development, Jess Charlton
- Executive Governance officer, Zoë Gill
- Minute Secretary, Skye Ludzay
- IT Support, Tom Portas

be excluded from attendance at the meeting for Agenda Item 19.2: (Amy Gillett Bikeway Pavement and Seal Tender Approval) in confidence.

The Council is satisfied that it is necessary that the public, with the exception of Council staff in attendance as specified above, be excluded to enable Council to consider the report at the meeting on the following grounds:

Section 90(3)(k) of the *Local Government Act 1999*, the information to be received, discussed or considered in relation to this Agenda Item is tenders for the supply of goods, the provision of services or the carrying out of works the disclosure of which could reasonably be expected to prejudice the commercial position of the business who supplied the information by disclosing specific quotes and modelling by the tenderer.

Accordingly, on this basis the principle that meetings of the Council should be conducted in a place open to the public has been outweighed by the need to keep the information and discussion confidential.

Carried Unanimously

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19.2.1 Amy Gillett Bikeway Tender Approval – Confidential Item

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19.2.2 Amy Gillett Bikeway Tender Approval – Duration of Confidentiality

Moved Cr Mark Osterstock
S/- Cr Nathan Daniell

433/24

Council resolves:

Subject to the CEO, or his delegate, disclosing information or any document (in whole or in part) for the purpose of implementing Council's decision(s) in this matter in the performance of the duties and responsibilities of office, Council, having considered Agenda Item 19.2 in confidence under sections 90(2) and 90(3)k of the *Local Government Act 1999*, resolves that an order be made under the provisions of sections 91(7) and (9) of the *Local Government Act 1999* to retain the Items in confidence as detailed in the Duration of Confidentiality Table below:

Item	Duration of Confidentiality NB: Item to be reviewed every 12 months if not released
Report	until the contracts are signed.
Related Attachments	until the contracts are signed.
Minutes	until the contracts are signed.
Other	until the contracts are signed.

Pursuant to section 91(9)(c) of the *Local Government Act 1999*, the Council delegates the power to revoke the confidentiality order either partially or in full to the Chief Executive Officer.

Carried Unanimously

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19.3 Provision of Unsealed Road Materials – Exclusion of the Public

Moved Cr Kirsty Parkin

S/- Cr Adrian Cheater

434/24

Council resolves:

Pursuant to section 90(2) of the *Local Government Act 1999* the Council orders that all members of the public, except:

- Chief Executive Officer, Greg Georgopoulos
- Director Environment & Infrastructure, David Waters
- Director Corporate Services, Gary Lewis
- Acting Director Community & Development, Jess Charlton
- Executive Governance Officer, Zoë Gill
- Minute Secretary, Skye Ludzay
- IT Support, Tom Portas

be excluded from attendance at the meeting for Agenda Item 19.3: (Provision of Unsealed Road Materials - Contract) in confidence.

The Council is satisfied that it is necessary that the public, with the exception of Council staff in attendance as specified above, be excluded to enable Council to consider the report at the meeting on the following grounds:

Section 90(3)(k) of the *Local Government Act 1999*, the information to be received, discussed or considered in relation to this Agenda Item is tenders for the supply of goods, the provision of services or the carrying out of works.

Accordingly, on this basis the principle that meetings of the Council should be conducted in a place open to the public has been outweighed by the need to keep the information and discussion confidential.

Carried Unanimously

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19.3.1 Provision of Unsealed Road Materials – Confidential Item

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19.3.2 Provision of Unsealed Road Materials – Duration of Confidentiality

Moved Cr Chris Grant
S/- Cr Mark Osterstock

436/24

Council resolves:

Subject to the CEO, or his delegate, disclosing information or any document (in whole or in part) for the purpose of implementing Council's decision(s) in this matter in the performance of the duties and responsibilities of office, Council, having considered Agenda Item 19.3 in confidence under sections 90(2) and 90(3)(k) of the *Local Government Act 1999*, resolves that an order be made under the provisions of sections 91(7) and (9) of the *Local Government Act 1999* to retain the Items in confidence as detailed in the Duration of Confidentiality Table below:

Item	Duration of Confidentiality NB: Item to be reviewed every 12 months if not released
Report	Until Contracts are signed, but not longer than 12 months
Related Attachments	Until Contracts are signed, but not longer than 12 months
Minutes	Until Contracts are signed, but not longer than 12 months
Other	Until Contracts are signed, but not longer than 12 months

Pursuant to section 91(9)(c) of the *Local Government Act 1999*, the Council delegates the power to revoke the confidentiality order either partially or in full to the Chief Executive Officer.

Carried Unanimously

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19.4 Deputy Mayor Seeking Legal Advice – Exclusion of the Public

Moved Cr Nathan Daniell

S/- Cr Chris Grant

437/24

Council resolves:

Pursuant to section 90(2) of the *Local Government Act 1999* the Council orders that all members of the public except

- Director Corporate Services, Gary Lewis
- Executive Governance Officer, Zoë Gill
- Minute Secretary, Skye Ludzay

be excluded from attendance at the meeting for Agenda Item 19.4: (Deputy Mayor Seeking Legal Advice) in confidence.

The Council is satisfied that it is necessary that the public be excluded to enable Council to consider the report at the meeting on the following grounds:

Section 90(3)(a) of the *Local Government Act 1999*, the information to be received, discussed or considered in relation to this Agenda Item is information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person.

Accordingly, on this basis the principle that meetings of the Council should be conducted in a place open to the public has been outweighed by the need to keep the information and discussion confidential.

Carried Unanimously

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19.4.1 Deputy Mayor Seeking Legal Advice – Confidential Item

Moved Cr Adrian Cheater

S/- Cr Leith Mudge

438/24

Council resolves that the report be received and noted.

	Carried
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19.4.2 Deputy Mayor Seeking Legal Advice – Duration of Confidentiality

Moved Cr Mark Osterstock

S/- Cr Adrian Cheater

439/24

Council resolves:

Subject to the CEO, or his delegate, disclosing information or any document (in whole or in part) for the purpose of implementing Council's decision(s) in this matter in the performance of the duties and responsibilities of office, Council, having considered Agenda Item 19.3 in confidence under sections 90(2) and 90(3)(k) of the Local Government Act 1999, resolves that an order be made under the provisions of sections 91(7) and (9) of the Local Government Act 1999 to retain the Items in confidence as detailed in the Duration of Confidentiality Table below:

Item	
Report	Until further order
Related Attachments	Until further order
Minutes	Nil
Other	Until further order

Pursuant to section 91(9)(c) of the Local Government Act 1999, the Council delegates the power to revoke the confidentiality order either partially or in full to the Chief Executive Officer.

Carried Unanimously

20. NEXT ORDINARY MEETING

The next ordinary meeting of the Adelaide Hills Council will be held on Tuesday 10 December 2024 from 6.00pm at 63 Mt Barker Road, Stirling.

21. CLOSE MEETING

The meeting closed at 10:58pm.

Questions on Notice

**ADELAIDE HILLS COUNCIL
ORDINARY COUNCIL MEETING
Tuesday 10 December 2024
AGENDA BUSINESS ITEM**

Item: 10.1 Question on Notice

Originating from: Cr Pauline Gill

Subject: 26 November 2024 Council Resolution 430/24

1. QUESTION

- 1) What is the legality of Council decision 430/24, when the motion was not provided to all Elected Members of the Council prior to the meeting held on 26th November 2024? How could Elected Members be able to make a fully informed decision on the Motion on the night, given it's length and complexity?
- 2) Why was a recommendation not made by the Administration, to refer any possible decisions from Item 19.1 (Agenda for 26th November 2024) to the Behavioural Standards Panel, given the complexity of potential decisions that could be made by the Elected Body?
- 3) Did Cr Grant receive any legal advice, paid for by Adelaide Hills Council, to write his Motion, being 19.1.3, Decision 2?
- 4) Where can people access the Council Members Register of Allowances and Benefits as required in S79(1) of the Local Government Act 1999? It is not available for viewing on the Adelaide Hills Council website, in the register section, is this because there a fee to view this register?

2. BACKGROUND

Nil provided.

3. OFFICER'S RESPONSE – Zoë Gill, Executive Governance Officer

- 1) **What is the legality of Council decision 430/24, when the motion was not provided to all Elected Members of the Council prior to the meeting held on 26th November 2024? How could Elected Members be able to make a fully informed decision on the Motion on the night, given it's length and complexity?**

Decision 430/24 is lawful and permissible.

The legislative framework for Council meetings allows Councillors to move motions without notice. In this instance, Cr Chris Grant provided his proposed motion to Elected Members via email prior to commencement of the meeting.

The report provided to all Elected Members as agenda item 19.1 provided substantial relevant information for consideration prior to the meeting. As is the usual process, if Elected Members have questions regarding an agenda item, they can seek clarification from administration prior to or during the meeting.

In addition, to assist Elected Members with making an informed decision, MinterEllison were in attendance at the Council meeting. The legal advice received by Elected Members confirms that the motion made is commensurate with the findings of the *Final Investigation Report: Behavioural Management Framework*.

2) Why was a recommendation not made by the Administration, to refer any possible decisions from Item 19.1 (Agenda for 26th November 2024) to the Behavioural Standards Panel, given the complexity of potential decisions that could be made by the Elected Body?

Under the legislative framework, it would not have been appropriate for Administration to recommend to Council to refer the behavioural complaint to the Behavioural Standards Panel.

Only three types of behaviour can be referred to the Behavioural Standards Panel, namely:

- **Misbehaviour**, which includes if a member of Council has failed to comply with an action required by Council or with the Behavioural Standards Policy
- **Repeated Misbehaviour**, which is when there is a second or subsequent breach of the behavioural requirements
- **Serious Misbehaviour**, which is when a council member has failed to comply with the health and safety duties under section 75G of the Local Government Act

Chapter 5 Part 4 Division 2 and Chapter 13, Part A1 of the *Local Government Act 1999* (the Act) outline the behavioural standards of elected members and how breaches of the behavioural standards should be addressed.

As part of this legislative framework, Council has established a Behavioural Standards Policy, which outlines how behaviour complaints should be managed.

As per the behavioural complaints process, Administration recommended that Council make a decision to either take action or not take action under section 262C of the *Local Government Act 1999*. If it took action, it needed to do so in public.

3) Did Cr Grant receive any legal advice, paid for by Adelaide Hills Council, to write his Motion, being 19.1.3, Decision 2?

No, Cr Grant did not receive legal advice paid for by Adelaide Hills Council to write his Motion, being 19.1.3, Decision 2.

It should be noted that Administration sought legal advice from MinterEllison on item 19.1. This legal advice included attendance at the meeting to present on options, answer questions from all elected members and reviewing proposed motions provided to the Administration by elected members to ensure that the content of the motions was lawful. This is usual practice for Administration on complex matters.

- 4) Where can people access the Council Members Register of Allowances and Benefits as required in S79(1) of the Local Government Act 1999? It is not available for viewing on the Adelaide Hills Council website, in the register section, is this because there a fee to view this register?**

Under section 79(1) the Administration is required to keep a quarterly register. This is not required to be published but can be accessed on request via the Council Service Centres. There is no fee to view the register.

4. APPENDIX
Nil

**ADELAIDE HILLS COUNCIL
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Tuesday 10 December 2024
AGENDA BUSINESS ITEM**

Item: 10.2 Question on Notice

Originating from: Cr Louise Pascale

Subject: Update on Our Watch Toolkit for Local Government

1. QUESTION

1. When was our Gender Equity Audit completed?
2. What difference in staff ratios (based on gender) have we seen since the completion of the report? (an assessment to date)
3. Can the Gender Equity Audit be provided with this Question on Notice?
4. What other reports have Our Watch completed for the Adelaide Hills Council?
5. Could these full reports be tabled with this Question on Notice?
6. Where is our Gender Equity Action Plan at? And what is the timeline for its complete implementation?

2. BACKGROUND

Last year in November as part of our United Nations 16 Days of Activism to Against Gender Based Violence we not only recommitted to our statement to end violence against women and children in our community we also reflected on our work on the Our Watch Toolkit to date.

In that it was noted that staff were working with Our Watch to implement Stage 2 of the Toolkit which included;

- setting up internal practices including developing a workplace safety plan
- developing Domestic and Family Violence (DFV) policy
- conducting a gender equity audit and developing a gender equity action plan with clear objective

At our recent Our Watch workshop on Tuesday 19 November both the Gender Equity Audit and Gender Equity Action Plan were mentioned. However no details were provided. There was also reference to a report it is unclear if that was the action plan.

With just over 21% of staff turnover it would be good to see what our gender equity looked like at the time of the report's completion to now with new recruitment.

This question also seeks clarification of the work we have done to date with Our Watch on our Gender Equity Action plan and to provide Council with any of their other reports.

3. OFFICER'S RESPONSE – Gary Lewis, Director Corporate Services

1. When was our Gender Equity Audit completed?

The Gender Equity Audit was completed in June 2024.

2. What difference in staff ratios (based on gender) have we seen since the completion of the report? (an assessment to date)

The June report highlighted the staff composition by gender category as being 50.68% female, 48.86% male, 0.46% non-binary.

In the five months since the report, the staff ratios have remained essentially the same.

3. Can the Gender Equity Audit be provided with this Question on Notice?

This is an internal document that will assist in the development of a gender equity action plan.

4. What other reports have Our Watch completed for the Adelaide Hills Council?

Our Watch completed a recommendation report following the Gender Equity Audit.

5. Could these full reports be tabled with this Question on Notice?

This is an internal document that will assist in the development of a gender equity action plan.

6. Where is our Gender Equity Action Plan at? And what is the timeline for its complete implementation?

The next step from the Recommendation report is to develop a Gender Equity Action plan. A timeline for its implementation will be developed.

4. APPENDIX

Nil

**ADELAIDE HILLS COUNCIL
ORDINARY COUNCIL MEETING
Tuesday 10 December 2024
AGENDA BUSINESS ITEM**

Item: 10.3 Question on Notice

Originating from: Cr Louise Pascale

Subject: Verge Policy and Maintenance

1. QUESTION

1. What is the status of our Verge Policy and Guidelines?
2. What is the timeline for bringing this policy to Council for consideration?
3. What is the timeline for taking this policy out to community consultation?
4. What is being done about the maintenance of verges in Hamilton Hill?

2. BACKGROUND

One of the most frequent issues residents in Woodforde are confronting is the management of verges. Many verges in the established part of the area are curated and beautified right up to curb. Without footpaths this has made it difficult for pedestrians to navigate the road. As the demand for footpaths in the area grows, so does the dilemma of how to manage these verges.

Conversely in the newer parts of Hamilton Hill where verges have been landscaped as part of the development, how they are maintained is an ongoing question residents have. The Adelaide Hills website makes it clear that verges that are not included on Council's annual maintenance program and are considered the responsibility of the adjoining landowner. This means residents are responsible for activities such as mowing, weeding, pruning, mulching or revegetation.

The website also notes that we are developing a Verge Policy to clarify Council's and residents' responsibilities in the management and maintenance of verges. This will accompany Verge Maintenance Guidelines to provide further detail around how the Policy will be delivered.

Without this policy and clear direction residents of Hamilton Hill are growing frustrated with a lack of maintenance and remain unclear which parts of the area are their responsibility, and which is the Council's. There are also by-laws from the developers they are trying to negotiate, and it is unclear who oversees policing this.

As one resident recently wrote to me;

“Part of the appeal of purchasing in the estate was I was lead to believe there where going to strict bylaws/encumbrances to ensure everyone plays their part (owners and council) in ensuring maintenance and aesthetic of area.”

Please see the contract exert from this resident's property purchase below;

7. MAINTENANCE

7.1 General maintenance

The Encumbrancer must not allow:

- (a) the state of repair of the Land, any building, structure or improvement on the Land or any painted surface; or
- (b) the general state of tidiness or cleanliness of the Land or of any building, structure or improvement on the Land; or
- (c) the maintenance of the landscaping, paving and car parking areas of the Land,

to fall below a standard that is acceptable to the Encumbrancee.

7.2 Landscaping

Subject to clause 5, the Encumbrancer must not:

- (a) permit, cause or allow the maintenance of the landscaping on the land to fall below a standard acceptable to the Encumbrancee and the general standard of landscaping of land within the development zone;
- (b) plant or grow or permit, cause or allow to be planted or grown or remain planted or growing on the land any noxious or unlawful tree plan or shrub;
- (c) plant or grow or permit, cause or allow to be planted or grown or remain planted or growing on the land any tree plan or shrub which is taller than the highest point of the roof of the dwelling on the Land;
- (d) permit, cause or allow the land to become or remain untidy or fall into a state of disrepair;
- (e) permit, cause or allow rubbish or weeds to accumulate on the land; or
- (f) permit, cause or allow the land to become a fire hazard or a hazard to public health.

The appendix contains images from verges in Hamilton Hill that are creating frustration for residents as the area is falling into overgrowth and weeds (**Appendix 1**).

3. OFFICER’S RESPONSE – David Waters, Director Environment and Infrastructure

1. What is the status of our Verge Policy and Guidelines?

Council does not currently have a specific Verge Policy, but does provide guidance to its community through information on the Council’s website. That guidance reflects longstanding practice and convention, which is essentially that property owners and occupiers are expected to maintain their verges in townships and urban areas.

The recently adopted *Bushfire Mitigation Landscape Strategy* identifies the need to develop a Verge Policy. While this was primarily driven by ambiguity of verge maintenance in rural areas in a bushfire mitigation context, the policy would also cover townships and urban areas.

2. What is the timeline for bringing this policy to Council for consideration?

The administration proposes to undertake this work during 2025-26, subject to other priorities which may be contained in the Annual Business Plan.

3. What is the timeline for taking this policy out to community consultation?

At this stage the timeline for community consultation has not been determined.

4. What is being done about the maintenance of verges in Hamilton Hill?

Council's longstanding practice and convention is that property owners and occupiers are expected to maintain their verges in townships and urban areas. Many residents of Hamilton Hill are successfully and willingly managing their frontages.

Notwithstanding this, Council has addressed some unkempt verges in the interest of maintaining an acceptable level of amenity expected by property owners and residents of Hamilton Hill.

4. APPENDIX

- (1) Photos of verges at Hamilton Hill

Appendix 1

Photos of verges at Hamilton Hill





**ADELAIDE HILLS COUNCIL
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Item: 10.4 Question on Notice

Originating from: Cr Louise Pascale

Subject: Hamilton Hill and New Building Inspections

1. QUESTION

1. Under current requirements from Planning SA 66% of new home builds require a Council inspection, for Adelaide Hills Council how much of that quota is happening in Hamilton Hill?
2. What is the criteria of determining which new home buildings will be inspected?
3. How often are building inspections happening in Hamilton Hill, including at what stages of the building?
4. How can residents find out if their building was inspected by Council, and if so, what issues were found and what was rectified?
5. Knowing the state of some of the new buildings occurring in Hamilton Hill, is Council able to increase its number of inspections?

2. BACKGROUND

Residents of Hamilton Hill have been raising with me numerous issues they are having with their new home. While some of these issues are simple and can be remedied with the builder and developer others are more complex.

A common experience is with leaking and some residents have experienced flooding. The leaking has been attributed to the gradients of the roof capping, verandah capping and flashings, including integrity of the silicone.

One inspection report noted;

“Upon inspection of the roof exterior, it has been observed that the main roof lacks appropriate provisions for a sump or overflow mechanism as mentioned on the plans. The absence of these critical features can lead to inadequate drainage of rainwater, which could potentially result in water ingress, structural damage, or both. Additionally, it is essential to consider the implications of these deficiencies with respect to the management and mitigation of overflow from rainwater collection systems.”

This same report stated;

“During the inspection of the premises, it was noted that the balcony area presents a defect concerning the waterproofing applied. Upon examination, the existing waterproof membrane appears to be insufficient, displaying potential breaches and inadequate seals around perimeters and fixtures, which may lead to moisture ingress and subsequent structural and material damage. Specifically, there are visible signs of poor membrane coverage, inadequate detailing around door sills, insufficient overlaps, and lack of proper termination points.

Water ingress due to failure in these systems can lead to significant architectural and structural damage.”

The water leakage from this balcony had in fact resulted in damage to a bedroom floor below it and a mould inspection report was advised.

The report said;

“During the inspection of the property, it was observed that the particle board flooring located in bedroom 2 has experienced significant deterioration. The affected area appears to have water damage and is showing signs of swelling, warping, and disintegration. This is a clear violation of the relevant standards, specifically AS/NZS 1860.1:2017, which outlines the requirements for particleboard flooring. The standard specifies that particleboard must be protected from moisture and other environmental factors that could lead to deterioration, with a maximum exposure to the elements of 3 months. The extent of the damage suggests that the particleboard was not adequately protected, leading to its current state. It is imperative that this defect is addressed promptly to prevent further damage to the property and to ensure the safety and structural integrity of the dwelling.”

The first time the builder was notified of this structural damage from leaking was in May with this report noting the above being in October – 5 months later. Well past the recommended 3 months as noted in the paragraph above.

It was also noted that cladding was not adequately fixed and was coming away from the wall with roof sheeting not properly fixed meaning it could come off in high winds.

Hamilton Hill is a large re-development and inspections on these builds are vital to sustain the quality of the homes in the area. As many residents grapple with issues associated with their builds, questions are being asked about the regularity and policing of the building inspections.

3. OFFICER’S RESPONSE – Jess Charlton, Director Community and Development

1. Under current requirements from Planning SA 66% of new home builds require a Council inspection, for Adelaide Hills Council how much of that quota is happening in Hamilton Hill?

In 2024 Council exceeded its inspection quota beyond 66%. Of the buildings inspected, 11% (18 out of 159) of the inspections were conducted in Hamilton Hill.

2. What is the criteria for determining which new home buildings will be inspected?

Building Officers use the following criteria to determine which new homes will be inspected:

- Practice Direction 9 – Council Inspections 2020
- Mandatory Building Notifications received
- A building constructed by a person who is not a licensed building work contractor generally has a higher priority than those constructed by a licensed building work contractor
- Whether a house is constructed in a high bushfire area

3. How often are building inspections happening in Hamilton Hill, including at what stages of the building?

As stated above, 18 inspections were undertaken in Hamilton Hill (out of the 159 developments inspected) in 2024.

Building inspections are undertaken when Council receives a mandatory building notification of completion of a building stage nominated on the Development Approval.

The stage of building inspections undertaken are generally either framing inspections (structural framing and roof trusses) or completion inspections (to ensure complying construction of barriers to prevent falls, stairs, and smoke alarms) but on rare occasions another stage may be inspected.

4. How can residents find out if their building was inspected by Council, and if so, what issues were found and what was rectified?

Residents can make an enquiry with council to confirm if their building was inspected and at what stage. Any further information including what issues and details about rectification can only be provided if approval from the applicant is obtained, which may be the property owner or may only be the builder. In the case that the property owner was not the applicant, the property owner may seek the information via a Freedom of Information application.

5. Knowing the state of some of the new buildings occurring in Hamilton Hill, is Council able to increase its number of inspections?

Council is able to increase its number of inspections if there is a need and the issues fall within Council's jurisdiction.

Property owners may need to refer to other authorities such as Consumer and Business Affairs and the Office of the Technical Regulator, depending on the nature of their concerns.

4. APPENDIX

Nil

**ADELAIDE HILLS COUNCIL
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AGENDA BUSINESS ITEM**

Item: 10.5 Question on Notice

Originating from: Cr Mark Osterstock

Subject: 26 November 2024 Resolution

1. QUESTION

1. What was the Behavioural Standards Complaint report and resolution about?
2. What did the Mayor do?
3. Was the Mayor afforded procedural fairness and natural justice throughout the independent inquiry process?
4. If so, how was this achieved?
5. I refer to the Mount Barker Courier article, **Pressure on Mayor to resign as council declares 'no confidence'** Nov 28 2024 Updated November 28, 2024 by [Joseph Moore](#) in that the Mayor is quoted as stating;

Dr Wisdom said she was "deeply distressed" and "horrified" and that she was not made aware of the latest sanctions against her until contacted by The Courier.

- a) When and how was the Mayor made aware of the council resolution in respect to this matter?

However, Dr Wisdom said it was "alarming" that councillors moved against her despite her request for the matter to be deferred to allow her the "opportunity to respond".

- b) Was the Mayor afforded an "opportunity to respond" to the 'draft' independent investigation report?
- c) If so, did the Mayor respond and when did this occur?
- d) Was the Mayor afforded an "opportunity to respond" to the 'final' independent investigation report?
- e) If so, did the Mayor respond and when did this occur?
- f) Was the Mayor informed that the 'final' independent investigation report was to be presented to the 26 November 2024 council meeting?
- g) If so, when did this occur and how was this done?
- h) Was the Mayor provided with an opportunity to resolve the Behavioural Standards Complaint, prior to council formally considering the 'final' independent investigation report on 26 November 2024?
- i) When did this occur and how was this done?
- j) What was the Mayor's response to this opportunity?

- k) In the event that the Mayor had attended the council meeting on the 26 November 2024, pursuant to the provisions of the Local Government Act 1997, would the Mayor have had a material conflict of interest in the 'final' independent investigation report that was considered by council?
 - l) Elected Members who have a material conflict of interest, how does the Local Government Act 1997 require the elected member to manage such an interest?
"I can convey to you that the actions that appear to have been taken are unjustified," she said.
 - m) Are the sanctions imposed by council, commensurate with the Mayor's wrongdoing?
 - n) If so, did the council receive independent legal advice confirming this fact?
6. Did the 'independent inquiry report' find that the Mayor 'bullied' staff?
 7. Did the 'independent inquiry report' find that the Mayor interfered with the operations of Council administration?
 8. Did the 'independent inquiry report' find that the Mayor misled Council?
 9. In light of the Mayor's wrongdoing, what are the approximate legal costs associated with this matter that the council has requested that the Mayor repay the Council?

2. BACKGROUND

Section 8 of the Local Government Act 1999, [Principles to be Observed By Council] requires a council to uphold and promote observance of numerous principles in the performance of its roles and functions. In particular;

(a) provide open, responsive and accountable government

(g) manage its operations and affairs in a manner that emphasises the importance of service to the community

(j) achieve and maintain standards of good public administration

*Recently, there have been several statements appear in the media, Mount Barker Courier article, **Pressure on Mayor to resign as council declares 'no confidence'** Nov 28 2024 Updated November 28, 2024, attributed to Mayor WISDOM, concerning councils recent consideration of the Behavioural Standards Complaint relating to the Mayor.*

The subject questions on notice, concerning the Behavioural Standards Complaint relating to the Mayor, seek to clarify Councils consideration of the matter and in doing so provide the community, in an open, transparent and accountable way, accurate information.

Motions on Notice

**ADELAIDE HILLS COUNCIL
ORDINARY COUNCIL MEETING
Tuesday 10 December 2024
AGENDA BUSINESS ITEM**

Item: 11.1 Motion on Notice

Originating from: Cr Lucy Huxter

Subject: Lobethal Primary School Correspondence

1. MOTION

I move that:

- 1. Council receives and notes the correspondence from year 6 students at Lobethal Primary School, identifying that young people are passionate about more extracurricular activities being available to them in their community.**
- 2. The Administration reviews the correspondence and identifies any opportunities for consideration.**
- 3. The CEO prepare a response to the authors on behalf of the Council before the end of the school year to:**
 - a) Thank the students for their ideas**
 - b) Encourage the students to continue advocating for their communities**
 - c) Identify ways in which the students can contribute to making change**

2. BACKGROUND

Year 6 students at Lobethal Primary School have been learning about the different tiers of government and have focussed on what local government means to them. Three students have written to the Council with their comments and views on what it's like living in the Adelaide Hills as a young person.

All three students have commented that the AHC website does not identify any activity offerings for young people under the 'Youth' section. The students have listed a number of options they think might be worth considering for the Adelaide Hills Council. Whilst the ideas may not be feasible options for Council to consider, it is important to encourage young people to learn to advocate for their community and feel like their voices are heard.

3. OFFICER'S RESPONSE – Jess Charlton, Position

➤ **Strategic Management Plan/Functional Strategy/Council Policy Alignment**

Strategic Plan 2024 – Your place, your space
Goal 2 Community Wellbeing

Objective CW3	Embrace diversity in our community and build on community strengths
Priority CW3.3	Explore contemporary models for young people to participate in and shape their communities by influencing decisions and policies that affect their futures

The new Strategic Plan has a goal to explore contemporary models for young people to participate in and shape their communities by influencing decisions and policies that affect their futures. Preparing a response to the students from Lobethal Primary School which thanks and encourages them aligns well with that strategic priority.

The Strategic Plan also has a focus on renewing and implementing a Youth Action Plan that promotes access to opportunities, resources and supports for young people. The feedback provided by the students can be incorporated into other youth engagement activities in developing the action plan.

➤ **Legal Implications**

Not applicable.

➤ **Risk Management Implications**

Not applicable.

➤ **Financial and Resource Implications**

Not applicable.

➤ **Customer Service and Community/Cultural Implications**

Adelaide Hills Council encourages all community members to be active participants in the decisions that impact their lives and in particular Council is keen to hear the voices of young people. Staff can prepare a letter in response to the students at Lobethal Primary School which will communicate that their voices have been heard and that their contribution is valued.

➤ **Sustainability Implications**

Not applicable.

➤ **Engagement/Consultation conducted in the development of the report**

Not applicable.

4. ANALYSIS

A response to the students, on behalf of Council, can be prepared and sent before the end of the school year. The administration can review the correspondence and consider any opportunities or initiatives that can be incorporated into ongoing youth programming and in conjunction with renewing the Youth Action Plan.

The student letters correctly identified that the youth page on the Council website was mistakenly blank due to a technical issue and this has since been rectified. The administration will include a thank you in the letter for identifying and advising of this error.

5. APPENDICES

- (1) Letter to Council – Student 1
- (2) Letter to Council – Student 2
- (3) Letter to Council – Student 3

Appendix 1
Letter to Council – Student 1

Dear Adelaide Hills Council,

I am a student at Lobethal Primary School, I am 12 years old in year 6 and would like to bring up my concern about youth activities in Adelaide Hills. As a straight year 6 class, we have been learning about the activities and clubs that kids from 12-18 years old can participate in. When doing our research, we realised that the Adelaide Hills Council does a lot for the elders in our community but did nothing for the youth (according to your website). Even though you may already know this, evidence is shown below.



As you can probably tell, the pictures above are screenshots of the Adelaide Hills Council's website services, Youth and Seniors. The picture on the left shows the topics on the page for Senior services and the picture on the right shows the Youth services.

Not to worry, because of my classes brainstorming, we can help bring some ideas to the council. Some ideas that would make Adelaide Hills a better place for Youth. I will list below the things Youth can do currently and what could be added.

What we have:

- The cinema
- Bushland Park
- Lobethal Lights
- Trick or Treating
- Sport clubs
- Playgrounds
- Mobile library

(And a few more, those were the best)

What we could have (details below)

- An arcade (in Lobethal)
- Kid friendly gym
- Skate park
- Driving lessons
- Sushi train
- Frequent carnivals

(These ones would target youth the most)

The reasons why I think we should add a few of these activities/events are going to be listed below, before you read that, I would like to thank you for taking your time to read this far.

I believe we should have an arcade in Lobethal because it provides something fun, engaging, and social time with friends. It will also attract more people to Lobethal and that means that other businesses will get more customers. It does not have to be anything big, and the average small arcade can cost around \$700,000.

A kid friendly gym, allowing the youth to have a place to work out and build strength. This will be cheap (considering the amount of money you have) and will get youth off of screens and they will be able to build strength for a sport they play or just for the sake of it. An average small gym will only cost around \$500,000 and will also provide a safe space for kids to work out. I mean, let's think about it, do you really want a child working out in an adult gym, sounds risky doesn't it?

A skate park, risky, but studies show that when a kid takes risks that are in a controlled environment and that are age appropriate, it will help them with physical development, cognitive development, emotional resilience, social skills, creativity and imagination, self-esteem, risk assessment skills, independence and respect for nature.

Driving lessons, a place to get your driver's license. This would allow youth in the hills to be in close range to learn how to drive with a driving instructor. Especially if their parents don't have enough time to teach them, or their guardian doesn't have a license, this would be helpful because they can have a driving instructor to teach them. This would also mean that if there were new driving laws the driving instructor would know the current laws and the parents/guardians might not.

A sushi train, we don't have any reason to get this except for the fact that we have statistics that 51.6% of Australians enjoy sushi it would be a great place to hang out with friends. It would also attract more people to Adelaide Hills and local businesses would get more money, which means more money for the government.

Frequent carnivals could include a weekly local market, festival games like goldfish scooping, claw machines, a disco, bingo nights and lots more. This would let the town know more about each other and would be a chance to socialise. Once again it would bring more people into Adelaide Hills and would be good for tourists.

Those are the reasons I think we should have more activities to do in Adelaide Hills, thank you for taking your time to read this and I hope you take your time to consider these ideas.

From [REDACTED] (Lobethal Primary School)

Appendix 2
Letter to Council – Student 2

Dear Adelaide Hills Council

Hi, my name is [REDACTED], and I am from Lobethal Primary School. The year six class has recently noticed that there is nothing for the youth (also known as teenagers) to do in Lobethal. And would like to change that for the present and the future teens.

If there is no money you can use, here are some ideas to raise money:

- Raffle
- Fund raiser
- Unique events

Here are some ideas that i think would be for what to add to Lobethal:

- A pool
- Movie theatre
- Skate Park
- Playground
- A teen only gym
- Driving lessons

A pool would be a good addition because when it is a hot day, teens would love to go for a swim with their friends and/or family.

People always like to watch movies whether it is horror, comedy, romance, or sci fi so why not add a movie theatre to Lobethal.

Skate parks are risky and dangerous some kids like to skate and ride bikes and failing and making mistakes will be a good learning experience for them.

Playgrounds are a little young for teenagers so why not make one that is designed for older kids like teenagers.

A teen only gym would be a really good idea so if teens (mostly boys) are angry or frustrated we can get all our anger out by working out.

Learning to drive can be important so if the parents of these teens do not feel comfortable giving driving lessons then they can just go to the driving lessons to learn. This may include adding a separate road for them to first drive on so they don't immediately have to battle cyclists, trucks, bikers, high speeds and sharp corners.

I hope my letter can help get your ideas flowing.

(And thank you for reading my letter).

From [REDACTED].

Appendix 3
Letter to Council – Student 3

Dearest Council,

I looked at your website not too long ago and noticed something quite upsetting. When you click on the youth tab on the website, you are greeted with...nothing. There is nothing there! I think this is an issue that needs to be resolved, and I have some ideas that you could include! Now, I live in Lobethal, so these ideas will be advantages for my community only.

My first idea: A skate park

If there was a skate park in Lobethal, I have a feeling that lots of people would go to it. Although it may seem dangerous, it would still be a good idea, since it's good for kids to take risks while they're the age they are, since it helps them challenge themselves, test limits, overcome fear, and if they hurt themselves they know not to do it again or to do it in a different, safer way.

My second idea: A Rock-climbing area

A Rock-climbing area would be perfect for kids who LOVE to climb! We have two public playgrounds in Lobethal, (Three if you count the one at Bushland Park) So there is plenty of room for a Rock-climbing area to go with one of those play spaces! Maybe it would be better if it was at the playground next to the oval, since lots of people go there on the weekends, during events, and sometimes for school things!

My third idea: A pottery class

Not all kids like to do risky things like skating or climbing, some kids just like to do more artistic things, like pottery! And that's why I think it would be good if Lobethal had a pottery class. A place where people (not just kids) can go to just do some pottery! It's good to do pottery, since it can help you be more creative, express your feelings, stress less, and just relax! I think that it would be best located on the main street of Lobethal, since it would probably get noticed more than if it were somewhere else.

Please take these ideas into consideration. Kids need activities to do in public to keep them entertained. Otherwise, they can get bored and do dumb stuff.

Yours sincerely, [REDACTED]

[REDACTED], Lobethal

**ADELAIDE HILLS COUNCIL
ORDINARY COUNCIL MEETING
Tuesday 10 December 2024
AGENDA BUSINESS ITEM**

Item: 11.2 Motion on Notice

Originating from: Deputy Mayor Melanie Selwood

Subject: Mount Torrens Signs

1. MOTION

I move that:

- 1. Council notes that Mount Torrens is listed as a state heritage area.**
- 2. The CEO undertakes the required process with the Department for Infrastructure and Transport (DIT) and the Department for Environment and Water, in conjunction with Adelaide Hills Tourism, to replace the existing timber town entry signs at each of the main entrances to Mount Torrens with town attraction signs as provided for in the DIT's Road Sign Guidelines: Guide to visitor and service road signs in South Australia.**
- 3. Feedback on potential listings on the signs be sought from the Mount Torrens and Districts Community Association.**
- 4. Any projected expenditure over \$3000 required for the signage is brought back to Council for consideration.**

2. BACKGROUND

Mount Torrens is a state heritage listed area and is unique for its buildings from its settlement in the 19th century, and as an early place of trade in the region.

The state heritage area covers a rectangular area along Townsend Street, between the Adelaide Tungkillo Road and Mount View Road. Most of the historically significant buildings and structures are in this area. St George's Church, the cemetery and the Adelaide Road entrance to the township are also included.

Most of the buildings in Townsend Street (especially on the western side) were built by 1870, and many retain early outbuildings or other features such as drains, paths and gardens.

The signage at the ends of the township is degraded and out of date. The timber is falling apart, and the text is difficult to read when driving past.

The Mt Torrens community have asked for these signs to be replaced, as they do not sufficiently represent the importance of the town's heritage.

An area with such significant heritage deserves adequate signage and recognition.

Information provided by the administration is that replacement signage would be owned and managed by DIT, however costs would be incurred by the entity requesting new

signage. Indicative costs from the administration are for between \$500-\$1000 per sign. Three replacement signs would be required at each of the main entrances into the town.

This is not a big investment and would go a long way to demonstrating our commitment to Adelaide Hills heritage.

This project aligns with our new strategic plan as follows:

- Objective BFE2 - Nurture a distinctive sense of place, support activation activities and recognise and celebrate our rich heritage

Attached are pictures showing the current signage which has degraded and requires updating (**Appendix 1**).

3. OFFICER'S RESPONSE – David Waters, Director Environment and Infrastructure

➤ Strategic Management Plan/Functional Strategy/Council Policy Alignment

Strategic Plan 2024 – Your Place, Your Space

Goal	Built Form and Economy
Objective BFE2	Nurture a distinctive sense of place, support activation activities and recognise and celebrate our rich heritage.

Goal	Built Form and Economy
Objective BFE5	Promote sustainable prosperity by supporting tourism, creative industries, primary production and vibrant townships.

➤ Legal Implications

Not applicable.

➤ Risk Management Implications

Not applicable.

➤ Financial and Resource Implications

Payments made to DIT for the installation of any applicable signage will be an operating expense. Although this project is not budgeted, the signs would be funded from Council's applicable maintenance budget.

➤ Customer Service and Community/Cultural Implications

Not applicable.

➤ Sustainability Implications

Tourism attraction signs can assist economic sustainability in townships to which they apply by encouraging tourists to stop and spend time and money in the township.

➤ **Engagement/Consultation conducted in the development of the report**

Not applicable.

4. ANALYSIS

Council can work with the Department for Infrastructure and Transport (DIT), the Department for Environment and Water, Adelaide Hills Tourism and the Mount Torrens and Districts Community Association, to replace the existing timber town entry signs at each of the main entrances to Mount Torrens with town attraction signs as per DIT's *Road Sign Guidelines: Guide to visitor and service road signs in South Australia*.

5. APPENDICES

- (1) Existing and proposed (example) signs for Mount Torrens

Appendix 1

Existing and proposed (example) signs for Mount Torrens

Existing Signage



Proposed New Signage Type



Administration Reports Decision Items

**ADELAIDE HILLS COUNCIL
ORDINARY COUNCIL MEETING
Tuesday 10 December 2023
AGENDA BUSINESS ITEM**

Item:	12.1
Responsible Officer:	Jess Charlton Director Community and Development Community and Development
Subject:	Fabrik Board Options
For:	Decision

SUMMARY

The purpose of this report is to explore and provide options for the structure and formation of a Board to provide ongoing strategic, cultural, commercial, tourism and financial advice regarding the Fabrik Arts and Heritage Hub.

RECOMMENDATION

Council resolves:

- 1. That the report be received and noted.**
 - 2. For Council decision.**
-

1. BACKGROUND

Council adopted the Fabrik Business and Implementation Plan (the 2024 Plan) at its meeting on 28 May 2024.

12.5 Fabrik Business Implementation Plan

Moved Cr Melanie Selwood
S/- Cr Kirilee Boyd

175/24

Council resolves:

1. That the report on the Fabrik Business and Implementation Plan be received and noted.
2. To receive and note the Fabrik Business and Implementation Plan 2024.
3. To support the continued operation of Fabrik Arts and Heritage in line with the Fabrik Business and Implementation Plan 2024.
4. That regular reporting on Fabrik be provided to Council through the Quarterly Performance Report, including financial, tourism, community and arts support metrics as outlined in the Fabrik Business and Implementation Plan 2024 evaluation and monitoring.
5. That the CEO provides a progress report on the implementation of the Fabrik Business and Implementation Plan 2024 within 12 months of the redeveloped Fabrik Arts and Heritage becoming operational.

Carried Unanimously

The governance arrangements in the Plan continued those contemplated in the *Business Development Framework* (BDF) received by Council in 2018 in resolving to proceed with the establishment of an Arts and Heritage Hub. Those arrangements were that Fabrik be run as a Council operation, similar to a community centre or library where Council sets the strategic direction, business plan and budgets.

The BDF did contemplate a Fabrik Advisory Group to provide advice to staff, and the Council, made up of community representatives, industry experts and an Elected Member in a format similar to 'Advisory Boards' for other similar facilities. It was recommended in the BDF that should an Advisory Board be established, sitting fees be paid to representatives to attract the appropriate representation, including leading arts and tourism professionals. Since the initial recruitment of the Fabrik team in 2018, and their established networks across the sector, there was not an immediate identified need for an Advisory Group.

Further, the 2024 Plan included reference and support groups in relation to Fabrik including a First Nations Reference Group and a 'Friends of Fabrik' group. The First Nations Reference Group will play a crucial role in ensuring that Fabrik's exhibitions and programs reflect contemporary First Nations cultural practices with respect, authenticity and integrity and assist in building meaningful relationships with First Nations communities. This aligns with developments within the arts and cultural sector in Australia, as expressed in the *Indigenous Roadmap* developed by the Australian Museum and Galleries Association. While the precise arrangements of the Friends of Fabrik group needs consideration, the intent is a community-based group that supports Fabrik through advocacy, volunteering and visitor engagement, while continuing the strong connections between Fabrik and the community.

At its meeting on 27 August 2024, Council resolved that a report be prepared exploring and providing options for the formation of a Board to provide advice regarding Fabrik.

11.2 Development of a Board of Directors for FABRIK – Cr Kirsty Parkin

Moved Cr Kirsty Parkin
S/- Cr Louise Pascale

292/24

That

1. The CEO prepare a report that explores and provides options for the structure and formation of a Board to provide ongoing strategic, cultural, commercial, tourism and financial advice regarding the Fabrik Arts and Heritage Hub, and bring this report back to Council by December 2024.

Carried Unanimously

Provided with the motion, was a document prepared by the Australia Council for the Arts, *Essential Governance Practices for Arts Organisations*. It provides best practice governance guidelines for arts organisations, particularly those that do not have an existing governance framework like Council, such as incorporated or unincorporated entities, associations, trusts or community cooperatives.

Fabrik officially opened on 20 September 2024 following an extensive redevelopment of the site including galleries, workshop spaces, artist studios, accommodation for an artist in residence and a retail store in the newly built pavilion.

2. ANALYSIS

➤ Strategic Management Plan/Functional Strategy/Council Policy Alignment

Strategic Plan 2024 – Your place, your space

Goal 2 Community Wellbeing

Objective CW5 Foster cultural identity and connection to place

Priority CW5.1 Establish Fabrik Arts + Heritage as an arts and culture destination, attracting visitors from Australia and around the world

Considering the governance and advisory options for Fabrik aligns with the strategic priority of developing Fabrik as an arts and culture destination.

➤ Legal Implications

Legal implications for the various options are explored in the Options Analysis.

➤ Risk Management Implications

Obtaining strategic, cultural, commercial, tourism and financial advice regarding Fabrik may assist in mitigating the risk of:

Lack of robust planning and strategy alignment (regarding Fabrik Arts and Heritage) leading to misuse of public funds.

Inherent Risk	Residual Risk	Target Risk
High (3B)	Low (2D)	Low

There are a number of existing controls including the Fabrik Business and Implementation Plan, professionally qualified staff, use of consultants for specific advice as needed,

partnerships such as Adelaide Hills Tourism and professional networks and associations from which advice can be sought.

➤ **Financial and Resource Implications**

Establishing a Board or other group to provide advice to the Council may have financial and resource implications. These are outlined in the Options Analysis.

➤ **Customer Service and Community/Cultural Implications**

Any group established would provide cultural advice to staff and Council regarding Fabrik.

➤ **Sustainability Implications**

Not applicable.

➤ **Engagement/Consultation conducted in the development of the report**

Consultation on the development of this report was as follows:

<i>Council Committees:</i>	Not Applicable
<i>Council Workshops:</i>	Not Applicable
<i>Advisory Groups:</i>	Not Applicable
<i>External Agencies:</i>	Not Applicable
<i>Community:</i>	Not Applicable
<i>Other:</i>	Legal Advice – Kelledy Jones

➤ **Additional Analysis**

A number of options for a 'Board' to provide strategic advice regarding Fabrik have been explored, including establishment of a single Council subsidiary, a section 41 Council Committee, an Advisory Group and CEO Reference Group. These are outlined below including the legal aspects, formation, possible structure, decision-making and indicative costs.

Fabrik Board (Incorporated Association)

The Council could establish an incorporated association under the *Associations Incorporation Act 1985*, to operate Fabrik under a lease or licence. An incorporated association must be a 'not-for-profit' enterprise. That is, no money or assets may be distributed to the 'members' of the association and the principal purpose must not be to secure a pecuniary profit for its members (although the association itself may make a pecuniary profit, provided it is not then distributed to members).

The establishment of an incorporated association is relatively simple procedurally, as there is no need for Ministerial approval (as there is with the establishment of a subsidiary under the Act), just a requirement to draft a Constitution, together with an application under the *Associations Incorporation Act 1985*, to be submitted to Consumer and Business Services. There are ongoing reporting requirements for an incorporated association to CBS.

Because an incorporated association does not fall under the auspices of the *Local Government Act 1999*, it is not subject to the reporting and audit requirements under that Act but may have its own reporting and audit requirements under the *Associations Incorporation Act 1985*, subject to its size.

However, as an incorporated association is established outside of the Act, it would be required to make its own insurance arrangements, which will necessarily include public liability insurance, insurance for any assets or property held, officers' insurance and appropriate workers compensation coverage. That is, its operations would not be covered by the Local Government Association Mutual Liability Scheme.

If the Council is the sole member of the association, the Constitution can provide that the Council appoints the members of the Board, which may include Elected Members, employees, or professionals/independent persons appointed from outside (or a combination thereof). The Council would retain control of the incorporated association, in so far as it can 'control' who is appointed to the Board (in accordance with the Constitution), but the Board would be responsible for managing the affairs of the incorporated association (and hence, Fabrik).

Incorporation of an association would require a well-thought through Constitution that maintains a level of 'supervision' over operations for the Council and consideration as to whether Council should have a strategic role in, for example, appointing some or all members of the Board of Management and/or the management operations. It is noted that the administration has minimal experience in establishing an incorporated association to operate a service under lease or licence.

Legal Aspects	<p>Established under the <i>Associations Incorporation Act 1985</i>.</p> <p>Different reporting and audit requirements.</p> <p>Membership governed by its Rules (also commonly called a Constitution) which will dictate the number of members, as well as the membership process.</p> <p>A body corporate (such as the Council) may be a member (or indeed, the sole member).</p> <p>It is also to be noted that any Elected Member who is a member of the Board of an associated incorporation will be required to consider the operation of the material conflict of interest provisions under the Act, when any item pertaining to the association comes to the Chamber for consideration. This is because the association is established outside of the Act.</p>
Formation	<p>The Committee of Management (also commonly called the Board, or Board of Management) is elected or appointed in accordance with the Constitution.</p> <p>If the Council is the sole member of the association, the Constitution can provide that the Council appoints the members of the Board, which may include Elected Members, employees, or professionals / independent persons appointed from outside (or a combination thereof).</p>
Possible Structure	Six to eight (6-8) independent members, one (1) Council Member.
Decision Making	This option would involve considerable decision-making at arm's length from Council and would depart substantially from the contemplated governance structure in the Fabrik Business and Implementation Plan.

Costs	<p>Sitting Fees for the Board of Management would be expected, at a minimum for non-Council members.</p> <p>Indicative estimate would be \$450 per meeting, using other fees as a basis.</p> <p>Estimated costs of \$21,600 – \$36,000 per year depending on independent membership numbers (6-8 total) and frequency of meetings (8 to 10 per year).</p> <p>There would be other costs in establishing an incorporated association which would need to be explored further (including legal advice and other start-up costs for the establishment of the association). These could be substantial and would require further exploration before proceeding with this option.</p>
Relevant Examples	<p>Guildhouse is an incorporated association dedicated to supporting artists, craftspeople and designers across industries.</p> <p>South Australian Living Artists (SALA) Festival is also an incorporated association governed by a board of directors.</p>

Fabrik Board of Management (Single Council Subsidiary)

The Council could establish a single council subsidiary under section 42 of the *Local Government Act 1999* (the Act). A subsidiary is a separate legal entity in its own right, governed by a Board of Management. To do so, the Council must obtain the approval of the Minister, which will include providing the proposed Charter. Subject to the Charter, the Board of Management is appointed by the Council and can include independent members, as well as Elected Members if the Council so desires.

The subsidiary must prepare and adopt a business plan and budget, however, liabilities of a subsidiary are guaranteed by the Council and borrowings by a subsidiary requires the approval of the Council. The Council would need to ensure sufficient oversight of the operations of the subsidiary, whether through representation on the Board, or through formal reporting channels.

The subsidiary would be eligible to be a member of the Local Government Association Mutual Liability Scheme. The subsidiary would have civil liability indemnity protection in the same manner as the Council.

Additional considerations include that as a separate legal entity, subsidiaries tend to have their own administrative arrangements and processes. Further, subsidiaries may have their own audit and risk committees and costs would be greater than just sitting fees.

Legal Aspects	<p>Established per section 42 of the Act as a separate legal entity in its own right, governed by a Board of Management. The Council must obtain the approval of the Minister, which will include providing the proposed Charter.</p> <p>The Council subsidiary will be formed when the Minister gives notice of approval in the Gazette and upon establishment, is a body corporate with the powers, functions and duties specified in its Charter.</p>
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	<p>A subsidiary holds its property on behalf of the Council but is subject to direction of the Council and must provide information, and report to, the Council.</p> <p>Once formed, there is a legislated process for disbanding a subsidiary if Council desired this.</p>
Formation	<p>Membership of the Board is provided for in the Charter, which must accord with the requirements of Schedule 2, Part 1 of the Act, including the following matters:</p> <ul style="list-style-type: none"> • its purpose, powers, functions and duties; • membership of the Board of Management; • staffing issues, i.e. if the subsidiary can employ staff, such as a Manager for the Facility that reports to the Board; • funding arrangements, i.e. if it is to be fully self-funding, or partially (or fully) funded by the Council, and any other relevant financial arrangements relating to costs and funding; • any special accounting, internal auditing or financial systems or practices to be established or observed; • the process for the acquisition or disposal of assets; manner in which surplus revenue is to be dealt with; and • reporting obligations to the Council, such as operations, financial position and other relevant issues.
Possible Structure	<p>Six to eight (6-8) independent members, one (1) to two (2) Council Members.</p>
Decision Making	<p>Council would have a reduced decision-making role, subject to the Charter adopted by the Council. The subsidiary would be expected to function independently within the strategic and budgetary framework established by the Council.</p> <p>A subsidiary would have to prepare and adopt a business plan and budget.</p>
Costs	<p>Sitting Fees for the Board of Management would be expected, at a minimum for independent members.</p> <p>Indicative estimate would be \$450 per meeting, using other fees as a basis.</p> <p>Estimated costs of \$21,600 – \$36,000 per year depending on independent membership numbers (6-8 total) and frequency of meetings (8 to 10 per year).</p> <p>There would be other costs in establishing a Council subsidiary which would need to be explored further (including legal advice for the establishment of the subsidiary, potential employee costs, and costs of administrative support for subsidiary functions)</p>
Relevant Examples	<p>Council does not have any single Council Subsidiaries established under section 42.</p> <p>There may be similar legal, risk, resourcing and financial implications as there are for establishing a regional subsidiary under section 43, such as East Waste or Adelaide Hills Regional Waste Management Authority.</p>

The Local *Government Act 1999* (the Act) allows the Council to establish a committee for a range of purposes, including:

- Assisting the Council in the performance of its functions
- Inquiring into and reporting on matters within the Council's responsibilities
- Providing advice to the Council
- Exercising, performing, or discharging delegated powers, functions, or duties

The Committee would be governed by the Act and its Terms of Reference, adopted by the Council. The Terms of Reference would set out the purpose, objectives of the committee, meeting procedures, and decision-making processes. The Council would determine the committee membership, which may include key stakeholders and independent members with arts or other relevant expertise.

The resource implications associated with establishing a committee consist of staff time to prepare, conduct and follow up after each meeting. Conservatively this would be approximately a 0.6FTE.

The Committee would be directly linked to the Council and the Council would retain a full or partial decision-making function depending on the Terms of Reference.

Legal Aspects	Would be established under s 41(2) of the Act to provide advice to the Council and assist the Council in the performance of its functions, in relation to Fabrik.
Formation	Committee and Terms of Reference established by the Council. Independent and Council Members to be appointed by the Council.
Possible Structure	Six to eight (6-8) independent members, one (1) to two (2) Council Members.
Decision Making	The Terms of Reference would set out how decisions are made (that is, whether under delegation or by recommendation to the Council, as governing body).
Costs	Sitting fees would be expected for independent members. Indicative estimate would be \$450 per meeting, using other fees as a basis. Estimated costs of \$10,800 – \$21,600 per year, depending on membership (6-8 total) and frequency of meetings (4 to 6 per year).
Relevant Examples	The Barossa Council previously had a section 41 Committee for the Barossa Regional Gallery however this ceased in 2022 and an Advisory Group was established in 2023 instead

Fabrik Advisory Board (Advisory Group)

An Advisory Group could be established to provide a mechanism for the Administration to access strategic, cultural, commercial, tourism and financial advice regarding Fabrik. Previous Advisory Groups have met quarterly and had an informal meeting procedure. They have not commissioned their own work nor made decisions, but the Group Executive Officer (Chair) has used the information obtained during meetings to prepare reports to Council.

As with establishing a s 41 committee, the resource implications associated with Advisory Groups consist of staff time to prepare, conduct and follow up after each meeting. Conservatively these would average out to be 0.2 FTE.

The Advisory Group could provide Council with updates as necessary, and a full presentation once per financial year on the objectives achieved in line with the 2024 Plan.

Legal Aspects	As the group would include only one (1) Council Member, meetings would not be considered Information or Briefing Sessions in accordance with s 90A(1) of the Act and would therefore not be public meetings.
Formation	Group and Terms of Reference established by the Council. Independent members to be determined by a selection panel following an expression of interest process. Council member to be appointed by Council.
Possible Structure	Six to eight (6-8) independent members, one (1) Council Member.
Decision Making	Would not make decisions for or on behalf of Council. Advisory role to staff who may make decisions under delegation or present reports to Council.
Costs	Advisory Groups are usually voluntary, unpaid positions. Not paying sitting fees may impact the ability to attract individuals with relevant expertise and the group's ability to provide strategic, cultural, commercial, tourism and financial advice. Should sitting fees of \$450 per meeting be paid, estimated costs of \$10,800 – \$21,600 per year, depending on membership (6-8 total) and frequency of meetings (4 to 6 per year).
Relevant Examples	Barossa Regional Gallery Management Advisory Group. Membership includes 6 – 8 Independent (community) members who have relevant association with the Gallery and Barossa Valley Sculpture Park, or experience in arts and culture industries and one (1) Elected Member, appointed by the Council.

CEO Fabrik Reference Board (CEO Reference Group)

The CEO could establish a CEO Reference Group to provide strategic, cultural, commercial, tourism and financial advice about Fabrik to the administration. There are many similarities between an Advisory Group and a CEO Reference Group, with the chief difference being that the CEO would establish the group and the Terms of Reference.

Legal Aspects	As the group would include only one (1) Council Member, meetings would not be considered Information or Briefing Sessions in accordance with s 90A(1) of the Act.
Formation	Group and Terms of Reference established by the CEO. Independent members to be determined by the CEO following an expression of interest process. Council member to be appointed by Council.
Possible Structure	Six to eight (6-8) independent members, one (1) Council Member.
Decision Making	Would not make decisions for or on behalf of Council. Provides advice to the CEO or their delegate.
Costs	Usually voluntary, unpaid positions. Not paying sitting fees may impact ability to attract individuals with relevant expertise and the group's ability to provide strategic, cultural, commercial, tourism and financial advice.

	Should sitting fees of \$450 per meeting be paid, estimated costs of \$10,800 – \$21,600 per year, depending on membership (6-8 total) and frequency of meetings (4 to 6 per year).
Relevant Examples	Community Bushfire Reference Group – noting that members of this group are not paid sitting fees.

Other Structures

Staff explored the option of entering into a Facility Management Agreement with a third party. This option would involve considerable decision-making at arm's length from Council and would depart substantially from the contemplated governance and operating framework in the Fabrik Business and Implementation Plan and has thus not been provided in detail.

Other Avenues

There are other ways in which the Council can receive strategic, cultural, commercial, tourism and financial advice regarding Fabrik. For example, through industry groups and associations (such as the Australian Museum and Galleries Association and the Regional Galleries Association of South Australia), professionally qualified staff, literature review and consultants. Professional networks, relationships and collaborations are also relevant and the Fabrik team have existing relationships and partnerships with the National Gallery of Australia, JamFactory, Country Arts SA, the International Art Textile Biennale and private galleries such as 16abermare art space and Hugo Michell Gallery.

Given this early juncture in the operation of Fabrik following the redevelopment, it may be preferable to postpone the establishment of a formal structure to enable the identification of gaps in any governance framework.

3. OPTIONS

Council has the following options:

- I. Establish an Incorporated Association under the *Incorporated Association Act 1985*, to operate Fabrik under a lease or licence. This option is not recommended without further consideration and analysis of the implications of establishing Fabrik as an incorporated association rather than a business unit of the Council.
- II. Establish a single council subsidiary under section 42 of the Act, so that Fabrik is a separate legal entity in its own right, governed by a Board of Management. This option is not recommended without further consideration and analysis of the implications of establishing Fabrik as a subsidiary rather than a business unit of the Council.
- III. Establish a Committee under section 41(2) of the Act to provide advice to the Council and assist the Council in the performance of its functions, in relation to Fabrik. Should the Council wish to pursue this option, it should resolve for the CEO to prepare a report detailing the objectives, structure and Terms of Reference of the Committee for consideration by Council.
- IV. Establish an Advisory Group to provide a mechanism for the Administration to access strategic, cultural, commercial, tourism and financial advice regarding Fabrik. Should the Council wish to pursue this option, it should resolve for the CEO to prepare a report detailing the objectives, structure and Terms of Reference of the Advisory Group for consideration by Council.

- V. To recommend that the CEO establish a CEO Reference Group to provide strategic, cultural, commercial, tourism and financial advice regarding Fabrik. Should the Council wish to pursue this option, the Group may be established at the CEO's discretion and a report would be brought back to Council to note the Terms of Reference and appoint the Council Member on the Group.
- VI. Not to establish or recommend that a formal structure be established to provide advice regarding Fabrik at this time.

4. APPENDICES

Nil

**ADELAIDE HILLS COUNCIL
ORDINARY COUNCIL MEETING
Tuesday 10 December 2024
AGENDA BUSINESS ITEM**

Item: 12.2

Responsible Officer: David Waters
Director Environment and Infrastructure
Environment and Infrastructure

Subject: Proposal for adoption of a new Community Land Management Plan for Heathfield Oval

For: Decision

SUMMARY

Council's current Community Land Management Plans were adopted in 2019 with the improvements at that time to expand the categories of Community Land and to also provide a generic plan to cover sites that have multiple uses and activities on them.

The Administration has been approached by the existing lessee for Heathfield Oval, the Mount Lofty District and Community Sports Club Inc. (formerly Mount Lofty Districts Sports Club Inc., hereinafter referred to as MLDCSC Inc.), with a request to enter into a sub-lease with a commercial gymnasium for use over a portion of the site.

A map of the Heathfield Oval leased site is provided as **Appendix 1**.

The purpose of this report is to seek Council's direction in relation to this request. Should Council wish to entertain the option of allowing the commercial operation on the site, it will be necessary to amend the Community Land Management Plan for the site. Other approvals would also be necessary, as outlined within the report.

A copy of the existing Community Land Management Plan for Heathfield Oval is provided as **Appendix 2**.

A copy of the proposed new Community Land Management Plan for Heathfield Oval is provided as **Appendix 3**.

RECOMMENDATION

Council resolves:

1. That the report be received and noted.
2. That pursuant to Section 198 of the *Local Government Act 1999*, Council undertakes public consultation on the proposal to:

- a. **Amend *Community Land Management Plan 1 - Generic Plan for All Categories* to remove the prohibition of commercial activities on Crown Land under the care and control of the Council.**
 - b. **Remove Heathfield Oval (described in Crown Record 5752/187) as a site covered by *Community Land Management Plan 6 – Sport and Recreation* and to adopt a new standalone Community Land Management Plan as contained in Appendix 2 for the site.**
 3. **That following public consultation, a further report be submitted to Council advising of the outcomes of the public consultation process, with a view to proceed with the proposal above.**
 4. **That this resolution should not be taken to infer the Council’s permission will ultimately be granted for a commercial gymnasium business to sub lease any portion of the site.**
 5. **That subject to the outcome of the community land process above, a further report be provided to Council in due course outlining a new lease proposal for the site.**
-

1. BACKGROUND

Adelaide Hills Council holds over 400 parcels of Community Land for the benefit of the community. Section 7 of the *Local Government Act 1999* explains the functions of a Council, including the following:

- To plan at the local and regional level for the development and future requirements of its area.
- To provide services and facilities that benefit its area, its ratepayers and residents, and visitors to its area including community services or facilities, and cultural or recreational services or facilities.
- To provide for the welfare, well-being and interests of individuals and groups within its community.
- To manage, develop, protect, restore, enhance and conserve the environment in an ecologically sustainable manner, and to improve amenity.
- To provide infrastructure for its community and for development within its area.
- To promote its area and to provide an attractive climate and locations for the development of business, commerce, industry and tourism.

Land is held for various purposes to meet the requirements of Section 7 of the *Local Government Act 1999*, and this is reflected in the categories into which Council’s community land is grouped. Council’s community land is grouped into categories with similar characteristics, and each category has its own community land management plan.

For transparency and clarity regarding Council’s management of Community Land, it is now considered appropriate to compile individual and site-specific plans for some of Council’s multi-purpose and larger sites. These would be sites where the current (and broadly accepted) use of the site does not fit one of the generic ‘category’ plans. Council can amend a Community Land Management Plan by first undertaking consultation with the Community regarding a proposed change, such as a commercial use of a portion of the site as currently proposed for a portion of the new building at Heathfield Oval.

2. ANALYSIS

➤ Strategic Management Plan/Functional Strategy/Council Policy Alignment

Strategic Plan 2024 – Your place, your space

Goal 2 Community Wellbeing

Objective CW6 Promote physical, mental and social wellbeing

Priority CW6.1 Adopt a strategic and evidence-based approach to plan for the provision of accessible sport and recreation opportunities and facilities.

Council holds many parcels of land for community purposes, with many large multi-use sites with varying land tenure including Council ownership, as Custodian through the Crown and land held under Trust on behalf of the community. Given every site is unique, consideration of stand-alone Community Land Management Plans for larger more complex sites is considered prudent to ensure transparency and management in a strategic targeted manner.

Council does not currently have a Policy position on commercial uses for Community Land. Noting that Council has been entering into new leases and (shortly) Management Agreements for the ongoing management of community land, there has been recent discussion about whether or not some (but not all) commercial type uses may be appropriate on community land, where those uses serve the community in some way. An example might be a ballet or yoga school which is a business but still providing a community benefit. It is noted that some commercial uses, especially those of a fixed/ongoing nature, could however take valuable space away from the general community as it is a “pay for use” type arrangement.

Given that Council has not formalised a Policy position on what commercial uses it considers appropriate for community land, entering into a sub-lease for a commercial gymnasium at Heathfield could set an unintended precedence for other groups wishing to follow suit.

Council’s Community and Recreation Facilities CRFF Policy, adopted in August 2022, provides for a framework by which Council will ensure that community, recreation and sport facilities are appropriately planned, developed, managed and valued by the community. Page 8 of the CRFF Policy outlines as follows:

“This policy aims to facilitate equitable support for all facilities, despite ownership, and also outline our approach to leasing. In receiving support from Council, there is an understanding that such facilities will be open and available (where appropriate) to the general community for their use. Participation at and utilisation of the facility, and current demographics will also be a factor in receiving support from Council.”

The Policy (refer page 17) also outlines that profits gained from a commercial activity would need to be reinvested back into the club facilities or activities, or a commercial rental would apply. The MLDCSC Inc. have confirmed they would reinvest any funds made back into the maintenance of the facility.

➤ Legal Implications

The legislative basis for Community Land Management Plans and the Community Land Register is found in sections 196 to 199 and section 207 of the *Local Government Act 1999* and section 23 of the *Local Government (General) Regulations 2013*.

The Act (Section 207) requires the Council to keep a register of all Community Land in its area. In addition, Section 193 of the *Local Government Act 1999* states that all land owned by a council or under a Council’s care, control management, other than roads, is classified as community land unless the council has resolved to exclude it from community land.

A public consultation process is required under Section 197 of the *Local Government Act 1999*, states that before a Council adopts a management plan for community land it must—

- (a) Make copies of the proposed plan available for inspection or purchase at the Council’s principal office.
- (b) Follow the relevant steps set out in its public consultation policy.

➤ **Risk Management Implications**

The adoption of a new standalone Community Land Management Plan for Heathfield Oval will assist in mitigating the risk of successful legal challenges to current uses of the site should Council go ahead and approve a commercial sub-lease without amending the existing Community Land Management Plan.

Inherent Risk	Residual Risk	Target Risk
Extreme (3A)	Medium (2C)	Medium (2C)

Undertaking a change to the Community Land Management Plan by removing just one site from the above requirement may be considered inequitable by some other groups that lease or manage facilities on Council’s behalf, as they may also wish to have an opportunity to generate commercial income from their sites. This is considered a risk and is discussed further in this report.

➤ **Financial and Resource Implications**

The draft new Community Land Management Plan has been developed with existing resources. Community consultation, which is required to be undertaken, will be managed within existing budget allocations.

Council staff have sought the terms of the commercial arrangements between MLDCSC Inc. and the gymnasium and the following information has been provided:

- The space that would be used is the “Lofty Room” on the upper floor of the new building which will be used by the group on a Monday to Saturday basis.
- The floor area to be used is approximately 200 sqm.
- The rental agreement is yet to be negotiated but would be kept in line with premises of similar use.
- The premises would be used “as is” and will not require any upgrades or additions.
- 100% of the funds derived by the Club from the commercial arrangement would be reinvested back into the maintenance and upgrade of the facilities and grounds.
- The proposed lease term is from 1 January 2025 to 31 December 2025.

Presumably the commercial gymnasium operator (the sub-lessee) would make commercial profits from the venture which are distributed back to its owner(s) or reinvested back into its business.

MLDCSC Inc. have advised that the proposed arrangement would be for a “non-exclusive periodic use on a timetable yet to be determined.” Notwithstanding this intention, it could be assumed that for all intents and purposes, an area set up with gymnasium equipment and facilities would be perceived as being for the exclusive use of that operator.

To date, a business case for the proposal has not been received by Administration.

Administration is of the view that due to the requirement for public consultation on the proposed changes to the Community Land Management Plan and due to the requirement for a Development Application, a commencement date of 1 January 2025 is not possible.

➤ **Customer Service and Community/Cultural Implications**

Adopting a new Community Land Management Plan will ensure current (and broadly accepted) community uses of the site can continue. There may be issues raised by other community groups who also wish to enter into commercial sub-lease arrangements to generate income for their leased or managed premises.

➤ **Sustainability Implications**

None identified.

➤ **Engagement/Consultation conducted in the development of the report**

Consultation on the development of this report was as follows:

<i>Council Committees:</i>	Not Applicable
<i>Council Workshops:</i>	Not Applicable
<i>Advisory Groups:</i>	Not Applicable
<i>External Agencies:</i>	Not Applicable
<i>Community:</i>	Public consultation will be carried out in accordance with Council’s Public Consultation Policy consistent with section 197 of the <i>Local Government Act 1999</i> .

➤ **Additional Analysis**

The land at Heathfield Oval is currently leased by the MLDCSC Inc. and is contained within portion of Crown Record Volume 5752 folio 187 comprising piece 2 in Filed Plan 30545 and situated at 131 Longwood Road Heathfield.

The site has the following improvements and land uses on it:

- Oval utilised by community, organised / club Australian Rules Football and Cricket
- Cricket nets

- Oval player benches and scoreboard
- Spectator amenity (canteen, BBQ, seating, etc)
- Courts utilised by organised / club Netball and Tennis
- Courts clubrooms
- Public Toilets
- Community Sheds
- Oval clubrooms (otherwise known as the Pavilion)
- Changerooms
- Linkages to Heathfield High School

The catalyst for a change to the Community Land Management Plan for Heathfield Oval has come about as a result of a request from the MLDCSC Inc. for Council to consider a sub-lease of a portion of the premises, being a commercial gymnasium. There are a number of matters to highlight should Council wish to consider the proposal:

- Planning matters
- Current lease terms and conditions and land tenure for Heathfield Oval;
- The current Community Land Management Plan;
- The proposed commercial arrangements for any sub-lease;
- The precedence that consideration of a commercial sub-lease may set from a strategic perspective;
- Impacts on the new building that was completed in 2022 and the vision for the site when that jointly funded (State/Local government) project was undertaken;
- Impact on community use of the space should the commercial activity be undertaken.

Further discussion on each of these matters is provided hereunder.

Planning matters

Occupation of a commercial gym at the Heathfield site was not a land use contemplated as part of the new building project that was completed in 2022, the site of the proposed gym. This constitutes a “change of use” from a planning perspective which would require a Development Application to be submitted.

As part of a Development Application, the following matters would be considered:

- Floor area of the gymnasium;
- Membership details/maximum number of users at any given time
- Parking requirements for the proposed use and their impact on existing parking needs for the whole site;
- Ancillary facilities required for the use such as showers toilets, staff amenities etc.
- Details of the operations (hours and days);
- Signage proposed (dimensions, graphics, how it will be fixed and location), and
- A site plan showing the allocation of car parking and signage.

The above list is not exhaustive and further information may be required as part of any planning assessment for the proposed change of use.

Current lease terms and conditions and land tenure for Heathfield Oval

The site is Crown Land under the care, control and management of Adelaide Hills Council as custodian of the land. The land is dedicated for recreation purposes via a dedication to

Council dated 23 December 1992. The Crown Record reference is portion of CR 5752/187 being piece 2 in filed plan 30545.

The Mount Lofty District Sports Club Inc. holds a lease over the whole of piece 2 with Council being the Lessor and the MLDCSC Inc. being the lessee. The lease term is for twenty-one (21) years which commenced on 16 November 2005 and expires on 15 November 2026. The annual rental is \$1 (if demanded) with the functions of the lessee in the Schedule as follows: “Community recreational body with the power to sub-lease to sporting and community bodies under the terms of the head lease.”

One could interpret this Schedule to read the intent of the lease is that if a sub-lease is entered into, it would be to a not-for-profit/community organisation. The lease is silent on commercial uses of the site so it could also be interpreted that a commercial sub-lease may be possible under the terms of the existing lease, as long as it is with a “sporting body.” A commercial gymnasium could be considered a sporting body.

The lease also provides that the lessee must not assign, transfer or sub-lease the property or any part of it, unless it first gets the consent in writing of the Council.

If Council were to support a sub-lease to a commercial organisation under the terms of the current lease, it could not do so for a term longer than the expiry of the existing head lease i.e. Council could not approve a sub-lease to expire any longer than 15 November 2026.

It is recommended, if the Community Land Management Plan is amended to accommodate commercial arrangements at the site, and if the MLDCSC Inc. wishes to enter into a sub-lease for a term ending later than 15 November 2026, that negotiations commence forthwith for a new long term head lease over the site which would replace the existing lease.

As the land is Crown Land held under Council’s care, control and management as custodian of the land, preliminary enquiries were made with the Crown Lands section of the Department for Environment and Water to ascertain their view on the proposal. Their advice is that commercial use of dedicated land is generally discouraged however that commercial uses can be allowed where:

- The use is within the scope of the dedication of the land and will enhance the dedicated purpose or provide an ancillary service; and
- The commercial use is accommodated in the improvements of the custodian or does not require additional fixtures on the land.

The preliminary advice from the officer at DEW is that the proposal for a gymnasium in an existing building at the Heathfield site meets both of the abovementioned dot points. It should be noted that formal approval would be required should the proposal proceed.

The current Community Land Management Plan

The Heathfield Oval site falls within the bounds of the existing Community Land Management Plan, specifically: *Plan 1 – Generic Plan for All Categories of community land and Plan 6 – Recreation and Sport.*

In terms of commercial activities on community land, below is an extract from the generic plan (Plan 1) that applies to all Community Land:

PLAN 1

GENERIC PLAN FOR ALL CATEGORIES

Commercial Activities on Community Land

Community land is held for the benefit of the whole community. While it is appropriate for not for profit organisations to operate on some community land, it is generally not appropriate for community land to be used by for profit entities. If any community land is subject to commercial activities, full commercial rental will be applied to the area occupied. Where commercial activities exist with the profits donated to not for profit causes and audited by Council, commercial rental will not be charged. Commercial for profit activities on Crown land under the care, control and management of Council will not be permitted under any circumstances.

The final sentence in the above paragraph makes clear that Crown land should not be used for commercial for profit activities. Given the gymnasium would be operated by a commercial entity to make profit, it cannot be permitted under the current arrangements.

Furthermore, the above paragraph indicates that where community land is used for commercial activities, full commercial rental will be applied to the area occupied. This would suggest that Council should actually charge full commercial rental for the space to be occupied by the gymnasium, which is clearly at odds with the MLDCSC proposal for it (MLDCSC) to charge and keep a fee from the commercial gymnasium operator.

MLDCSC currently occupies the site on peppercorn rent from Council. While it is not uncommon for community organisations occupying Council's community land to hire out parts of the site for commercial activities on an ad hoc or semi-regular basis (e.g. for ballet schools, yoga classes, markets, etc), as a normal part of their fundraising efforts, the proposal put forward by MLDCSC to sub-lease a part of the site for commercial purposes is unique.

Appendix 3 contains a draft new stand-alone Community Land Management Plan for the site that would allow for commercial uses but would still be subject to the approval of Council as custodian of the land. It would also be necessary to amend *Plan 1 – Generic Plan for All Categories* to remove the specific prohibition of commercial activities on Crown Land under Council's care and control. It should be noted that the Crown still has powers to veto particular uses of Crown Lands, particularly where the use is at odds with the applicable dedication.

The proposed commercial arrangements for any sub-lease

As outlined in the financial section above, details regarding the proposed commercial arrangements for the sub-lease were sought by the Administration. Whilst rental details were not readily available, MLDCSC has confirmed that any funds generated would be 100% reinvested back into the site. The commercial gymnasium operator itself would be expected to keep any profits it makes from operating the gymnasium.

Precedence setting

Should Council wish to proceed with a process to allow an ongoing commercial operation at Heathfield Oval, it is reasonable to assume similar community groups and clubs will explore options to do likewise.

Impacts on the new building that was completed in 2022 and the vision for the site when that joint project was undertaken

It is understood that the MLDCSC Inc. wishes to use the whole or portion of the top floor of the new building which was completed in 2022. The Project was funded with Federal, State and Local Government funding. The building includes two unisex changerooms on the ground level that facilitate standard home and away football, cricket and other sporting activities. The top floor includes a kitchenette, two sets of unisex showers and toilets and a large, multipurpose area that can be divided into two to facilitate two additional unisex changerooms.

The additional changerooms on the top floor are not intended for everyday use but are intended for use when there is a crossover of men's / women's / junior matches on the same day, or for use by / available to users of the adjacent courts. The remainder of the time, the multi-purpose area is intended to be used for club / community meetings, workshops, etc.

The top floor also facilitates oval viewing for people with a disability, with toilets close by. The current clubrooms building cannot facilitate this type of access.

In terms of participation, the Heathfield Oval is Council's 'regional' site for that portion of the Council region, and the changeroom building (funded and constructed by Council) was designed with this in mind. The building and its current functionality are a major part of / in-line with the masterplan for the Heathfield Oval and adjacent Heathfield High School site. It is considered that removing the additional changerooms and multi-purpose room on the top floor will jeopardise the functionality and viability of the remaining actions of the masterplan.

The plans for the building and the associated grant funding that was obtained for its construction were for unisex changerooms and multi-purpose community space. It is unclear if there are any ongoing requirements in relation to the space with the grant funding bodies for this Project. It is noted that a permanent operation/facility (such as a gym) was not part of any guidelines / intended outcomes for the project.

It has become clear over recent months that the clubs associated with the Heathfield Oval site are seeking additional ways to generate funds. Whilst it is acknowledged that a commercial gymnasium proposal may assist with this, it is important that this does not come at the expense of community uses and that any alienation of the space does not result in more pressure for Council to develop further building facilities at the site to accommodate uses that would otherwise have been occupied by this space.

Impact on community use of the space should the commercial activity be undertaken

As outlined above, the community uses proposed for the upper floor of the new building would be compromised if the space were taken up by a commercial gymnasium. Conversely, there would be benefits for people to be able to access a commercial gym and fixed equipment at the site.

3. OPTIONS

Council has the following options:

- I. Undertake community consultation to remove the current inclusion of the Heathfield Oval from the Sport and Recreation classification in Plan 6, in the current Community Land Management Plan and adopt the amended standalone Plan.
- II. Do not undertake community consultation to remove the current inclusion of the Heathfield Oval from the Sport and Recreation classification in Plan 6, and therefore do not consider having a standalone community land management plan for the site.

The recommended resolution provided at the beginning of this report contains appropriate wording should Council wish to proceed with Option I.

4. APPENDICES

- (1) Aerial map showing Heathfield Oval
- (2) Extract from existing Community Land Management Plan for Heathfield Oval dated September 2019 (multi-purpose sites)
- (3) Draft new Community Land Management Plan for Heathfield Oval

Appendix 1

Aerial map showing Heathfield Oval



Eyes Place

Hender Road

Longwood Road

Heathfield Oval

Zoom level 15

50 m



Appendix 2

*Existing Community Land Management Plan for
Heathfield Oval*

What is Community Land?

Section 193 of the *Local Government Act 1999* (the Act) states that all land owned by a council or under a council's care control and management, other than roads, is classified as community land unless the council has resolved to exclude it from community land.

Some operational land owned by Council, such as depots and offices, has been excluded from community land and is not subject to a community land management plan.

Community Land Management Plans

The Act and the *Local Government (General) Regulations 2013* set out a council's requirements in relation to community land. A council must prepare and adopt a management plan or management plans for its community land if the land is, or is to be, occupied under a lease or licence or the land has been, or is to be, specifically modified or adapted for the benefit or enjoyment of the community. The large majority of the community land of Adelaide Hills Council must be subject to a community land management plan.

Section 196 of the Act states that a management plan must:

- identify the land to which it applies
- state the purpose for which the land is held by the council
- state the council's objectives, policies (if any) and proposals for the management of the land
- state performance targets and how the council proposes to measure its performance against its objectives and performance targets.

Community Land Register

A council must also keep a register of community land. The register must contain, in respect of each piece of community land in the area:

- the legal description of the land (being, in the case of land that has been brought under the provisions of the Real Property Act 1886, the Certificate of Title Register Book Volume and Folio Numbers)
- the street address of the land (if any)
- the name of the locality or suburb in which the land is situated
- the name by which the land is commonly known (if any)
- the area of the land
- the name of the owner of the land
- the following details concerning any lease or licence granted over the land
 - the name of the lessee or licensee
 - the term of the lease or licence including information on the term of any extension or renewal stated in the lease or licence
 - the actual land to which the lease or licence relates (which may be identified by a plan kept in conjunction with the register), and
 - the purpose for which the lease or licence has been granted.

While all community land must be included in the register, some does not need to be covered in a community land management plan.

A single management plan may cover multiple separate holdings of community land when similar management regimes and performance measures are applicable.

Adelaide Hills Council Community Land

Adelaide Hills Council holds over 400 parcels of community land for the benefit of the community. Section 7 of the *Local Government Act 1999* explains the functions of a council, including the following:

- to plan at the local and regional level for the development and future requirements of its area;
- to provide services and facilities that benefit its area, its ratepayers and residents, and visitors to its area including community services or facilities, and cultural or recreational services or facilities
- to provide for the welfare, well-being and interests of individuals and groups within its community;
- to manage, develop, protect, restore, enhance and conserve the environment in an ecologically sustainable manner, and to improve amenity;
- to provide infrastructure for its community and for development within its area
- to promote its area and to provide an attractive climate and locations for the development of business, commerce, industry and tourism.

Land is held for various purposes in order to meet the requirements of Section 7 of the *Local Government Act 1999*, and this is reflected in the categories into which Council's community land is grouped. Council's community land is grouped into categories with similar characteristics, and each category has its own community land management plan.

Policies and Official Plans

Council's community land management plans do not exist in isolation. They are underpinned by a wide range of legislation, by-laws, policies and strategies.

A reference to legislation includes all amending or consolidating legislation and any replacing legislation. It also includes any regulations and codes or standards adopted under the legislation. A reference to a by-law, policy or strategy includes all amended versions or replacement by-laws, policies and strategies.

Legislation

Primary Act

Local Government Act 1999

Planning and Development

Planning, Development and Infrastructure Act 2016

Development Act 1993

Disability Discrimination Act 1992

Liquor Licensing Act 1997.

Culture and Heritage

Native Title Act 1993 (Cth)

Native Title Act (South Australia) Act 1994

Aboriginal Heritage Act 1988

Heritage Places Act 1993

Environment and Natural Resources

Native Vegetation Act 1991
Natural Resources Management Act 2004
Environment Protection Act 1993
National Parks and Wildlife Act 1972

Environmental Health

Local Nuisance and Litter Control Act 2016
Dog and Cat Management Act 1995
South Australian Public Health Act 2011
Graffiti Control Act 2001

Land Management

Crown Land Management Act 2009

Tourism

The Local Government (Mobile Food Vendors) Amendment Act 2017

Council By-Laws

By-Law No 1 - Permits and Penalties
By-law No 2 - Moveable Signs
By-law No 3 - Local Government Land
By-law No 5 - Dogs

Council Policies

Asset Management
Cemetery Operating
Community Information Display
Festivals & Events
Liquor Licensing
Management of Built Heritage
Play Space
Public Consultation
Sport and Recreation
Tree Management

Council Plans and Strategies

Your Adelaide Hills: Strategic Plan
District Masterplan
Gumeracha Precinct, Federation Park and Oval Masterplan
Adelaide Hills Business Plan and Budget
Asset Management Plan
Dog and Cat Animal Management Plan 2018 - 2022
Adelaide Hills Council Development Plan
Sport and Recreation Strategy
Adelaide Hills Trails Network Strategy
Biodiversity Strategy

COMMUNITY LAND MANAGEMENT PLANS

Plan 1 – Generic Plan for all Categories

Information that applies to all categories of community is included in Plan 1 - Generic Plan for all categories of community land. This means that common information is not repeated.

Plan 2 - Conservation

Primary purpose must be conservation. Low impact informal recreation is acceptable. Special consideration must be given to walking tracks, vehicle access, and the acceptability of dogs on or off leash. Depending on the size and location of the reserve, there may be a controlled fire regime. Revegetation activities, the control of feral species and possibilities for future linkages to other land of conservation significance may be important. Leases or licences will generally not be appropriate, but management agreements are acceptable in furtherance of the objectives for these reserves.

Plan 3 - Informal Recreation

Wide range of informal open space sites with varying levels of development and use. May incorporate facilities for non-structured activities such as playgrounds, walking tracks, and picnic facilities. Many reserves in this category are essentially open space with a medium level of maintenance. Leases will not normally be appropriate for land in this category as they would prevent the land from being used for informal recreation. Licences or management agreements that permit continued public access may be appropriate in some circumstances.

Plan 4 - Community Use

Sites used by non-sporting community organisations. Includes kindergarten or child care use, scouts or guides use and other community groups. Either the buildings on the land or the entirety of the land will generally be subject to lease or licence arrangements.

Plan 5 - Halls and Institutes

Built facilities that are in public ownership and which may be used for a wide range of community purposes and events. Will normally be operated through management agreements, leases or licences to local community groups, rather than directly by Council. Not all halls within the area of Adelaide Hills Council are owned by Council.

Plan 6 - Recreation and Sport

Sites with developed formal sporting facilities such as ovals and tennis courts. Sites will normally be leased to or managed by local management committees which manage sub-leases or seasonal licence arrangements. Facilities will normally be available for use by the wider public for unstructured activities outside of the hours of formal use. Not all recreation and sport facilities within the area of Adelaide Hills Council are owned by Council.

Plan 7 - Cemeteries

Encompasses both operational and heritage cemetery sites. Includes cemeteries not owned by AHC or the Crown, but over which AHC is actively exercising care, control and management. In these cases, consideration should be given to formally assuming administration pursuant to section 49 of the *Burial and Cremation Act 2013* to formalise control. Interment rights will be issued. Not all cemeteries within the area of Adelaide Hills Council are owned by Council.

Plan 8 - Walkways and other land held for access purposes

Walkways, laneways, thoroughfares and other land held essentially for access purposes on land which is not public road. Leases or licences will not normally be appropriate.

Plan 9 - Drainage Reserves

Land held for drainage and stormwater management purposes. Leases or licences will not normally be appropriate.

Plan 10 - Vehicle access restrictions

Land held primarily to prevent vehicle movements from private property onto public roads, but may also act as a buffer. Generally, these exist to ensure that vehicles from allotments in newer residential subdivisions will enter major roads by way of feeder roads, rather than directly entering onto a major road. Leases or licences may be granted to an adjoining landowner to occupy a portion of a reserve immediately abutting their property. The condition of any lease or licence will be that vehicle access across the reserve is prohibited and any fence constructed does not include a gate wide enough to cater for vehicles.

Plan 11 - Civic Purpose

Sites that serve a public purpose, such as community waste water management system infrastructure, and car parks. Some land in this category is not accessible to the public for reasons of safety.

Plan 12 - Emergency Services

Sites which have the purpose of providing operational bases for emergency services. All land in this category is subject to long-term lease for security of tenure. In some cases, the sites may be portion of a larger land parcel with other uses. Not all emergency services operational bases in the Adelaide Hills Council area are located on community land.

Multi-purpose sites

Some areas of Council's community land have a wide range of activities occurring on the same land. These sites do not fit comfortably into any of the categories of community land because of the diverse uses of the site. The following sites are multi-purpose sites:

- Grasby Park, Balhannah
- Johnston Memorial Park, Balhannah
- Bradwood Park, Bradbury
- Longwood Bradbury Hall and Bradbury CFS
- Bridgewater Oval Precinct, Bridgewater
- Crafers Tennis and Netball Courts and Crafers Hall
- Evelyn Halliday Reserve, Crafers
- Federation Park, Gumeracha
- Mylor Oval and Sherry Reserve
- Mylor Parklands
- Norton Summit joint use land
- Atkinson Reserve, Piccadilly
- Apex Park, Stirling
- Steamroller Park, Stirling
- Woodside Recreation Grounds

Each of these sites has a plan delineating which part of the site has the characteristics of which category of land. The land that has the characteristics of a particular category has the same objectives, performance targets and performance measures as described in the community land management plan for the land within that category, unless the plan contains additional site specific objectives, performance targets and performance measures.

Community land not requiring a community land management plan

Council owns about 40 parcels of land that have not been excluded from community land but for which no community land management plan is required. This land has not been modified for a public purpose and is not subject to a lease or licence. This includes small parcels of land with no legal access, sections of closed roads and other small parcels of land not managed by Council but not excluded from community land. This land should be assessed for suitability for exclusion from community land for possible disposal in most cases.

Plan 1 – Generic Plan for all Categories of Community Land

Disclaimers

Adelaide Hills Council has made every reasonable attempt to ensure the accuracy of the information presented in the Community Land Register. However, it does not guarantee the information is complete, correct or up to date and the information may be subject to change without notice.

In no event shall Adelaide Hills Council be liable to any third party who obtains access to the information contained in the Register under any law for any loss or damage (including, but not limited to, direct, indirect, economic and consequential damage) in respect of any matter whatsoever related to any information contained in the Register.

All information within the community land management plans is in addition to Council By-law No 3 - Local Government Land and does not replace the by-law. All provisions of Council By-law No 3 - Local Government Land continue to have force on land subject to a community land management plan.

In any community land management plan of Adelaide Hills Council, any reference to a decision of Council or an authorised act by Council includes any decision or action by any employee of Adelaide Hills Council with a relevant delegated authority and is not to be limited in meaning to a resolution of the elected members of Adelaide Hills Council unless explicitly described as such.

The Register

The Register lists and provides the required information for every parcel of community land owned by Council or under Council's care control and management to the extent that this is practicable. It also lists that land which has been identified that does not have a title but which is owned by Council. This is largely portions of roads that were closed prior to 1991 and for which titles were never issued. As this land had not been identified at the time of the introduction of the *Local Government Act 1999* it was not excluded from community land. It is likely that there is other land that has resulted from road closures prior to 1991 that is owned by Council but which has not yet been identified as such. Although any such land is community land of Council, it is not currently entered on the Register.

Identification of Land

The legal descriptions of the land and parcel identifiers enable the physical location of any land parcel to be identified. A change in the details of either or both does not constitute a change in the community land management plan for that land.

Performance Targets

The performance targets for community land management plans define desirable outcomes for the land. The ability to meet those targets may be affected by budgetary pressures, the availability of resources, practicability or circumstances beyond the control of Adelaide Hills Council, such as changes in legislation and the wider economic environment. A plan is not invalidated because of an inability to meet performance targets.

Objectives of Community Land Management Plans

The order in which objectives are listed in any community land management plan is for convenience only and is not to be interpreted as an order of priority.

PLAN 1**GENERIC PLAN FOR ALL CATEGORIES****Leases, Licences and Permits on Community Land**

Leases, licences and permits are permitted on some categories of community land. Where the community land management plan for a category does not authorise the issuing of a lease, licence or permit, an application for a lease, licence or permit will not be accepted.

A lease, licence or permit for land in a category of land for which lease, licences and permits may be issued must be conditional on the activity or occupation being leased, licenced or permitted being compatible with the community land management plan for that category of land. All leases must be consistent with section 202 of the *Local Government Act 1999*.

If a lease, licence or permit is granted, it must:

- Be compatible with the use and objectives of the community land category to which the land belongs
- Be compatible with the performance targets of the community land category to which it belongs
- In the case of dedicated Crown land, the lease must be consistent with the dedicated purpose
- Be for activities that are consistent with the current and future needs of the community
- Not result in damage to the values of the category of land to which the subject land belongs
- Not create significant disturbance or nuisance to surrounding property owners
- Be compatible with the needs of the wider community
- Be subject to suitable insurance by the lessee, licensee or permit holder.

A change in the name or legal entity of a Lessor will not constitute a change in a community land management plan unless it will have a deleterious effect on the ability to meet the objectives or performance targets of the relevant land.

Improvements on Community Land

The improvements listed as envisaged as being compatible with each category of land are representative. An improvement that is listed as compatible with a category of community land may still require development approval and development on any community land that is dedicated Crown land will require the consent of the Minister for Environment and Water or his or her delegate before any development can occur.

Dogs on Community Land

Dogs are permitted on many, but not all, Council reserves with or without restrictions. The Dog and Cat Animal Management Plan 2018 – 2022 provides comprehensive information on the access to reserves by dogs accompanied by humans. Specific information for most community land is listed in Appendix 1 of the Dog and Cat Animal Management Plan 2018 – 2022. Dogs are permitted on a lead on all community land not specifically identified in the Dog and Cat Animal Management Plan 2018 – 2022. The management of dogs on all community land is as specified in the Dog and Cat Animal Management Plan 2018 – 2022, any amended version or versions of that plan, or its successors.

If at any time baiting for feral species occurs on any community land of Council, dogs may be prohibited from entering that land for their own safety until it is assessed as being safe for them again to do so.

PLAN 1**GENERIC PLAN FOR ALL CATEGORIES**

An assistance dog, while accompanying and under the control of the person it assists, has the same access rights as the person, regardless of any restrictions that may apply to other dogs.

Closure of Community Land because of High Fire Risk

Adelaide Hills Council encompasses much of the highest fire risk areas of South Australia. There have been serious bushfires across the Council area resulting in fatalities, injuries and property damage. Notwithstanding the rights of the community to access community land, Adelaide Hills Council may declare any community land to be closed to the public on any day when fire conditions are forecast to be or actually become Severe, Extreme or Catastrophic, with the exception of any land that may be designated by the South Australian Country Fire Service as a bushfire Safer Place or a Last Resort Refuge site.

Closure of Community Land because of Prescribed Burn Activities

Some community land, especially in the Conservation category, may be included in prescribed burns undertaken in conjunction with the Department for Environment and Water or its successors. Notwithstanding the rights of the community to access community land, Adelaide Hills Council may declare any community land to be closed for the purpose of carrying out a prescribed burn.

Easements

The granting of an easement over community land will only constitute a change of a Community Land Management Plan for that land if the easement would have a deleterious effect on the ability to achieve the objectives for the land or to meet the performance targets for the land.

Telecommunications infrastructure on Community Land

The placement of telecommunications infrastructure on a building on community land will not constitute a change in a community land management plan. The placement of telecommunications infrastructure directly on community land will constitute a change of a community land management plan if the placement of the infrastructure would have a deleterious effect on the ability to achieve the objectives for the land or to meet the performance targets for the land.

Significance to Traditional Custodians

The Adelaide Hills Council area is traditionally the land of the Peramangk and Kurna people. Community land retains heightened significance to these peoples, containing as it does some of the few areas of their traditional lands that remain publicly accessible. At the time of the adoption of this plan, there is a consent determination over the Kurna claim area, but no claim has been made by Peramangk people. While native title now continues to exist over only a small minority of the community land of Adelaide Hills Council, Council acknowledges that its community land retains significance to Peramangk and Kurna people as traditional custodians, regardless of the native title status of the land.

Whilst the heritage status of this land is subject to the South Australian *Aboriginal Heritage Act 1988* as administered by the South Australian Government, we recognise that, as a living culture, heritage and cultural history is often passed as oral history through generations and local knowledge may not always be gleaned through standard research methods. Council values the role of traditional custodians in contributing to heritage knowledge in managing this land.

PLAN 1 **GENERIC PLAN FOR ALL CATEGORIES**

Commercial Activities on Community Land

Community land is held for the benefit of the whole community. While it is appropriate for not for profit organisations to operate on some community land, it is generally not appropriate for community land to be used by for profit entities. If any community land is subject to commercial activities, full commercial rental will be applied to the area occupied. Where commercial activities exist with the profits donated to not for profit causes and audited by Council, commercial rental will not be charged. Commercial for profit activities on Crown land under the care, control and management of Council will not be permitted under any circumstances.

PLAN 1**GENERIC PLAN FOR ALL CATEGORIES****Disability and Mobility Impaired Access to Community Land**

Adelaide Hills Council aims to be inclusive for the whole community. In acknowledging this, not all community land can be accessible to everyone. The geography of the Adelaide Hills Council area means that much of the land in the conservation and informal recreation categories has steep to very steep terrain and land in the conservation category in particular often has dense vegetation. This will limit the accessibility of land with these attributes. In particular, some tracks and trails on this land may only be suitable for reasonably fit persons with no mobility limitations.

Encroachments on Community Land

An encroachment on community land is not compatible with a community land management plan as it prevents the land from being used for its designated purpose. An encroachment cannot be compatible with the objectives of a community land management plan. An encroachment on community land constitutes an unauthorised occupation and encroaching fences or structures will be required to be removed from community land.

Vehicle Access Over Community Land

Some community land, particularly in the Recreation and Sport category and the Cemetery category, has formed driveways and car parking areas. On land that does not have formed driveways or car parking areas, access by non-Council vehicles is limited to the following circumstances:

- Vehicles of contractors and event personnel that have been authorised to enter the land by Adelaide Hills Council
- Vehicles of statutory authorities that have a legal right of access
- Emergency services vehicles in the performance of duties
- Access to an adjoining property across a legal right of way that exists at the time of the adoption of this plan
- Temporary access, authorised by licence or permit, to access the rear of an adjoining property for construction purposes, but only if there is no alternative access and the vehicle access across the community land will not cause damage to the land, such as the removal of native vegetation, or create a risk to other users of the land.

PLAN 6

RECREATION AND SPORT

Plan 6 – Community Land Management Plan for Recreation and Sport Reserves



PLAN 6**RECREATION AND SPORT**

This Management Plan should be read in conjunction to the Introductory Information in Plan 1, which includes general information that relates to each individual plan.

This Management Plan pertains to all community land that has been placed into the category Recreation and Sport including that portion of multi-use sites that have a Recreation and Sport component.

Land in the Recreation and Sport category has well developed and maintained formal sporting facilities. A wide range of sports are catered for, including netball, tennis, football, soccer, cricket, lawn bowls, petanque, golf and equestrian activities.

The sports that may be catered for are not restricted to those currently using Council's recreation and sport reserves. Any other sport for teams or individuals will be acceptable on land in this category provided the facilities are suitable and can be available for the use of that sport. In the event that a sport would require significant resource inputs before it could use land in this category, a comprehensive business case must be presented to Council for its decision.

The usage of the land in this category must be sufficiently flexible to permit for changing community requirements. This can include the increase or decrease in playing surface area for any particular sport, the expansion of playing or club facilities at any particular site and the extension of hours of use through the lighting of playing surfaces.

The land in this category is intended to be leased either directly to not for profit sporting organisations, or to not for profit local community organisations that may then sub-licence to individual sporting organisations. All such agreements will clearly define the respective responsibilities of Council and the relevant organisation.

Where an organisation has an exclusive lease over clubrooms, it may use the premises for functions beyond its own members, subject to meeting all requirements relating to liquor licencing and noise levels.

Playing areas may be licenced for the use of a sporting club and that club will have exclusive use of the surface during all times that are booked for playing or practicing the sport. The public has access to these areas at all other times.

Land in this category may be utilised as bushfire Safer Places or Last Resort Refuges, as designated by the South Australian Country Fire Service.

Not all recreation and sport facilities within the Council area are owned by Adelaide Hills Council and those in other ownership are not subject to This Management Plan. One of the objectives for land in this category is to provide equitable access to sporting facilities across the Council area. Any assessment of equity will include access to recreation and sporting facilities not in the ownership of Council but available to local communities.

Improvements on land in the Recreation and Sport category

A wide range of improvements associated with recreation and sport activities are envisaged on land in this category. The following are acceptable, subject to formal development approval where required:

PLAN 6**RECREATION AND SPORT**

- Grassed playing surfaces
- Sealed courts for sports such as netball and tennis
- Other playing surfaces consistent with the requirements of any sport authorised by lease or licence to occupy or use land in this category
- Fencing of sufficient scale to prevent balls from exiting the site to adjoining properties or roads, where necessary to minimise nuisance or risk
- Clubrooms, incorporating any or all of change rooms, meeting rooms, kitchen and bar facilities and dining areas
- Spectator seating and shelters
- Toilets
- Lighting for evening use of sports facilities
- Storage sheds or buildings for housing maintenance equipment
- Driveways and car parking areas
- Spectator seating, including grandstands

Objectives

- To provide facilities for organised sporting activities strategically located across the area of Adelaide Hills Council.
- To provide equitable access to sporting facilities to clubs within the area of Adelaide Hills Council.
- To provide occupation rights for organised sport by way of leases, licences or management agreements.
- To facilitate the development, redevelopment or expansion of recreational and sporting facilities for the community on land in this category.
- To provide bushfire Safe Places and Last Resort Refuge sites where appropriate.

Performance Targets

- There is an equitable spread of recreation and sporting facilities across the Adelaide Hills Council area, to the extent that it is within the capacity of Council to provide such facilities.
- There are long term occupation or management agreements with not for profit organisations to facilitate the management of sites.
- Playing surfaces that are the responsibility of Adelaide Hills Council are maintained to a standard that is safe for the playing of the sports intended for those surfaces.
- Facilities that are the responsibility of Council are part of Council's asset management programs.

Performance Measures

- All Adelaide Hills Council communities have access to sport and recreation facilities, although not every community will necessarily have access to facilities for every sport.
- Playing surfaces that are the responsibility of Adelaide Hills Council are safe for playing the sport or sports intended for that surface.
- Facilities are maintained in accordance with Council's asset management programs.

Appendix 3

*Draft proposed new Community Land
Management Plan for Heathfield Oval*

HEATHFIELD OVAL

131 LONGWOOD ROAD HEATHFIELD

COMMUNITY LAND MANAGEMENT PLAN

DRAFT

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1- BACKGROUND

Heathfield Oval, originally referred to as Hender Reserve, has a long history in the Adelaide Hills region dating back to 1879 when the area was Crown land held by the former district of Euchunga in Trust for three purposes: (1) A reserve, (2) To stage agricultural and horticultural shows and (3) For sport and recreation.

The land is now Crown Land held by the Adelaide Hills Council as custodian of the land, with the land being dedicated for Recreation purposes pursuant to the Crown Lands Act 1929. The land was dedicated via a government gazettal dated 23 December, 1992.

Heathfield Oval today supports a variety of different land uses and includes significant improvements and facilities including:

- A new clubrooms and changeroom facilities which were completed in 2022
- A separate building with older clubrooms and changerooms
- Tennis/netball courts
- Cricket nets
- Public toilet facilities
- Car parking

2- IDENTIFICATION DETAILS

IDENTIFICATION DETAILS		
2.1	Name of Land/Reserve	Heathfield Oval
2.2	Location	131 Longwood Road Heathfield SA 5051
2.3	Crown Record	Portion of Crown Record Volume 5752 Folio 187 comprising piece 2 in Filed Plan 30545 in the area named Heathfield Hundred of Noarlunga as depicted in the plan attached as Appendix 1.
2.4	Area	4.19 hectares (approximate)
2.5	Owner	The Crown
	Custodian	Adelaide Hills Council
2.6	Trust/Dedication/Restriction	Land dedicated for Recreation purposes pursuant to the Crown Lands Act, 1929 by gazette dated 23/12/1992.
2.7	Owner Requirements	The dedication requires the land to be used at all times for recreation purposes.

3- WHY A MANAGEMENT PLAN IS REQUIRED

Under the *Local Government Act 1999 (the Act)* “community land” is all local government land (except roads) that is under the care, control and management of the Council unless expressly excluded by the Council.

In accordance with section 196(1) of the Act the Council is required to prepare and adopt a management plan for any community land that is, or is to be, occupied under a lease or licence and for any community land that has been, or is to be, specifically modified or adapted for the benefit or enjoyment of the community.

A Community Land Management Plan (**CLMP**) for Heathfield Oval has been prepared by the Council in fulfilment of its obligations under section 196 of the Act. Under the Act, the Council must manage community land in accordance with the management plan. In this case the Land must be used in accordance with the Trust.

4- PURPOSE FOR WHICH THE LAND IS HELD

Section 196(3)(b) of the Act requires a CLMP to state the purpose for which the Land is held.

The Council holds the Land under the provisions of the Dedication “for recreation purposes pursuant to the Crown Lands Act, 1929 by gazette 23/12/1992”

Consistently with the provisions of the Trust the Council has identified the following purposes for which the Land is held:

- Open space area;
- Public recreation facilities;
- Organised sporting uses;
- Passive recreation;
- Playgrounds and playspaces for children

- Community events

The Land may be used from time to time for complementary business purposes.

5- OBJECTIVES FOR THE MANAGEMENT OF THE LAND

The detailed objectives for the management of the Land including the performance targets and measures are contained within the Schedule of this plan. The Objectives for Johnston Memorial Park are as follows:

- To manage, control and conserve the Land in accordance with the Crown Land Dedication.
- To provide recreation facilities and space on the Land that are fit-for-purpose, safe, well maintained and accessible for people of all ages, backgrounds and abilities..
- To provide or allow occupation rights to community and not-for profit groups for organised sport and recreation by way of lease, sub-lease, licence, permit or management agreement.
- To provide playgrounds and play spaces for children.
- Other recreational activities.

6- POLICIES FOR THE MANAGEMENT OF THE LAND

Section 196(5) of the Act requires a management plan, as far as practicable, to be consistent with other relevant official plans and policies about conservation, development, and use of the Land. These plans and policies prevail to the extent of any inconsistency with this management plan.

The following policies, by-laws, plans and strategies have some direct or indirect application to the Land are relevant as at the date of the CLMP. Council policies undergo regular review, and may be amended, superseded, or replaced.

General Council		
Plans and Strategies	Plans and Strategies applicable to management of all community, sporting and recreational facilities for Heathfield Oval.	<ul style="list-style-type: none"> • Your Place Your Space - Strategic Plan 2024 • Long Term Financial Plan • District Masterplan • Annual Business Plan and Budget • Asset Management Plan • Access and Inclusion Plan 2020-2024 • Dog and Cat Animal Management Plan 2018-2022 • Adelaide Hills Council Development Strategy • Sport and Recreation Strategy 2017-2022 • Age Friendly Community Plan 2016-2019 • Waste Management Plan 2017 • Resource Recovery and Recycling Strategy 2019 • Biodiversity Strategy 2019-2024
Policies	General Council policies applicable to management of all community, sporting and recreational facilities for Heathfield Oval.	<ul style="list-style-type: none"> • Asset Management Policy • Disposal of Assets Policy • Festival & Events Policy • Public Consultation Policy • Play Space Policy • Safe Environments Policy • Tree Management Policy • Community & Recreation Facilities Policy • Waste & Resource Recovery Services Policy
By-Laws		<ul style="list-style-type: none"> • By-law No 1- Permits and Penalties • By-law No 2- Moveable Signs • By-law No 3- Local Government Land • By-law No 5- Dogs

7- PROPOSAL FOR THE MANAGEMENT OF THE LAND

It is a requirement under section 196(3)(c) of the Act for the Council to state the proposal for the management of the Land in the CLMP.

It is specifically proposed (subject to available funding and all relevant Council and statutory approvals and authorisations) that:

1. The Council grant a Lease to the Mount Lofty District Sports and Social Club Inc. to facilitate the management, control and conservation of the Land in accordance with the Dedication.

8- PERFORMANCE TARGETS

It is a requirement under section 196(3)(d) of the Act for the Council to state its performance targets for the Land.

See 11. Schedule

9- PERFORMANCE MEASURES

It is a requirement under section 196(3)(d) of the Act for the Council to state how it proposes to measure its performance against its objectives and performance targets.

See 11. Schedule

10- LEASES, LICENCES AND PERMITS

10.1 Leases and Licences consistent with Community Land Management Plan

For the purposes of section 202(3) of the Act the Council and the Mount Lofty District Sports and Social Club Inc. is authorised to grant a lease, sub-lease or licence over the Land or any part of the Land for the purposes of the management, control, and conversation of the Land in accordance with the Dedication, so long as it is consistent with this plan.

Subject to the terms of the Dedication and any existing interest the Council may grant further leases or licences over any portion of the Land in accordance with section 202 of the Act.

If a lease or licence is granted, it must:

- Be consistent with the Trust.
- Be compatible with the objectives of this CLMP in respect to the Land.
- Be compatible with the performance targets of this CLMP.
- Permit activities that are consistent with the current and future needs of the community.
- Not result in damage to the Land.
- Not create significant disturbance or nuisance to surrounding property owners.
- Be compatible with the needs of the wider community.

The details of a lease or licence over the Land are required to be specified in the Council's Community Land Register pursuant to Section 207 of the Act.

10.2 Permits

Subject to the terms of the Dedication, the Council may grant permits for the Land that are consistent with that Dedication.

10.3 Commercial uses

The Mount Lofty Sports and Social Club Inc., whilst a non-for-profit community organisation, is permitted to issue a sub-lease over portion of the premises for commercial purposes, subject to the following:

- Any sub-lease is to be approved by the Crown (as the owner of the Land) and the Council (as custodian of the land);
- Any sub-lease must be consistent with the Dedication of the land for recreation purposes.

11- SCHEDULE

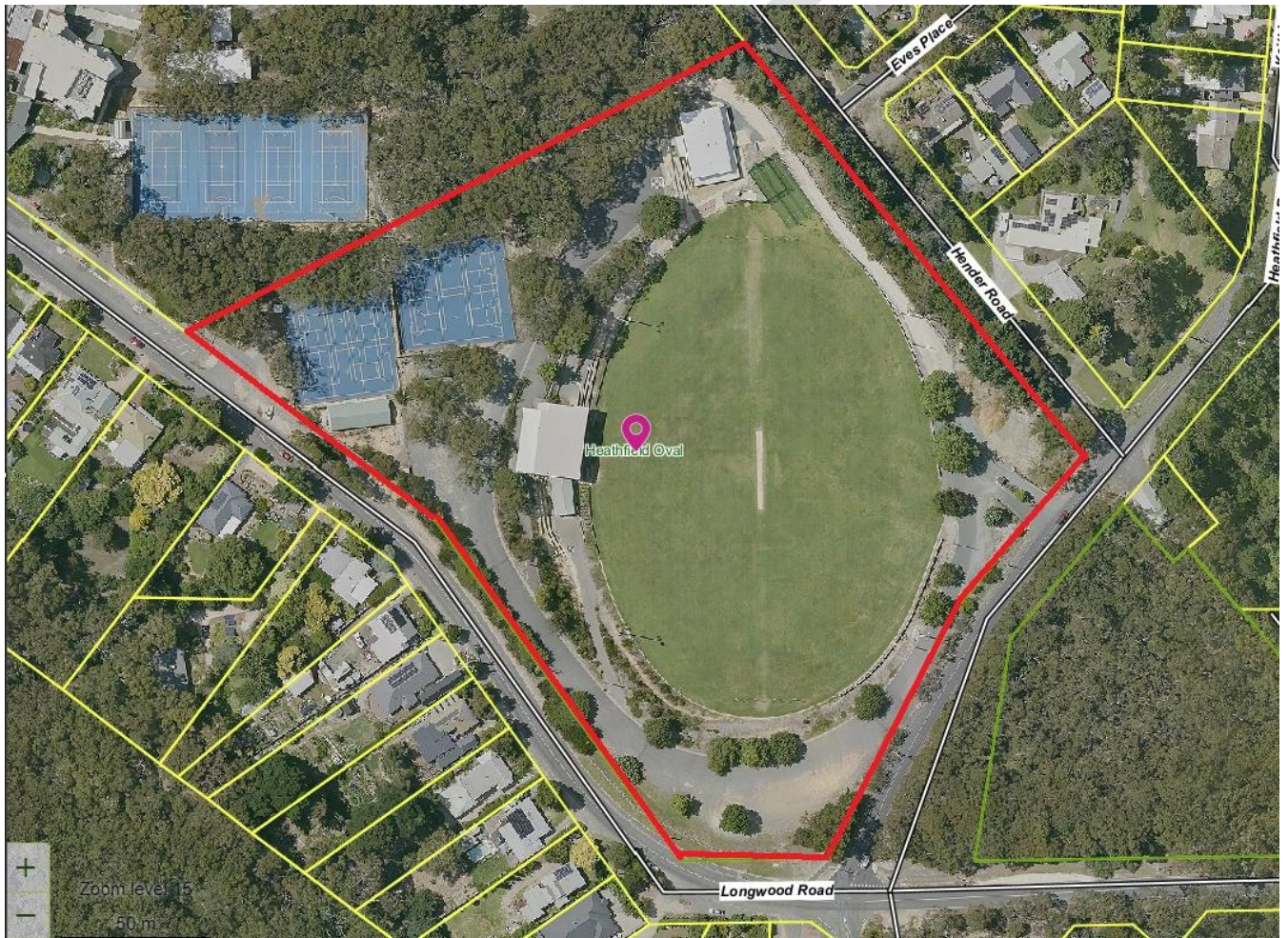
Other than where indicated above the sequence of objectives, proposals and policies within the plans does not infer a hierarchy or order of priority. The target is the goal or standard to be aimed for or reached; whereas the measure is how the Council proposes to determine whether the target/objective has been reached.

OBJECTIVES	PERFORMANCE TARGETS	HOW PERFORMANCE IS MEASURED
To manage, control and conserve the Land in accordance with the Trust.	The management, control and conservation of the land does not contravene the Trust.	On-going audit of the Trust against the management, control and conservation of the Land, including the provisions of any lease or licence granted in accordance with the Trust.
To provide recreation facilities and space on the Land that are fit-for-purpose, safe, well maintained and accessible for people of all ages, backgrounds and abilities.	<p>Playing surfaces and buildings are maintained to a standard that is safe for the playing of sports intended for those surfaces.</p> <p>Playing equipment is compliant with relevant legislation, building standards and codes.</p>	<p>Annual inspections in accordance with the Council's obligations under the Lease Agreement to ensure it is being maintained to the standard required to provide a recreation facility that is fit-for-purpose, safe, well maintained, and accessible.</p> <p>Annual audit and the continual review of the Council's asset management program</p>
To provide or allow occupation rights to community and not-for profit groups for organised sport and recreation by way of lease, sub-lease, licence, permit or management agreement.	To ensure any leases, licences and permits are granted in accordance with the plan and the terms of the Trust.	Regular audit of leases, licences and permits in community land register to show how the land is being used by community and not-for-profit groups.
To provide for commercial uses where approved by the Crown as owner of the land and Council as Custodian of the land	To ensure that any sub-leases for commercial purposes are in accordance with the dedication of the land.	Regular audit of leases, licences and permits in community land register to show how the land is being used for commercial purposes.
To provide playgrounds and play spaces for children.	Playgrounds and play spaces are constructed and maintained to a standard that is safe for children in accordance with Australian Standards and the Council's Asset Management Policy and Council's Play Space Policy.	Periodic inspection to ensure that playgrounds and play spaces meet current Australian Standards, Council's Asset Management Policy, and Council's Play Space Policy. ...

Appendices

Heathfield Oval

Piece 2 in Filed Plan 30545



**ADELAIDE HILLS COUNCIL
ORDINARY COUNCIL MEETING
Tuesday 10 December 2024
AGENDA BUSINESS ITEM**

Item: 12.3

Responsible Officer: David Waters
Director Environment and Infrastructure
Environment and Infrastructure

Subject: Submission to the review of the Environment Protection
(Waste to Resources) Policy 2010

For: Decision

SUMMARY

The purpose of this report is to provide a draft submission into the review of the *Environment Protection (Waste to Resources) Policy 2010* (EPP). The review aims to consider policy initiatives that will contribute to the South Australian Government's commitments to a circular economy and achieving net zero carbon emissions by 2050. There are a number of potential reforms that either directly or indirectly have the potential to affect waste and resource management within the Council area and as such it is appropriate that Council provides feedback on the review of the EPP.

RECOMMENDATION

Council resolves:

1. That the report be received and noted.
 2. That Council make a submission into the review of the *Environment Protection (Waste to Resources) Policy 2010* as contained within Appendix 1.
 3. That the Chief Executive Officer be authorised to finalise the response, including making any minor changes not affecting the substantive nature of the response, and submit it on Council's behalf.
-

1. BACKGROUND

At the 15 October 2024 Ordinary Council meeting Council considered a report on the outcomes of the Kerbside Bin System Trial Results. In response to the report Council resolved to progress with fortnightly waste collection in all townships commencing from August 2025 (subject to budget allocation). Council also resolved (refer below) to consider a Food Organic Garden Organic (FOGO) service to rural areas once State Government proposed legislative changes that may impact kerbside bin services are known.

The relevant excerpt from the resolution is as follows:

9. That council consider the provision of a food organic garden organic collection service to rural areas once the South Australian Government's position on proposed legislative changes regarding the provision of kerbside bin services is known.
10. That the CEO write to the Minister for Climate, Environment and Water, Hon Susan Close MP:
 - (a) Outlining the current legislative impediments to the roll out of a FOGO service in rural areas of the Council as outlined in the report,
 - (b) Proposing potential regulatory changes that could resolve this issue, and
 - (c) Requesting that these changes be implemented prior to or as part of a broader review of the Environmental Protection (Waste to Resources) Policy 2010 and/or other relevant legislation not later than 30 June 2025.
11. That the CEO prepare a draft submission to the current review of the Environmental Protection (Waste to Resources) Policy 2010, for the Council's consideration prior to 20 December 2024, which includes the sentiment of Point 10.

The proposed legislative changes outlined in point 9 are being considered by the State Government through a review of the *Environment Protection (Waste to Resources) Policy 2010* (EPP) and therefore Council resolved at point 11 that a draft submission be prepared for Council consideration. Once endorsed, the draft submission will also be used as a basis to develop the letter to be sent to the Minister of Climate, Environment and Water as required by point 10.

2. ANALYSIS

➤ Strategic Management Plan/Functional Strategy/Council Policy Alignment

Strategic Plan 2024 – Your Place Your Space

Goal 1	Natural Environment
Objective NE2	Support the community and businesses to decarbonise and transition to sustainable lifestyle practices (green communities)
Priority NE2.2	Continue to promote the highest principles in the waste management hierarchy – avoid, reduce, reuse and recycle – through education programs, services and by example.
NE2.3	Explore alternative kerbside waste collection models that divert more waste from landfill.

➤ Legal Implications

Kerbside waste and resource recovery services are delivered in consideration of the EPP. The EPP currently requires metropolitan councils to offer a weekly general waste service. In those circumstances where a council comprises both metropolitan and non-metropolitan areas, as is the case with Adelaide Hills Council, the whole council area is treated as metropolitan for the purposes of the EPP.

Section 8 (Principles to be observed by council) of the *Local Government Act 1999* stipulates councils need to give due weight to regional, state and national objectives in all its plans,

policies and activities. Relevant to kerbside waste services South Australia's Waste Strategy 2020-2025 identifies a 70% kerbside diversion rate target by 2025.

➤ **Risk Management Implications**

Providing a submission into the review of the EPP will assist in mitigating the risk of:

Not providing waste and recycling services leading to community dissatisfaction, potential regulatory action against Council and or possible poor community public health and environmental outcomes.

Inherent Risk	Residual Risk	Target Risk
Extreme (5A)	Low (1E)	Low (1E)

Adoption of the report recommendation will result in a new mitigating action of providing a submission into the review of the EPP.

➤ **Financial and Resource Implications**

There are no direct financial or resource implications from providing a submission into the review of the EPP. Indirectly, changes made to the EPP may impact the cost to provide kerbside waste and resource recovery services to the community.

➤ **Customer Service and Community/Cultural Implications**

There are no direct customer service or community and cultural implications from providing a submission into the review of the EPP. Indirectly, changes made to the EPP may impact kerbside waste and resource recovery services provided to the community.

➤ **Sustainability Implications**

Outcomes from the review of the EPP may impact Council's ability to deliver beneficial sustainability outcomes identified from the Kerbside Bin System Trial.

➤ **Engagement/Consultation conducted in the development of the report**

Consultation on the development of this report was as follows:

<i>Council Committees:</i>	Not applicable
<i>Council Workshops:</i>	Not applicable
<i>Advisory Groups:</i>	Not applicable
<i>External Agencies:</i>	Rawtec, Adelaide Hills Region Waste Management Authority
<i>Community:</i>	Not applicable

➤ **Additional Analysis**

The EPA have released a discussion paper, *Beyond recycling: Moving SA towards a circular economy*, relating to the review of the EPP. The discussion paper is attached as **Appendix 1**.

The discussion paper contains over 150 questions for stakeholder consideration. Submissions are due by 20 December 2024. A draft submission has been prepared (refer **Appendix 2**) with

responses to those questions that are most pertinent to Adelaide Hills Council. The draft submission is largely self-explanatory and, for the sake of brevity, is not repeated here.

The feedback received from the discussion paper will inform the preparation of a new draft EPP. The discussion paper outlines that the draft EPP will be released, along with detailed explanatory information, for further public consultation as required by section 28 of the *Environment Protection Act 1993*. No timeline has been provided for when a draft EPP will be available.

Once legislatively in force, the revised or new EPP will need to be considered as required by Resolution 9 from the 15 October 2024 Council meeting (refer background section) in regard to providing a kerbside FOGO service to rural properties.

As required by Resolution 10 from the October 2024 Council meeting the CEO will write to the Minister of Climate, Environment and Water, the Hon Susan Close, outlining the current legislative impediments to providing a FOGO service to rural properties and other matters as required by the resolution.

3. OPTIONS

Council has the following options:

- I. To endorse the draft submission contained within **Appendix 2**. This submission provides proposed feedback on those areas of the EPP review that are most relevant to Adelaide Hills Council. (Recommended)
- II. To modify and endorse a variation to the draft submission contained within **Appendix 2** with any other feedback Council considers appropriate.
- III. To not provide a submission into the review of the EPP. This option is not recommended as the review of the EPP may materially impact how Council provides kerbside waste and resource recovery services.

4. APPENDICES

- (1) EPA discussion paper - *Beyond recycling: Moving SA towards a circular economy*.
- (2) Draft submission into review of the *Environment Protection (Waste to Resources) Policy 2010*.

Appendix 1

*EPA discussion paper - Beyond recycling: Moving SA
towards a circular economy.*

Beyond recycling: Moving SA towards a circular economy

A review of the Environment Protection (Waste to Resources) Policy 2010



Beyond recycling: Moving SA towards a circular economy

A review of the Environment Protection (Waste to Resources) Policy 2010

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Acknowledgements

The author thanks all stakeholders for their input during the preparation of this discussion paper.



EPA FOR RECONCILIATION

The EPA acknowledges and respects the Aboriginal peoples of South Australia as the first peoples and nations of this State. We recognise them as the traditional custodians of land and waters in South Australia and that their spiritual, social, cultural and economic beliefs are of ongoing importance today. We recognise that they have made, and continue to make, a unique and irreplaceable contribution to the State.

Artwork: 'Caring for Country', courtesy of Arrernte man Scott Rathman, for the EPA.

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Message from the Minister



South Australia has long been a leader in resource recovery and waste management and has led the way on addressing problematic single-use plastic products. As we continue on our pathway to a net zero carbon future, we must move away from the linear economy where we take, make and waste materials, and accelerate our transition to a more circular economy.

To address climate change and reduce our reliance on raw natural resources, we need to look at how to reduce the amount of waste that's generated and ensure that we are recovering high quality recyclable materials and keeping these materials circulating within

our economy. We also need to look at how we can further support end markets for these recovered materials. Protecting our environment and human health from problematic wastes, chemicals of concern, and from illegal dumping are also essential components of a healthy and sustainable future.

The choices that we make today affect everyone's tomorrow.

This discussion paper is being released to explore the issues and potential policy solutions that will help us transition to a more circular economy. It is the first step in seeking broad feedback on an appropriate regulatory approach for these complex issues.

The SA Government seeks your thoughts on these important issues so that we can work together for a safe and sustainable future.

Susan Close MP

Minister for Climate, Environment and Water



Message from the Presiding Member

As South Australia's independent regulator, the Environment Protection Authority (EPA) is responsible for ensuring that all reasonable and practicable measures are taken to protect, restore and enhance the quality of SA's environment having regard to the principles of ecologically sustainable development. Supporting and enabling our transition to a circular economy is an essential part of this, and a priority for the EPA. This is reflected in the EPA's *Corporate Plan 2024-25*, which identifies the review of the *Environment Protection (Waste to Resources) Policy 2010* as a priority activity, to support our transition to a circular economy.

The EPA's approach to managing environmental challenges is to engage and collaborate with communities and industry, and work together to identify the right pathway to achieve the best outcome. Through consultation on this discussion paper, the EPA wishes to explore how, as an environmental regulator, we best continue to protect our environment while supporting more innovative and sustainable practices and driving our transition to a more circular economy.

Your consideration of these issues and input into this review will help the EPA to modernise our regulatory approach and ensure that it meets the needs of South Australia as we look to the future.

Ms Catherine Cooper

Presiding Member
Board of the Environment Protection Authority

Executive summary

The *Environment Protection (Waste to Resources) Policy 2010* (W2R EPP), through the *Environment Protection Act 1993* (EP Act), provides the regulatory underpinning for South Australia's waste management objective and actions identified under South Australia's *Waste Strategy and the National Waste Policy Action Plan*. The establishment of this ambitious regulatory framework in 2010 enabled improved waste management and resource recovery practices, including diverting resources from landfill, placing SA at the forefront of resource recovery in Australia.

Since the commencement of the W2R EPP, significant changes have occurred in the waste and resource recovery sector that warrant a review of the policy. This review provides an opportunity to consider policy initiatives that contribute to the South Australian Government's commitments to a circular economy and achieving zero net emissions by 2050. Transitioning to a circular economy is vital to addressing climate change, as 45% of global emissions come from the way we produce and consume.

A circular economy is an economic model designed to prioritise sustainability, resource efficiency, and waste reduction. As we grow our circular economy, we will improve and sustain our environment, increase our wellbeing, and grow our economic prosperity in a sustainable way. A contemporary and effective regulatory framework can strengthen implementation and enforcement, give regulatory certainty for investment, and drive the development of a circular economy.

The key policy review areas that this discussion paper is seeking to explore are:

- 1 Supporting the transition to a circular economy.
- 2 Avoiding waste generation.
- 3 Maximising resource recovery.
- 4 Supporting a strong market for recovered resources.
- 5 Protecting the environment and human health from waste pollution.
- 6 Circular economy metrics, reporting and transparency.

The purpose of this discussion paper is to engage stakeholders and South Australians more broadly on the issues and opportunities that this review presents. Your feedback will inform the development of a new Circular Economy and Waste Policy that will incorporate the existing W2R EPP (including amended provisions) and new circular economy provisions arising from this review. Once drafted, the draft policy will be released for further public consultation prior to being finalised.

The EPA invites you to contribute to the review by responding to any or all of the policy options considered in this paper and answering the specific consultation questions.

1 Introduction

1.1 Global outlook

In 2015, world leaders adopted the [2030 Agenda for Sustainable Development](#) and its 17 Sustainable Development Goals (SDGs) at a historic United Nations (UN) summit. The SDGs are a global blueprint for prosperity for people and the planet.

The [2022 UN Sustainable Development Goals Report](#) found that:

Unsustainable patterns of consumption and production are root causes of the triple planetary crises of climate change, biodiversity loss and pollution. These crises, and related environmental degradation, threaten human well-being and achievement of the Sustainable Development Goals.

If we continue on the prevailing development pathway, the Earth's finite capacity will be unable to sustain the livelihoods of current and future generations. Transforming our relationship with nature is key to a sustainable future.

As the world develops strategies for sustainable recovery from the pandemic, governments and all citizens should seize the opportunity to work together to improve resource efficiency, reduce waste and pollution, and shape a new circular economy (United Nations, 2022, p.50).

1.2 Transitioning to a circular economy

South Australia (SA) is transitioning to a circular economy in order to improve and sustain our environment, increase our wellbeing, and grow our economic prosperity in a sustainable way.

A circular economy is an economic model designed to prioritise sustainability, resource efficiency, and waste reduction. It aims to move away from the traditional linear economic model of 'take-make-dispose' and instead seeks to create a closed loop system where resources are kept in use for as long as possible, with their value preserved and waste minimised.

In a circular economy we design out waste and pollution, keep products and materials in use for as long as possible (requiring less raw materials), and regenerate natural systems. Waste avoidance, reuse and recycling are maximised while raw material extraction and landfilling are minimised. Transitioning to a circular economy requires a transformation in our ways of producing and consuming, to gradually de-couple economic activity from finite resource consumption.

The circular economy transition is also vital to addressing climate change, as 45% of emissions produced globally come from the way we produce and consume. The 2017 report, *Creating Value – The potential benefits of a Circular Economy in South Australia*, estimated that a circular economy could create an additional 25,700 jobs by 2030 and reduce greenhouse gas emissions by 27% compared to a 'business as usual' scenario in SA (Lifecycles, EconSearch, Colby Industries & University of Queensland, 2017). This equates to 7.7 million tonnes of CO₂ equivalent (Lifecycles et al., 2017). By adopting more circular solutions and enhancing opportunities for recycling, repair, reuse, and remanufacturing, we can achieve better economic, social, and environmental outcomes for SA.

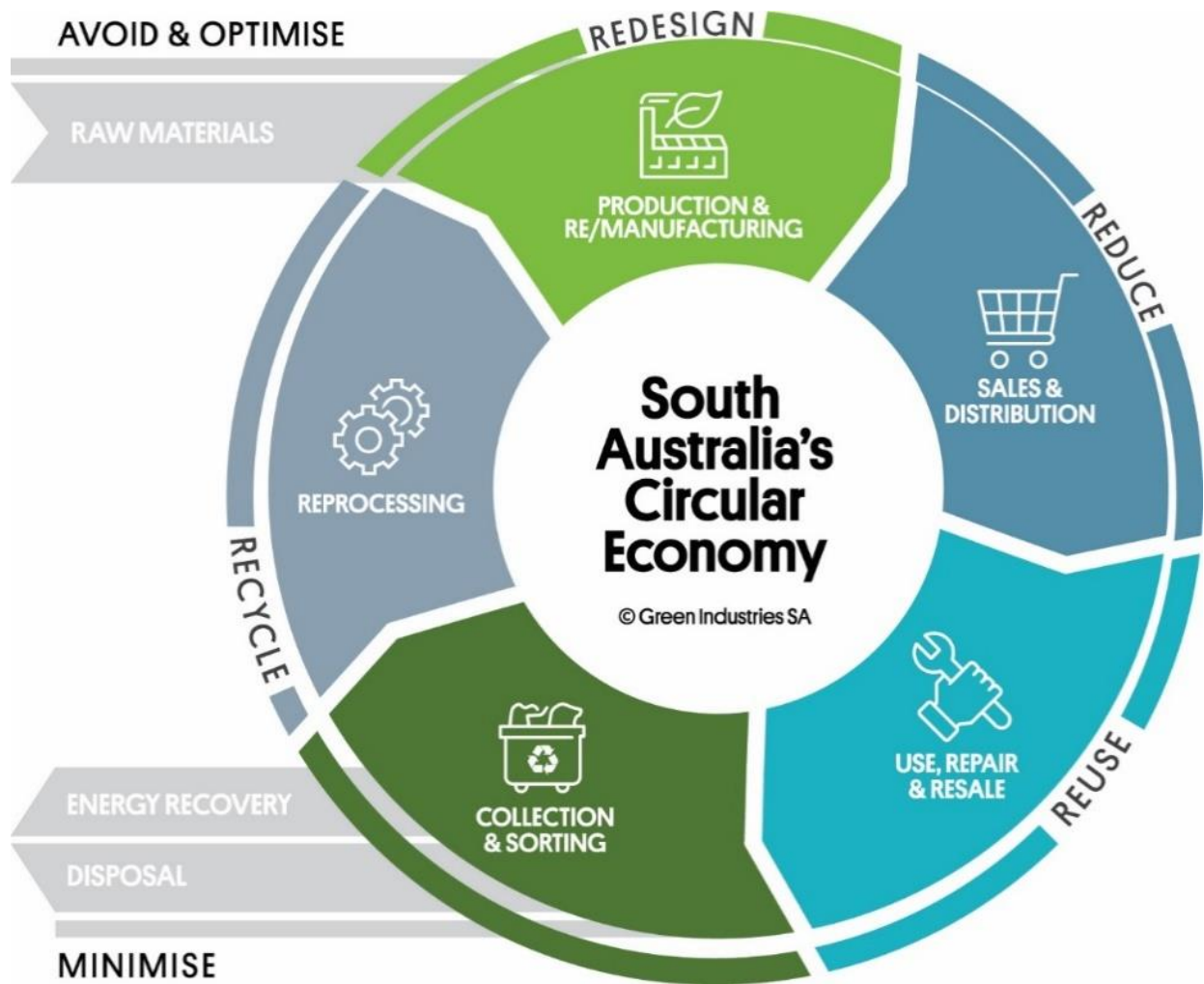


Figure 1 South Australia's circular economy (source: Green Industries SA)

In our current economy, we take materials from the Earth, make products from them, and eventually throw them away as waste – the process is linear. In a circular economy, by contrast, we stop waste being produced in the first place.

Ellen MacArthur Foundation 2024

2 Purpose of this paper

The purpose of the discussion paper is to invite your contribution to the review by seeking your views on:

- the effectiveness of the [Environment Protection \(Waste to Resources\) Policy 2010](#) (W2R EPP)
- the issues and opportunities that have been outlined in this discussion paper
- anything else that should be considered relating to waste, resource recovery and circular economy in SA.

The discussion paper has been developed through a process of reviewing and identifying issues, barriers and opportunities relating to the current W2R EPP, changes within the resource recovery and waste sector, and addressing the imperative to transition to a circular economy. Through this process, input was received from a wide range of stakeholders including state government, local government, resource recovery and waste industry, academics and subject experts, and the not-for-profit sector.

The information provides context for the issues under consideration. Further detail may be disseminated at the public meetings to be conducted during consultation.

The EPA invites you to contribute to the review, including responding to the questions identified in this paper.

2.1 How to participate

Invitation to comment

Your feedback and ideas will help inform government consideration of possible changes to the W2R EPP.

You may agree, disagree, or comment on the various issues discussed in this paper, or with the proposed policy measures identified to address these issues.

You may also suggest alternative policy measures or more appropriate ways to address these issues.

Additionally, you can make an important contribution by identifying other opportunities to improve SA's approach to resource recovery and waste management, aligned with supporting a circular economy.

To enable full consideration of your feedback and ideas, please comment on the consultation questions (located in the blue boxes in this document) and provide reasons for your comments, supported by relevant information and/or data.

Comments or written submissions can be provided via:

- [YourSAy survey](#)
- Email to: epawastepolicy@sa.gov.au
- Mail to: Environment Protection Authority
Attention - W2R EPP Review
GPO Box 2607 Adelaide SA 5001

Include your name, position, organisation and contact details (telephone number, email, and postal address) with your submission.

The deadline for comments and submissions is **5pm Friday 20 December 2024**.

Tips for written submissions

- List points so that issues raised are clear.
- Where possible, refer to the appropriate section or question in this discussion paper for each point.
- If you are responding to different sections of this discussion paper, keep these distinct and separate, so there is no confusion as to which section you are considering.
- Attach any factual information you wish to provide and give details of the source.
- Include a summary of your submission.

Quick survey

If you're unable to provide comment via a written submission or responding to the YourSAy survey, you may prefer to take our quick survey which will take approximately 10 minutes to complete.

[Click here to take our quick survey.](#)

2.2 Information about your submission

Submissions will be treated as public documents, unless received in confidence subject to the requirements of the [Freedom of Information Act 1991](#) and may be quoted in full or part in subsequent EPA reports. If you do not want the public to read your answers, please write 'confidential' on your submission.

A summary of feedback will be prepared and released publicly. Subject to the outcomes of this consultation process, further consultation with business, industry and other parties may be undertaken prior to the release of a draft Environment Protection Policy and the formal consultation on the draft policy.

3 Why are we reviewing the policy

Since the commencement of the W2R EPP in 2010, there have been significant changes that warrant a review of the policy. This includes government commitments to a circular economy and net zero emissions, as set out in *South Australia's Waste Strategy 2020–2025*, *South Australia's Food Waste Strategy 2020–2025*, *National Waste Policy Action Plan 2019*, *South Australian Government Climate Change Action Plan 2021–25*, and *Climate Change Role Statement (EPA)*. The Australian Government is also committed to the United Nations SDGs.

Applying the principles of a circular economy is the central theme of both the *SA Waste Strategy* and the *National Waste Policy 2018*. Additionally, the Objects of the EP Act were updated in 2017 and incorporated a new Object 'to promote the circulation of materials through the waste management process and to support a strong market for recovered resources' which is yet to be referenced in an EPP.

The Objects of the Act were amended again by Parliament in 2023, adding in climate change mitigation and adaptation, and clarifying the EPA's role in addressing climate change. Consideration of policy objectives and measures to support SA's transition to a more circular economy and achieve net zero emissions, are key aspects of this review.

In addition to the above commitments, as the scope and ambition in resource recovery has increased over time, significant new and emerging waste management issues have arisen. A contemporary and effective regulatory framework can strengthen implementation and enforcement, give regulatory certainty for investment, and drive the development of a circular economy.

4 Background and context

4.1 International context

2030 Agenda for Sustainable Development

In 2015 United Nations (UN) Member States, including Australia, adopted 17 goals (Figure 2) with a 15-year plan under the [2030 Agenda for Sustainable Development](#).



Figure 2 United Nations Sustainable Development Goals (source: United Nations 2016a)

Goal 11, *Sustainable cities and communities* is about making cities inclusive, safe, resilient, and sustainable. One target is “by 2030, reduce the adverse per capita environmental impact of cities, including by paying special attention to air quality and municipal and other waste management” (United Nations, 2016b).

Goal 12, *Responsible consumption, and production*, commits signatories to “making fundamental changes in the way that our societies produce and consume goods and services” (United Nations, 2016c). The targets include:

- By 2030, achieve the sustainable management and efficient use of natural resources.
- By 2030, halve per capita global food waste at the retail and consumer levels and reduce food losses along production and supply chains, including post-harvest losses.
- By 2030, substantially reduce waste generation through prevention, reduction, recycling and reuse.
- Promote public procurement practices that are sustainable, in accordance with national policies and priorities.

The [2022 Sustainable Development Goals Report](#) identifies key areas under this goal that need to be addressed, including:

- Reducing our growing reliance on natural resources through “increased resource efficiency, circularity measures and overall efforts to de-materialise economic growth”.
- Reducing food loss and waste to help deliver on the Global Methane Pledge to which Australia is a signatory [Department of Climate Change, Energy, the Environment and Water (DCCEEW) 2022a].

Goal 13, *Climate Action*, requires urgent action to combat climate change and its impacts, in order to limit warming to 1.5 degrees Celsius. One of the targets is to “integrate climate change measures into national policies, strategies, and planning” (United Nations, 2016d).

4.2 Australian context

The Commonwealth Government is responsible for a national framework for waste and resource recovery, which recognises our obligations under international agreements. The legislative framework for this is established through the [Recycling and Waste Reduction Act 2020](#) (Cth).

The Commonwealth Government has developed a national waste policy and corresponding action plan as well as a food waste strategy, which are briefly outlined below. This review intends to consider policy measures that support the principles and targets set out in these national documents, in conjunction with the state strategies and action plans which are covered in the following section.

Additionally, the [Agreed Communiqué from the Environment Ministers Meeting](#) (EMM) on 9 June 2023 states “Ministers reiterated their commitment to transition Australia from a ‘take, make, waste’ economy toward a more resilient and regenerative circular economy that maximises the value of materials and minimises waste and pollution” (DCCEEW, 2023a).

National Waste Policy 2018: Less waste, more resources

The [National Waste Policy 2018](#) provides a framework for collective action by businesses, governments, communities and individuals until 2030. It sets out five overarching principles underpinning waste management in a circular economy. These include:

- 1 avoid waste
- 2 improve resource recovery
- 3 increase use of recycled material and build demand and markets for recycled products
- 4 better manage material flows to benefit human health, the environment, and the economy
- 5 improve information to support innovation, guide investment and enable informed consumer decisions.

National Waste Policy Action Plan 2019

The [National Waste Policy Action Plan 2019](#) sets out targets and actions to implement the National Waste Policy 2018. Some of these include:

- reducing the total waste generated in Australia by 10% per person by 2030
- achieving an 80% average recovery rate from all waste streams by 2030
- significantly increasing the use of recycled content by governments and industry
- phasing out problematic and unnecessary plastics by 2025

- halving the amount of organic waste sent to landfill by 2030
- making comprehensive, economy wide and timely data publicly available to support better consumer, investment and policy decisions.

The plan complements and supports the implementation of better waste management and circular economy plans by state and territory governments, local government, business and industry.

National Food Waste Strategy 2017

The [National Food Waste Strategy 2017](#) provides a framework to support collective action towards halving Australia's food waste by 2030, aligning with and contributing towards global action under Goal 12, *Ensure sustainable consumption and production patterns*.

4.3 South Australian context

The regulation and management of waste and resource recovery is primarily the responsibility of the state government. The [Environment Protection Act 1993](#) (EP Act) establishes the primary legislative framework for this, while the [Green Industries SA Act 2004](#) requires Green Industries SA (GISA) to develop a waste strategy for the State every five years, and sets out what is to be included in the strategy. Further detail can be found in [section 5 Legislative framework](#).

South Australia's Waste Strategy

[South Australia's Waste Strategy 2020-2025](#) sets out SA's targets for waste reduction and waste diversion from landfill. The targets include:

- zero avoidable waste to landfill by 2030¹
- waste generation target of 5% reduction per capita on a 2020 baseline.

It also sets 2025 waste diversion targets for metropolitan waste by waste sector:

- 75% for municipal solid waste (MSW) waste
- 90% for commercial and industrial (C&I) waste
- 95% for construction and demolition (C&D) waste.

For non-metropolitan waste, the 2023 target was for regional waste management plans to be in place for all SA regional local government areas and/or regional city clusters and setting regionally appropriate and progressive waste diversion targets.

¹ Zero avoidable waste to landfill equates to the diversion of all waste from landfill where it is technologically, environmentally, and economically practicable to do so. "Unavoidable" waste refers to wastes for which no other current treatment is available including (but not limited to) asbestos, toxic and quarantine waste".

Table 1 Summary of SA's waste targets (source: adapted from Green Industries SA, 2020)

Overall targets				
2025	5% reduction in per capita waste generation from a 2020 baseline			
2030	Zero avoidable waste to landfill by 2030			
Metropolitan waste targets				
	% diversion household bin system	% diversion all MSW	% diversion C&I	% diversion C&D
2023	60%	65%	85%	90%
2025	70%	75%	90%	95%
Non-metropolitan waste targets (all source streams)				
2020	Maximise diversion to the extent practically and economically achievable			
2023	Regional Waste Management Plans are in place for all South Australian regional local government areas and/or regional city clusters and set regionally appropriate and progressive waste diversion targets			

The *SA Waste Strategy* identifies actions to assist SA to reach these targets and contribute to the development of a circular economy – so that we can realise the best or full value from products and materials produced, consumed, and recovered in the state. This review will consider policy measures to support the Waste Strategy and achieve each of the identified targets.

South Australia's Food Waste Strategy

Food waste is a growing problem in Australia, and around the world. While many people experience food insecurity and hunger, edible food is being discarded to landfill. Food waste also impacts our natural resources and when in landfills, produces methane, a potent greenhouse gas (28 times more potent than carbon dioxide).

The Food Waste Strategy, [Valuing Our Food Waste: South Australia's strategy to reduce and divert household and business food waste \(2020–2025\)](#), sets out the policy measures and behavioural change actions and support for industry to address the estimated 230,000 tonnes of food waste sent to landfill each year in SA and contribute to national and global targets to reduce food waste. This review will consider how these policy measures and actions can be enabled through regulation and programs, to help tackle food waste in the state.

South Australian Government Climate Change Action Plan 2021–2025

The *Climate Change Action Plan 2021–2025* sets out key objectives and government-led actions to reduce greenhouse gas emissions in SA by more than 50% from 2005 levels by 2030 and achieve net zero emissions by 2050. One of these key objectives is to develop a more circular economy (Department for Environment and Water [DEW], 2020).

5 Legislative framework

5.1 Environment Protection Act 1993

The EP Act provides the regulatory framework to protect SA's environment, including protection from pollution and waste. The [Objects of the Act](#) sets out the underlying purpose of the legislation, which includes:

- promoting the principles of ecologically sustainable development
- ensuring that all reasonable and practicable measures are taken to protect, restore and enhance the quality of the environment having regard to the principles of ecologically sustainable development and the need for climate change adaptation and climate change mitigation
- ensuring that, as far as is reasonably practicable, measures are taken to prevent, reduce, minimise and, where practicable, eliminate harm to the environment:
 - by programs to encourage and assist action by industry, public authorities and the community aimed at pollution prevention, clean production and technologies, climate change adaptation, climate change mitigation and resource recovery
 - by programs to encourage and assist industry, public authorities and the community to apply the waste management hierarchy
 - by regulating, in an integrated, systematic, and cost-effective manner:
 - activities, products, substances and services that, through pollution or production of waste, cause environmental harm
 - the generation, storage, handling, treatment, transfer, transportation, receipt or disposal of waste and other pollutants.
- ensuring that, as far as is reasonably practicable, measures are taken to promote the circulation of materials through the waste management process and to support a strong market for recovered resources:
 - by programs to encourage and assist industry, public authorities and the community to engage in resource recovery
 - by regulating resource recovery; and
 - by regulating the handling, storage, treatment, transfer, transportation, receipt, or disposal of waste or other matter.
- co-ordinating activities, policies, and programmes necessary to prevent, reduce, minimise or eliminate environmental harm, address climate change adaptation and climate change mitigation and ensure effective environmental protection, restoration and enhancement
- applying a precautionary approach to the assessment of risk of environmental harm and climate change and ensure that all aspects of environmental quality affected by pollution and waste (including ecosystem sustainability and valued environmental attributes) are considered in decisions relating to the environment
- requiring persons engaged in polluting activities to progressively make environmental improvements (including reduction of pollution and waste at source) as such improvements become practicable through technological and economic developments.

5.2 Environment Protection (Waste to Resources) Policy 2010

The W2R EPP, which commenced in 2010, provides the regulatory underpinning for SA's waste management objective, such as those outlined in the SA Waste Strategy, and promotes resource recovery and good waste management. In particular, the W2R EPP:

- requires the EPA to consider the waste management objective in its decision making
- defines when material ceases to be waste
- provides for improved regulation of illegal dumping and inappropriate stockpiling
- prescribes resource recovery processing requirements for most metropolitan Adelaide waste
- prescribes waste which are banned from disposal to landfill (such as e-waste)
- requires persons to comply with specified requirements and guidelines when handling and disposing of waste, including listed waste and medical waste
- requires the EPA to take into account specified guidelines when assessing environmental authorisations and development applications for waste depots.

6 Review objective

The objective of this review is to support a circular economy in SA, through a contemporary and effective regulatory framework that:

- 1 contributes to the reduction in the rate of climate change by limiting, reducing, or preventing greenhouse gas emissions through:
 - reducing consumption of natural resources
 - reducing the generation of waste
 - informing the consideration of greenhouse gas emissions in regulatory decisions relating to waste and resource recovery.
- 2 promotes the safe and appropriate circulation of materials through the waste and resource recovery process
- 3 practically applies the waste management hierarchy to facilitate the highest value circular reuse, repair and recycling of materials by industry, public authorities and the community
- 4 supports a strong market for recovered resources.

7 Key policy review areas

Key area 1: Supporting the transition to a more circular economy

SA is transitioning to a circular economy in order to improve and sustain our environment, increase our wellbeing, and grow our economic prosperity in a sustainable way. We need to replace the unsustainable ‘take–make–waste’ linear economy with circular, restorative approaches where waste is minimised.

The three key principles of a circular economy are:

- 1 Reduce – design out waste and pollution.
- 2 Preserve – keep products and materials in use and at their highest possible value.
- 3 Regenerate – regenerate natural systems and natural capital.

Reduce

Adopting more circular solutions requires us to move beyond resource recovery and recycling and place an emphasis on waste prevention. We need to prolong the lifespan of products by designing products to be long lasting and repairable, allowing for easy maintenance, upgrades, and reuse. The goal is to extend the lifespan of products and minimise the need for constant replacements. The focus is on reducing waste generation at the source rather than relying solely on end-of-life solutions. It is also at this point these environmental pollutants, such as forever chemicals, can be designed out of products so that these are prevented from entering the economy.

Preserve

Products also need to be designed so that they can be easily disassembled, in order for materials and components to be recovered and recycled or repurposed into new products or materials. This helps to reduce the demand for new raw materials and reduces the amount of waste going to landfill.

In addition to keeping products and materials in use longer, in a circular economy these recovered materials are to be used at their highest possible value. An example of highest value reuse would be a glass bottle being recovered and becoming another glass bottle. A lower order, or lower value reuse would be for this glass bottle to be crushed and reused in road base.

The term ‘highest value’, sometimes used interchangeably with ‘highest order’, is relative to the waste management hierarchy and applies the second principle of a circular economy, being to keep products and materials in use, either as the original intended product, or second to that as components or raw materials for new products. It relates to material resource efficiency but also the greenhouse gas emissions impact of the intended use or reuse of that product or material.

To ensure that the recovery of end-of-life products and materials is maximised, effective waste and resource collection systems and practices need to be in place, alongside efficient recovery, and recycling processes. In addition to maximising how much is collected, improvements in this area can also upgrade the quality of the recycled material that is produced.

Regenerate

Circular economies help regenerate natural systems through establishing more sustainable practices. This includes reducing demand on new raw materials, putting organics back into soils rather than in landfill, and reducing greenhouse gas emissions to mitigate climate change.

7.1 Broadening the policy objective

The current objective of the W2R EPP – termed the ‘waste management objective’ – is “to achieve sustainable waste management by applying the waste management hierarchy consistently with the principles of ecologically sustainable development set out in section 10 of the Act” (clause 7).

Circular economy

Since the W2R EPP commenced in 2010, the EP Act has been amended to add an Object to ensure that measures are taken “to promote the circulation of materials through the waste management process and to support a strong market for recovered resources”².

The waste management objective of the EPP needs to be broadened in order to address this new Object of the Act and effectively capture and support circular economy activities.

Looking to the [Green Industries SA Act 2004](#), in which the principles of the circular economy are defined, it states that:

the principle of the circular economy is a reference to an economic model that contemplates the production of goods and services:

- i by a reduced reliance on virgin materials; and
- ii on the basis of continuously functioning utility and an extended lifecycle; and
- iii in a manner that eliminates, as far as is reasonably practicable, waste or pollution, or harm to the environment.

Climate change mitigation

In 2023 the Parliament of South Australia again amended the Objects of the EP Act to add climate change mitigation and adaptation, clarifying the EPA’s role in addressing climate change (Parliament of South Australia, 2023). The South Australian Government’s [Climate Change Actions](#) document sets out the actions being taken by government to tackle climate change and identifies the EPA’s role in this. The EPA is the lead Agency for Action 2.1 Deliver a stronger regulatory framework to reduce waste and encourage greater reuse of materials to support a circular economy (DEW, 2022).

Greenhouse gases (GHG) can be emitted through all stages of a product’s production as well as its end-of-life. The embodied carbon of a product is halted if its lifespan is extended through product design that extends durability, and through other waste prevention activities such as reuse, reselling, refurbishing, and repairing. Once a product enters end-of-life management process – waste collection, recovery, and recycling – additional GHG emissions are generated to collect, sort, recycle and remanufacture the feedstock into new products. Additionally, once waste is deposited in landfill, further GHG can be produced.

While a key benefit of a circular economy is the resulting reduction in GHG emissions, there can be circumstances where carbon benefits may not be achieved. An example of this is where the GHG emissions generated by transporting recovered resources long distances to a materials recovery facility (MRF) outweigh the carbon benefits of keeping these resources out of landfill. Factoring climate change mitigation into EPA regulatory decision-making on waste and resource recovery matters will help achieve optimal outcomes for the environment.

² *Environment Protection Act 1993*, section 10(1)(b)(iaa)

Policy options being considered

Circular economy objective

To reflect the evolution away from the traditional take-make-dispose approach of a linear economy, towards a focus on waste prevention and 'material management', it is proposed that the objective of the EPP be broadened to include a circular economy objective and incorporate circular economy principles. The objective and principles will underpin the activities required to facilitate the continued circularity of materials in the economy such as:

- preventing environmental harm and protecting human health by designing out waste and pollution
- reducing the use of, and dependence on, raw (virgin) materials
- avoiding waste generation by practically applying a waste management hierarchy
- keeping resources in use and circulating by addressing resource inefficiency, e.g., improving resource recovery through activities such as separation of wastes at the source of generation, and requiring recovered materials to be used for their highest value reuse
- regenerating natural systems through ecologically sustainable practices.

These concepts and related supporting measures are expanded on in later sections.

Climate change mitigation objective

It is proposed that the EPP objective also be broadened to include a climate change mitigation objective³. This will ensure that climate change is factored into EPA regulatory decision-making on matters relevant to this amended EPP, alongside the waste management objective and circular economy objective.

It should be noted that the existing provisions under clause 7(2) of the W2R EPP that set out other principles to achieve the objective of the EPP (e.g., promoting best practice and accountable waste management, effective reporting systems, and promoting environmental responsibility and involvement in waste avoidance, waste minimisation and waste management) are consistent with the proposals above and can be retained.

QUESTIONS

7.1 Broadening the policy objective

- 1 Do you agree that 'circular economy' should be an objective of the W2R EPP? If not, please explain your reasons.
- 2 Do you agree that 'climate change mitigation' (i.e., limiting, reducing, or preventing greenhouse gas emissions) should be an objective of the W2R EPP? If not, please explain your reasons.
- 3 Are there other objectives for this W2R EPP that should be considered?

³ Climate change mitigation means limiting, reducing, or preventing greenhouse gas emissions.

7.2 Expanding the waste management hierarchy

Current South Australian legislation references the waste management hierarchy which is a widely recognised framework that establishes a preferential order of waste management options to reduce and manage waste. The activities at the top of the hierarchy have the highest environmental benefit.

In SA, the EP Act defines the ‘waste management hierarchy’ as:

... a reference to an order of priority for the management of waste in which:

- a avoidance of the production of waste; and
- b minimisation of the production of waste; and
- c reuse of waste; and
- d recycling of waste; and
- e recovery of energy and other resources from waste; and
- f treatment of waste to reduce potentially degrading impacts; and
- g disposal of waste in an environmentally sound manner,

are pursued in order with, first, avoidance of the production of waste, and second, to the extent that avoidance is not reasonably practicable, minimisation of the production of waste, and third, to the extent that minimisation is not reasonably practicable, reuse of waste, and so on⁴.

This is depicted in Figure 3.

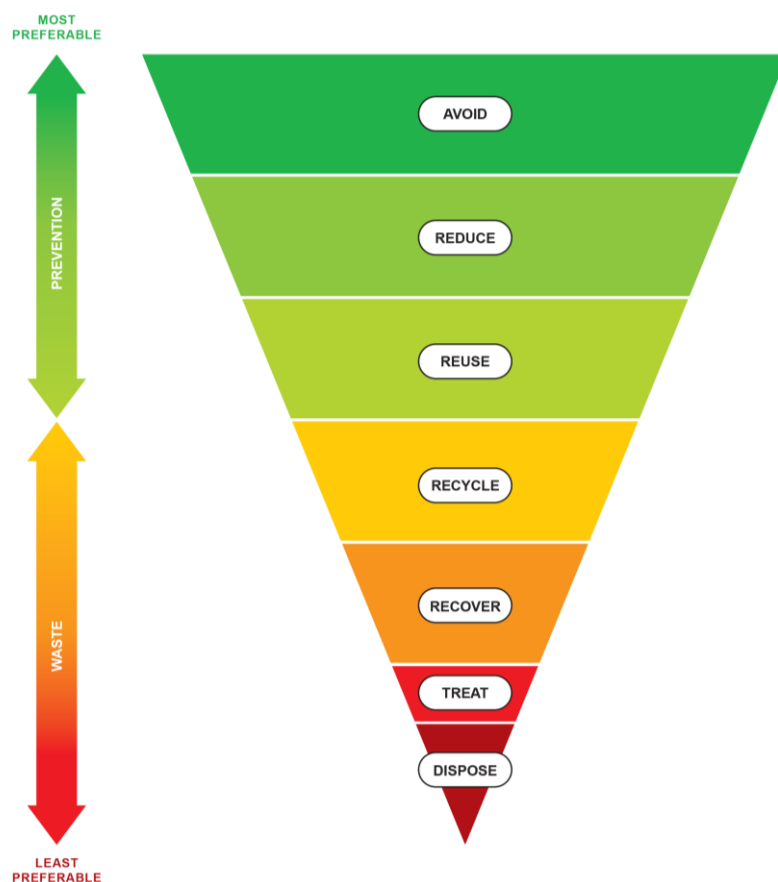


Figure 3 SA waste management hierarchy

⁴ *Environment Protection Act 1993*, section 4B

The top three levels of the waste management hierarchy – avoid, minimise (or reduce) and reuse – are considered as waste prevention activities which are any deliberate actions taken that keep an item, component or material in use and stop it from entering a waste management facility or system.

These activities are distinct from the activities of recycling or resource recovery, that divert waste from landfill after the items have entered a waste management process, by returning them back to the economy for further use. The W2R EPP focuses mainly on the management of wastes and the recovery of resources, which are lower order activities in the hierarchy.

By contrast, a circular economy hierarchy (also represented as the 10R's) is a concept that goes beyond waste management, emphasising sustainable resource management and the circular flow of materials. It expands on the traditional waste management hierarchy by placing more focus on waste avoidance activities, reducing the need for consumption in the first place, and keeping materials in circulation for as long as possible before needing to recycle or dispose them. The circular economy hierarchy takes a more holistic approach and acts to embed circular concepts across the economy.

Below is an example of how the activities or tiers of the waste hierarchy can be expanded to incorporate circular economy principles and activities (Figure 4).

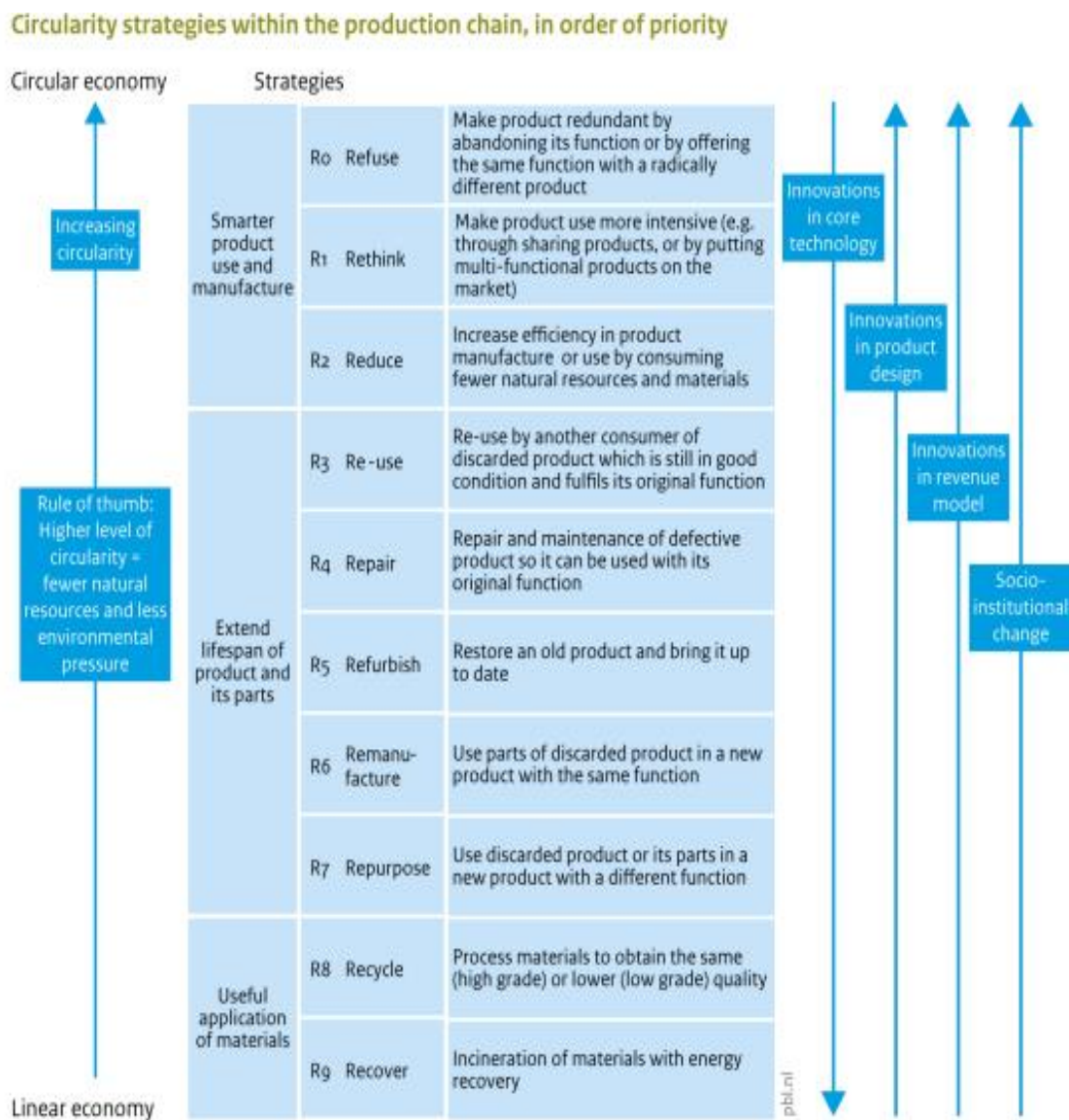


Figure 4 Circularity strategies within the production chain, in order of priority (source: PBL Netherlands Environmental Assessment Agency, 2017)

Work has already taken place in Australia to expand on the traditional waste hierarchy to add a range of waste prevention activities. Figure 5 is one such example. This expanded hierarchy gives greater prominence to waste prevention activities, and also distinguishes more clearly between them.

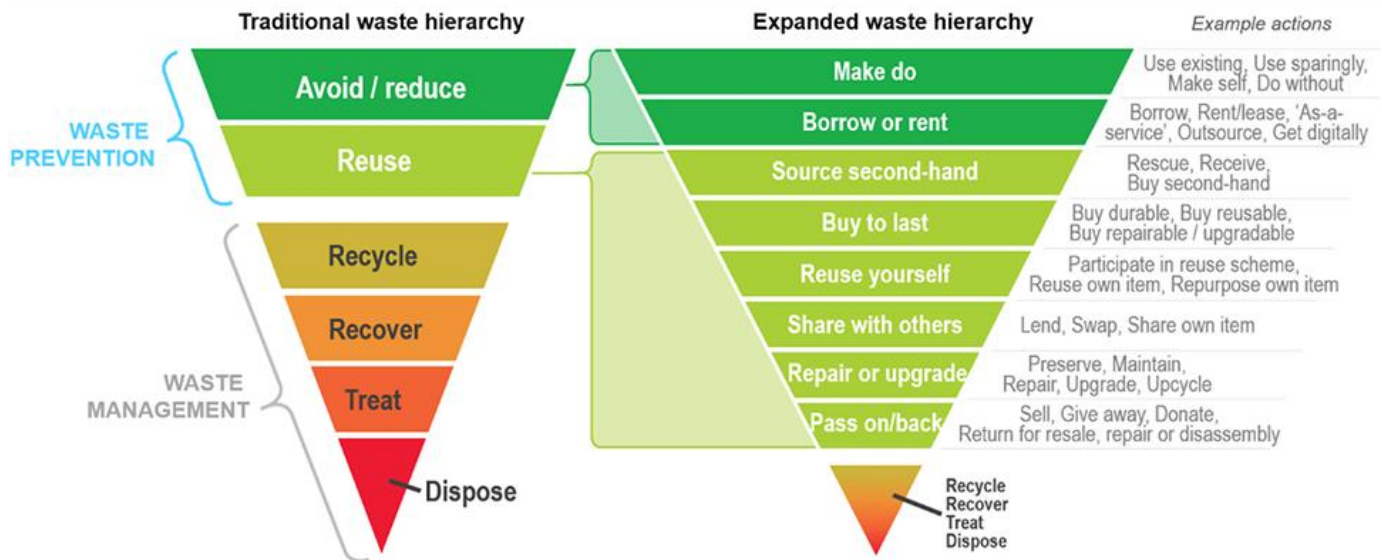


Figure 5 Expanding the waste hierarchy (source: DCCEEW, 2022b.)

Another expanded version of the traditional waste hierarchy has been developed by Charitable Recycling Australia (see Figure 6). This Resource and Waste Hierarchy reinforces the differences between waste and resources and highlights the priority of the 'Use' phases before 'Waste' phases. It also includes descriptions to clarify understanding and to encourage implementation of highest and best use.

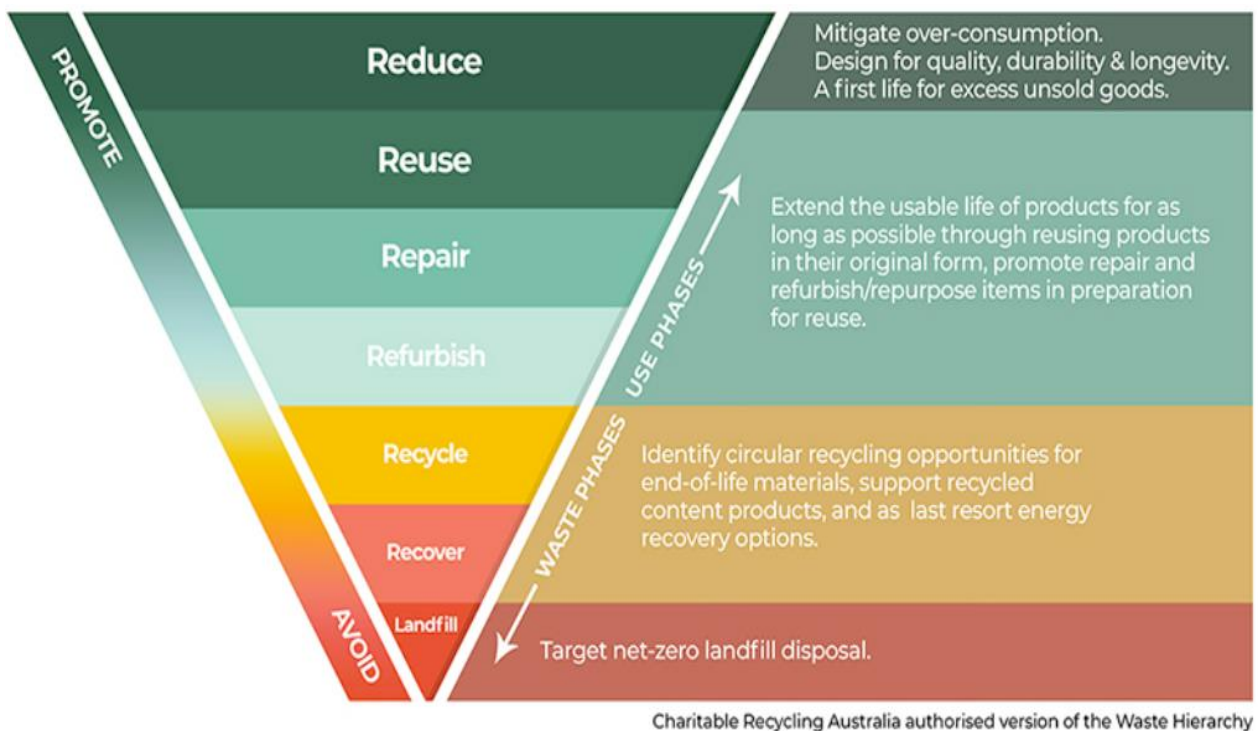


Figure 6 Charitable Recycling Australia's Resource & Waste Hierarchy – highest and best use (source: Charitable Recycling Australia website, 2024)

Policy options being considered

In order to ensure better alignment between the waste management hierarchy and circular economy principles, consideration is being given to expanding on the current waste management hierarchy and providing additional guidance on how the hierarchy is to be applied in a practical way. Through this we will be able to drive better material flow, enhance circularity and improve environmental outcomes.

An expanded waste hierarchy would have broader application and assist in prioritising waste prevention activities over waste and resource recovery activities.

The waste hierarchy could be revised to distinguish between reuse and high-value recycling (i.e., activities that keep items or materials in use for as long as possible) from low-value reprocessing, referred to as 'downcycling', such as recyclable materials processed into a lower value form such as glass into road base.

Given that disposal is minimised in a circular economy, the waste hierarchy could also be revised to distinguish between activities that are circular (i.e., keeping items or materials in use) from activities that are non-circular (i.e., end-of-life activities such as energy recovery through incineration of waste, once off use activities such as operational use of recovered materials within a waste facility or landfill, treatment prior to disposal, and disposal to landfill).

Table 2 below sets out the activities and outcomes sought relevant to each tier of a proposed expanded hierarchy, to better define the hierarchy and give it more practical application.

QUESTIONS

7.2 Expanding the waste management hierarchy

- 1 Do you have any comments on the proposed expanded SA waste management hierarchy set out in Table 2 and depicted at Figure 7 (below)?

Table 2 Proposed expanded SA waste management hierarchy

Circular economy principle	Waste management hierarchy tier	Actions/outcomes sought
ACTIVITIES THAT PREVENT OR REDUCE WASTE GENERATION		
Source prevention of waste/more resource efficient product design, manufacture and use		
Eliminate waste and pollution	AVOID Avoidance of the production of waste	<p>Refuse: avoid over-consumption of products; make product use more intensive; use existing; use sparingly; do without; make it yourself</p> <p>Redesign: design products to need fewer material inputs and fewer material types; to eliminate problematic or hazardous materials, inputs or components that cause environmental harm; to reduce packaging; to increase shelf life through improved food packaging and labelling</p> <p>Increase resource efficiency in production: consume fewer raw natural resources and materials and reduce waste in product manufacture; avoid food waste; repurpose food scraps without processing for animal feed, repurpose food scraps into other products</p> <p>Avoid surplus food and goods: reduce the volume of surplus food generated; donate edible surplus food to food redistribution charities; ensure a first life for excess unsold goods</p>
	Extend lifespan of products and its parts/keeping items in use/retain value and function	
Keep products in use for as long as possible	REDUCE Minimisation of the production of waste	<p>Redesign: design for quality, durability and longevity; design for service; design for product reuse and repair</p> <p>Borrow or rent: borrow; rent/lease; 'product as a service'; outsource; get digitally</p> <p>Buy to last: buy durable, reusable, repairable, upgradable</p>
	REUSE Reuse of waste	<p>Reuse yourself: participate in reuse scheme; reuse own item, repurpose own item, repair own item</p> <p>Reuse by another/share with others: reuse by another consumer of discarded product to fulfil its original function, eg rescue, receive, source, buy second hand; lend, borrow, swap, share own item; sell, give away, donate; return for resale, repair or disassembly</p> <p>Repair: repair and maintenance of defective product so it can be used for its original function</p> <p>Refurbish or upgrade: restore an old product to bring it up to date, preserve, upcycle</p> <p>Re-manufacture: Use parts of discarded product into a new product with the same function</p>

ACTIVITIES THAT DIVERT WASTE FROM LANDFILL AFTER ITEMS HAVE ENTERED THE WASTE MANAGEMENT PROCESS

Keeping materials in use/beneficial application of recovered materials to regenerate natural systems

<p>Keep materials in use and at their highest value</p>	<p>RECYCLE Recycling of waste</p>	<p>Redesign: design products for material recovery</p> <p>Support markets for recycled products and recovered materials: produce, sell or buy products that are recyclable; sell, buy and use recycled content products; identify circular recycling opportunities for use of end-of-life products or materials, at their highest value</p> <p>Recover: recover clean end-of-life recyclable material streams through source segregation and separate collections</p> <p>Repurpose: use discarded products or its parts in a new product with a different function, at their highest value</p> <p>Reprocess: reprocess recyclable materials for use as a secondary raw material for new products, at their highest value</p>
<p>Keep materials in use</p>	<p>DOWNCYCLE Downcycling</p>	<p>Downcycle: reprocessing of recyclable materials into a lower value form such as glass into road base</p>
<p>Regenerate natural systems</p>	<p>RECOVER Recovery of energy and other resources from waste</p>	<p>Energy recovery from resource recovery: anaerobic digestion of recovered organic matter to generate biogas with residual digestate for beneficial use in application to land</p>

ACTIVITIES THAT ARE NON-CIRCULAR

<p>Non-circular</p>	<p>RECOVER Recovery of energy and other resources from waste</p>	<p>One-off use: one-off use, such as operational use of recovered materials within a waste facility or landfill</p> <p>Energy recovery from waste disposal: for example incineration (including refuse derived fuel); pyrolysis; gasification; landfill gas capture; anaerobic digestion to generate biogas with residual waste disposed to landfill; bioreactor landfill that produces biogas for electricity generation with digestate remaining in landfill cell</p>
	<p>TREAT Treatment of waste to reduce potentially degrading impacts</p>	<p>Treat: treatment of waste to reduce potentially degrading impacts</p> <p>Use of contaminated materials: recovery and use of materials classified as contaminated for operational reuse within an engineered landfill cell (such as intermediate waste soils as cover)</p>
	<p>DISPOSE Disposal of waste in an environmentally sound manner</p>	<p>Dispose: Disposal of waste in an environmentally sound manner</p>

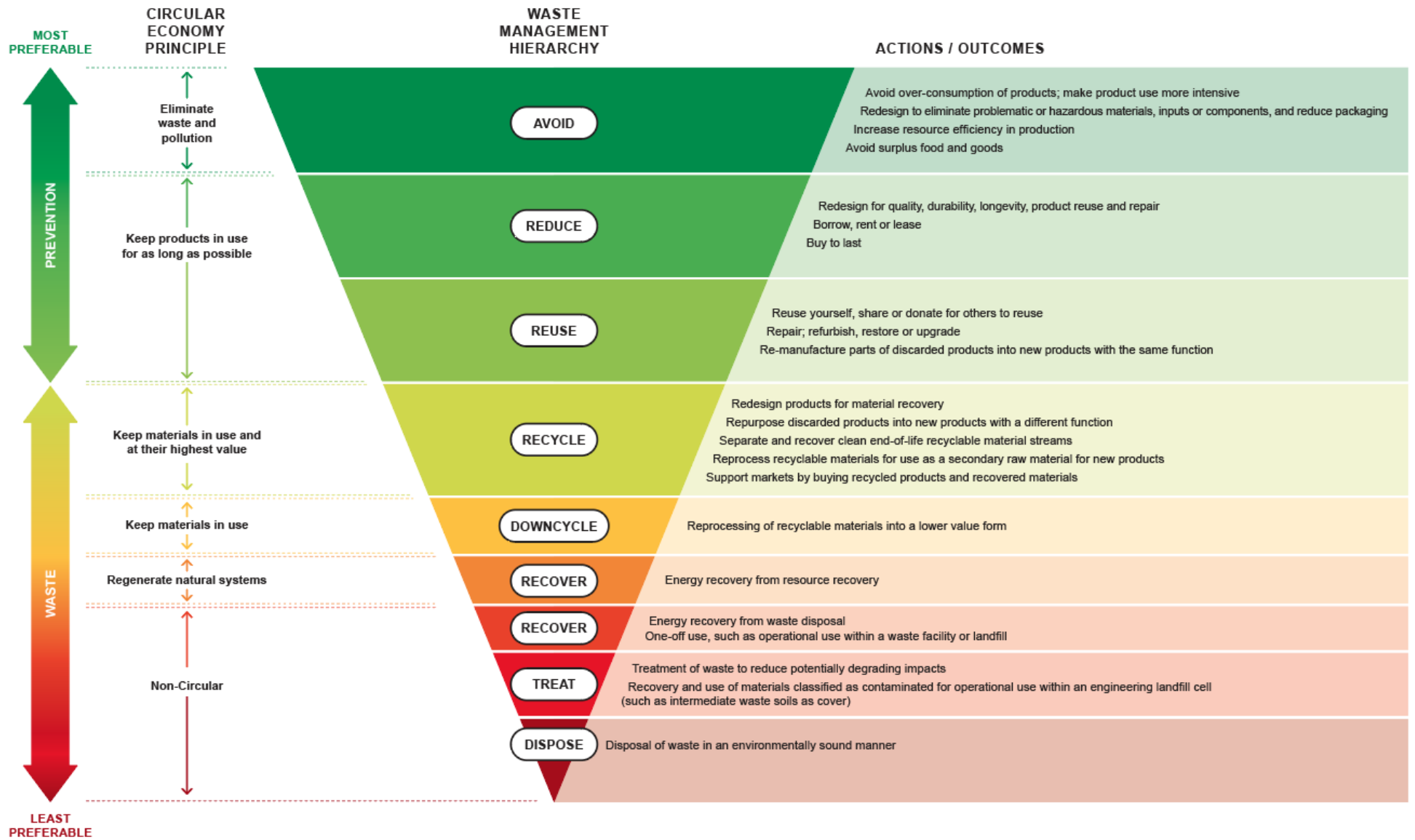


Figure 7 Proposed expanded SA waste management hierarchy

7.3 Managing resources to preserve value

A circular economy seeks to create a closed loop system where resources are kept in use for as long as possible, with their value preserved and waste minimised. In a closed loop, used products come back to the manufacturer and components or materials are used again to produce new products of the same type.

Applying circular economy principles includes recognising that there are various forms of resource recovery, some of which keep resources in use for longer than others and represent a higher value reuse.

For example, in its pure form glass is infinitely recyclable. Glass recycled into further glass products (such as glass bottles recycled into more glass bottles) represents a closed loop of recycling. This is the highest value recycling for glass and is the most preferable in a circular economy.

Glass which is crushed and incorporated into another product such as road base, is considered downcycling. While the road base maybe be recovered and reused again, the glass is no longer recoverable and infinitely recyclable as in closed loop recycling. This hierarchy of recovery is demonstrated in Figure 8.

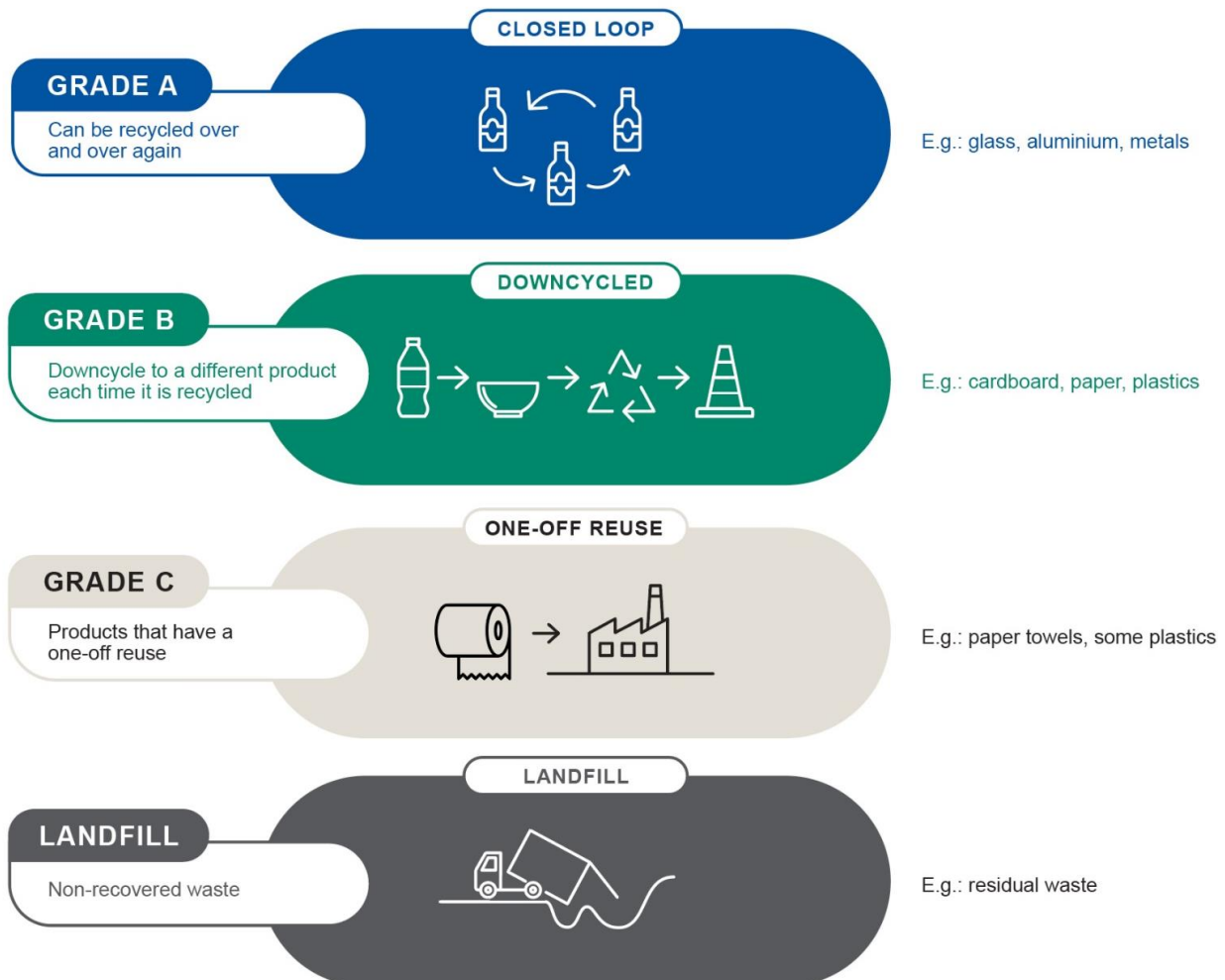


Figure 8 Material grades and flows

The lowest value form of recycling is reprocessing waste or resources into material with only a one-off use, such as when resources are manufactured into fuel for energy production (i.e. refuse derived fuel). In this example, once the fuel is used, the material no longer exists in that form.

Another example is when materials are used on site at landfill depots, such as organics derived from residual municipal solid waste (MSW) for landfill capping. When materials are used operationally, they typically become non-recovered waste (see Fig 8) because they never leave the landfill site and no longer circulate

within the economy. There is a high risk of these options effectively becoming a convenient form of disposal while avoiding the waste levy. This ultimately undermines upstream source segregation and higher value resource recovery. The existing waste management hierarchy reflects this approach in that it places 'reuse of waste' above 'recycling of waste', and 'recycling of waste' above 'recovery of energy and other resources from waste'. However, there is opportunity to provide further detail in the EPP to support clear and consistent regulatory application of these principles across the full waste management process.

For example, source segregation is an important prerequisite to supporting effective closed loop recycling, but application of the existing waste management hierarchy ([section 7.2](#)) on its own might not offer sufficient grounds to require source segregation of waste by licensees, or as a prerequisite to approving a resource recovery proposal.

Currently, it is common for resources to be recovered but not used for their highest value reuse. Products are often made of different combinations of material types, and as waste becomes more mixed in nature, the costs of processing the waste to separate out valuable resources increase. This can result in a preference for downcycling which is a process of converting materials into new materials of lesser quality and reduced functionality.

Where further resources are able to be recovered from residual waste and downcycled into products with a legitimate use (preventing landfilling and saving virgin materials which may otherwise be used), this is a positive outcome. However, this should not be performed in preference to source segregation and processing which could result in a higher value reuse. For example, manufacturing mixed glass cullet with no other reuse option into road base is a positive outcome, but not if the practice undermines incentives to source separate glass to recycle back into glass products.

Similarly, once materials have been aggregated for recycling, they should be reused for their most beneficial purpose. There is a risk of materials aggregated for recycling being blended with other waste to dilute contaminants and produce useable low-grade materials, particularly within landfills. For example, in relation to organics, the [SA Waste Strategy 2020-2025](#) identifies a priority action to "restrict use for operational purposes at landfills, organic materials that have been aggregated for recycling" (p.31). This reflects the need to ensure that these recovered materials are used at their highest value, which is to be composted and returned to soil.

Why action is needed

By embedding new circular economy concepts into the EPP, alongside an expanded waste management hierarchy, we can support the ambition of keeping resources in use for as long as possible and preserving their value. This will provide clarity and certainty to businesses about what is required to support achieving the best circular outcomes possible in each situation. It will also enable the EPA to make regulatory decisions which better support the highest value reuse of materials, preventing avoidable downcycling and one-off recovery of resources, and thereby supporting a more circular economy.

Policy options being considered

Consideration is being given to incorporating new concepts into the EPP to give practical effect to circular economy principles in EPA regulatory decision-making, such as:

Highest value reuse

The term 'highest value', (sometimes used interchangeably with 'highest order'), is relative to the waste management hierarchy and applies the second principle of a circular economy – to keep products and materials in use, either as the original intended product, or second to that as components or raw materials for

new products. It relates to material resource efficiency but also the greenhouse gas emissions impact of the intended use or reuse of that product or material.

As outlined above, there are various forms of reuse and recycling, some of which keep resources in use for longer than others. The revised EPP could be amended to reflect this and prescribe an intention for regulatory decisions to support the 'highest value reuse' for materials.

This could enable the EPA to reject proposals where there are other more preferable higher value options available for those materials.

Beneficial use or reuse

Currently the W2R EPP focuses on minimising the risk of environmental harm from a proposed reuse. This is particularly relevant in the application of low-grade waste derived materials to land. However, this may mean that it is only necessary to demonstrate that the material is inert. One way to improve assessment of potential reuse may be to consider whether it has benefit. For example, whether the material is in fact a beneficial growing medium for plants as opposed to a material which is simply inert, if that is the intended use.

In this context, 'beneficial use' or 'beneficial reuse' relates to the outcome being a net environmental benefit, i.e., contributing to environmental sustainability and resource efficiency. It aligns with the circular economy principles of reducing waste and pollution, keeping resources and materials in use and at their highest possible value, and regenerating natural systems and natural capital. It does not refer to economic or financial benefits.

Prevent dilution

There are instances where source separated recovered materials or virgin materials (particularly soil) are blended with mixed wastes in order to dilute contaminants and produce a useable low-grade material.

Section 3.6 of the [Standard for the production and use of Waste Derived Fill](#) (WDF Standard) states that 'dilution is not a suitable waste management approach and is not supported by the EPA'. However, this concept is not currently prescribed more broadly.

The EPP could be amended to clearly prescribe that dilution of contaminants in order to avoid regulatory controls or legislated requirements is not an accepted waste management approach.

Source separation

The EPP could be amended to support the concept of source separation. This would oblige the EPA to require that low-value reuse proposals (such as the manufacture of fuels for energy from waste production) must only use waste that has already been subject to source separation.

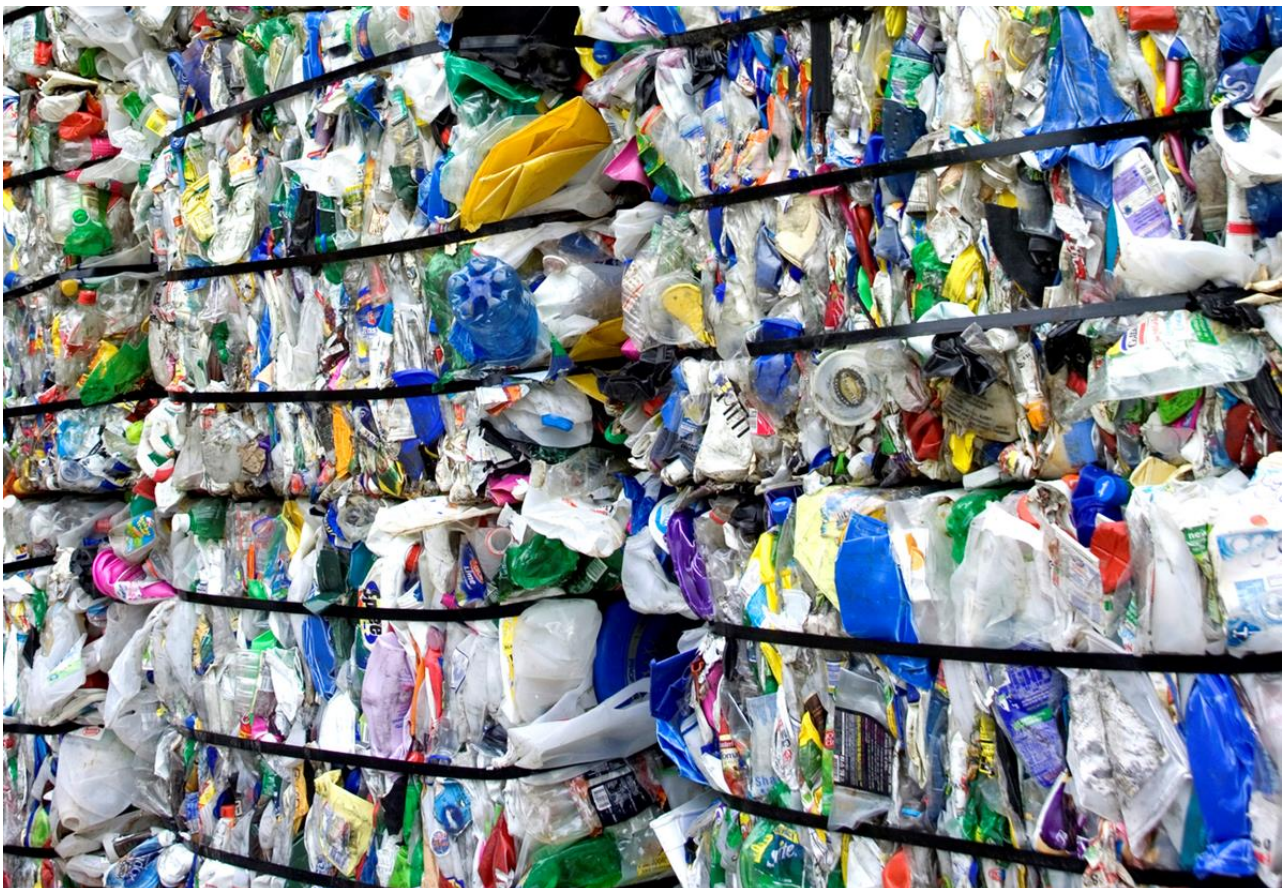
Treatment for resource recovery

Treatment for resource recovery is not a new concept, as the W2R EPP already requires that waste or other matter produced in specified areas be subject to treatment for resource recovery prior to disposal to landfill (clause 11). However, the EPP could be amended to require that low-value reuse proposals (such as the manufacture of fuels from waste for energy production) must only use waste that has already been subject to treatment for resource recovery. This requirement is consistent with current EPA decision-making practices and the [EPA Thermal energy from waste \(EFW\) activities position statement](#), but its inclusion would provide additional clarity.

QUESTIONS

7.3 Managing resources to preserve value

- 1 If the concept of highest value use or reuse is defined and incorporated into the EPP to inform decision making, how general or prescriptive should it be, and why? Please explain your reasons.
 - a Should a reuse proposal be rejected if there is a higher value reuse option available for that material?
 - b What mechanisms should be considered when thinking of maximising higher value reuse of materials?
 - c How can SA businesses and organisations (e.g., waste food generators and organic processors) contribute to higher value reuse of materials like organics? Should specific regulations or incentives (e.g., waste levy) be mandated to encourage their higher value reuse?
- 2 Do you agree that proposals to reuse waste derived materials should be required to demonstrate that it is a beneficial and genuine reuse, in addition to not posing a risk of environmental harm or undermining resource recovery markets? Please explain your reasons.
- 3 If dilution of waste with other materials (source separated recovered materials or virgin materials) is prohibited, are there any situations where diluting waste with other materials should be acceptable, and what are these?
- 4 If source separation of waste is incorporated into the EPP as a requirement, who should this requirement apply to? Please explain your reasons.
- 5 What additional concepts could be introduced to support the practical application of circular economy principles?



7.4 Defining waste

How we define waste is pivotal for a number of reasons. Waste needs to be dealt with in certain ways and can pose a risk to both the environment and human health if not managed or disposed of correctly. Making sure that our regulatory regime effectively addresses these matters is a goal of the EPP update. Further to this, as we progress in our transition to a circular economy and aim to keep products and materials in circulation as long as possible through reuse, repair, and recycling, we need to also define the point at which recovered materials within the waste management process are no longer waste, but can be safely reused for beneficial purposes, become a valuable product, or become feedstock material for a new product.

Getting this definition right has implications for the state ambition to become a more circular economy, supporting resource recovery, providing regulatory certainty to support investment, encouraging innovation, and ensuring a consistent and level playing field for industry. It also has implications for waste being treated through the waste management process and the waste management hierarchy and determines when and what the solid waste levy applies to.

Current definitions of waste

Waste is defined in section 4 of the EP Act as:

... any discarded, dumped, rejected, abandoned, unwanted or surplus matter, whether or not intended for sale or for purification or resource recovery by a separate operation from that which produced the matter, whether or not of value.

Pursuant to section 4 of the EP Act, the definition of waste may be extended or limited by regulation or environment protection policy. As such, clause 4(1) of the W2R EPP declares that certain material is not 'waste' if:

- a it constitutes a material that meets specifications or standards published, or approved in writing, by the Authority; or
- b in the absence of such a specification or standard, it constitutes a material that is ready and intended for imminent use without the need for further treatment to prevent any environmental harm that might result from such use.

Clause 4(1)(a) of the W2R EPP provides that material ceases to be 'waste' if it meets the requirements of an approved specification or standard which play a critical role in managing potential risks of environmental harm or harm to human health from reuse of waste. In the absence of a relevant standard, material may cease to be waste by virtue of clause 4(1)(b) based on market acceptance and environmental suitability.

Given the changing nature of waste management and resource recovery in SA, and with standards and specifications in place since the W2R EPP commenced in 2010 (e.g., *Standard for the production and use of Waste Derived Fill*), it is timely to review clause 4 and particularly the assessment criteria under clause 4(1)(b) to provide greater certainty regarding the definition of waste and to support circular economy principles.

The assessment of new resource recovery proposals, such as those requiring a new approved standard or specification under clause 4, is increasingly complex and resource intensive for the EPA, with other waste and resource recovery activities potentially cross subsidising the more complex aspects of new resource recovery proposals. Adequate resourcing of this function for the EPA is critical to ensuring effective implementation of the W2R EPP, and any future Circular Economy EPP, in support of SA shifting towards a more circular economy, and in supporting the resource recovery industry in providing timely assessment of new and innovative resource recovery proposals.

Why action is needed

Action is needed to ensure effective application of a risk-based approach to regulating waste, where potential risks to environment and human health are appropriately managed, while also ensuring that the reuse of low-risk waste-derived materials is not hampered by unnecessary regulation.

Policy options being considered

The EPA is looking to establish a risk-based approach to waste regulation where higher risk waste types are regulated and required to meet a standard or specification and the lowest risk waste types are not regulated. Consideration is also being given to whether a cost-recovery model should be adopted by the EPA for the assessment of new resource recovery proposals such as those requiring a new standard or specification under clause 4, to ensure that this important and complex function is adequately resourced.

QUESTIONS

7.4 Defining waste

- 1 Should waste only cease to be waste if it complies with an approved EPA standard or specification? If so, what would be the benefits and costs of this approach? If not, why?
- 2 What waste-derived materials are currently in use which do not have an approved EPA standard or specification under clause 4(1)(a) of the W2R EPP?
- 3 Which wastes or waste materials containing harmful chemicals or contaminants are high risk and should be captured by regulation?
- 4 What principles, or combination of principles, should be used in determining whether material is waste (aside from when it meets an approved EPA standard or specification)?
For example,
 - it is being reused for a purpose consistent with the product or material's original intended purpose
 - it is intended for imminent use for beneficial purposes
 - it has genuine market value
 - there is no potential for environmental harm
 - there is no potential for harm to human health

Please explain your reasons.

- a How should 'genuine market value' be defined or determined?
- b How should 'beneficial use or reuse' be defined or determined?
- 5 What materials would benefit from greater clarification regarding the status of 'waste'?
- 6 Should the EPA adopt a cost-recovery model for the assessment of new resource recovery proposals?
Please explain your reasons.
 - a Are there other cost recovery options which could be implemented?
 - b What barriers might need to be addressed when adopting a cost-recovery model for the assessment of new resource recovery proposals?

Key area 2: Avoiding waste generation

According to the South Australian *Circular Economy Resource Recovery Report 2022–23* (CERR Report), SA generated 5.16 Mt of waste during that year – an increase of 5.7% from 2021–22. This equates to 2,785 kg of waste generated per person, an increase of 4% since the previous year and an increase of 29% since 2003–04. While per capita resource recovery efforts have improved by 72% over this same period, we need to focus more effort on preventing waste from occurring in the first place (Green Industries SA, 2024).

The [National Waste Policy Action Plan 2019](#) has set a target to reduce total waste generated in Australia by 10% per person by 2030. The current [Waste Strategy 2020–2025](#) has a target to reduce per capita waste generation by 5% from a 2020 baseline. SA has consistently failed to meet the targets for reducing waste generation set in consecutive SA Waste Strategies⁵, having only achieved a 1.4% reduction in per capita waste generation between 2015 and 2020, falling short of the target of 5% reduction from a 2015 baseline. For the current target, we have achieved a reduction of just 0.5% between 2020 and 2023 (Green Industries SA, 2024).

Why action is needed

Avoiding or reducing waste generation is an objective in both state (EP Act) and Commonwealth legislation ([Recycling and Waste Reduction Act 2020](#)). However, current policies and practices tend to focus on end-of-life management rather than on avoidance of waste generation through prolonging the use of products in their intended form. While resource recovery and recycling are essential parts of a circular economy, we need to give preference to upstream interventions that assist with removing products from the end-of-life pathway. Strategies that extend the lifetime of products help preserve the economic value embedded in products and materials, slow down resource flows, and reduce waste and environmental impacts.

According to the European Commission (2024), up to 80% of a product's environmental impact is determined in the design phase. Ideally, all products, from fast-moving consumer goods to long-term assets, should be designed, accessed, and used in ways that eliminate waste and pollution.

Products need to be designed to maximise the lifespan of the product and for end-of-life management. Currently however, many products are designed for obsolescence rather than for repair, reuse, disassembling and recycling. Additionally, the use of composite or problematic material, including chemicals of concern, in product design limits recyclability and exacerbates the problem.

Packaging is another area that requires change. We need to eliminate unnecessary packaging and ensure that packaging is designed to be recovered, reused, recycled and reprocessed safely. Harmful chemicals and other contaminants in packaging need to be designed out.

The image below, (see Figure 9), was developed by RSA Great Recovery, a UK project that looked at the challenges of waste and the opportunities of a circular economy through the lens of design, recognising that good design plus consideration of the system as a whole, are pivotal in the transition to more circular systems (RSA, 2016a). They identified the different paths a product can take in order to be designed for circularity. This is expressed through the four models in the image, with the order of priority starting with the inner loop (design for longevity) and extending outwards to the fourth loop (design for material recovery).

⁵ GISA is responsible for developing SA-wide waste strategies every five years, with the first strategy released in 2011–15.



Figure 9 Four design models for circular economy (source: RSA 2016b)

The [National Waste Policy 2018](#) sets out five principles, the first being to ‘Avoid waste’, through the following:

- Prioritise waste avoidance, encourage efficient use, reuse, and repair, and
- Design products so waste is minimised, they are made to last and we can more easily recover materials.

The SA [Waste Strategy 2020–2025](#) sets out priority actions for waste avoidance including:

- Supporting reuse and repair for further waste avoidance, and
- Promoting design of products and components to increase reparability, durability, upgradability, and recyclability to design out waste.

Reuse and repair

Reuse and repair of products contributes to waste avoidance by extending the life of products and thereby increasing their utility. ‘Reuse’ refers to the reallocation of products or materials to a new owner or purpose without the need for reprocessing or remanufacturing (but may include repair, maintenance, or cleaning). Examples of these activities include the use of sharing platforms, donations to charities and repair hubs.

‘Reuse’ is a higher-level activity than ‘recycle’ on the waste management hierarchy. Policies that support the growing reuse and repair sector will reduce reliance on recycling, divert material from landfill, reduce greenhouse gas emissions, and encourage responsible consumer behaviours. Reuse and repair activities are more labour intensive than recycling or landfill activities and so prioritising reuse and repair activities over recycling and disposal has the added benefit of creating more jobs (Gaia, 2021; Raillard, 2021).

To ensure that products can be reused and repaired, they first need to be designed for durability and reparability. These requirements, among others, can be achieved through mandating product stewardship requirements in regulation.

7.5 Product stewardship requirements

Product stewardship is an approach to environmental protection that promotes a holistic and responsible approach to product management, aiming to minimise environmental impacts, conserve resources, and create a more sustainable and circular economy.

Australia's Product Stewardship Centre of Excellence (2021) explains product stewardship as:

... a concept and set of approaches based on the idea that those involved in designing, manufacturing and selling products should accept responsibility for ensuring they do not have adverse impacts on the health of humans and environments. This includes impacts across the lifecycle of the products, from the extraction of materials, the way products are used, and how they are managed at End of Life (EoL).

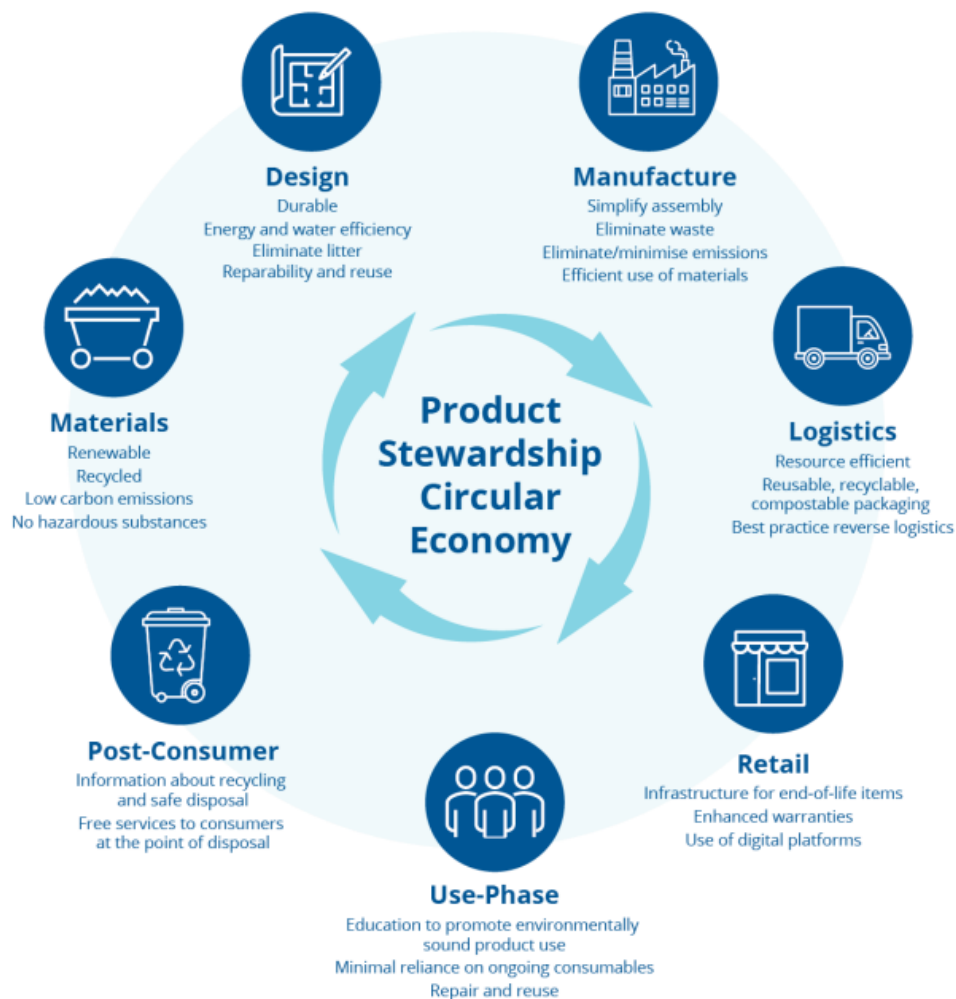


Figure 10 Product stewardship circular economy (source: DCCEEW, 2023b)

Examples of good product stewardship are when companies:

- design their products for easier recycling
- limit the harmful chemicals and other contaminants their products contain
- ensure systems are in place for source separation and collections of recyclable materials
- use more recycled materials and less resources to manufacture their products

Additionally, consumers should be made aware that there are recycling options for the products they use.

At the [Environment Ministers Meeting](#) (EMM) on 9 June 2023, Ministers agreed that:

... for the first time, Australia will mandate obligations for packaging design as part of a new packaging regulatory scheme based on international best practice and make industry responsible for the packaging they place on the market. This scheme will also regulate out harmful chemicals and other contaminants in packaging. To support food waste recycling Ministers agreed that a timeline will be set to remove contaminants from compostable food packaging (DCCEEW, 2023a).

Arising from the EMM on 10 November 2023, it was confirmed that “the Federal government will step up as the new regulator of packaging standards” (DCCEEW, 2023c). Their [communiqué](#) stated that:

Strengthened regulation will drive investment, minimise waste and support circular economy outcomes, industries and jobs. Better packaging design makes it easier to reduce waste, and to reuse, recycle or compost packaging waste. Creating demand for recycled content will also increase recycling rates.

At the June 2023 EMM there was also agreement to progress several approaches including:

... accelerating product stewardship efforts including by developing a framework to guide interjurisdictional efforts and drive action on problematic products. This framework will support national efforts to regulate packaging, solar panels and electrical equipment and support jurisdictions to progress reform in relation to particular products.

This framework was then agreed upon at the [November 2023 EMM](#).

One of the priority actions under the SA *Waste Strategy 2020–25* is to “advocate for national solutions to problematic wastes such as packaging and hazardous wastes and consider state-based solutions if required” (Green Industries SA, 2020).

Looking to other jurisdictions, NSW has already established a legislative framework to enable the NSW EPA to take action at a state level under the [Plastic Reduction and Circular Economy Act 2021](#). The objects of the Act include:

- to promote and support the principles of a circular economy
- to support material circularity through design, production, use, reuse, collection, recycling, reprocessing and end-of-life management
- to ensure responsibility for products across their life cycle.

The Act provides for the NSW Minister to *ban* unnecessary or problematic plastic items, and to prescribe *design standards* for an item for environmental, human health or economic reasons, and lists a number of possible reasons. It also lists what a *design standard* may contain as a requirement, for example the type or amount of materials or substances that must or must not be included in the item, or the way in which the item must be designed, constructed or manufactured⁶.

The Act also provides for the Minister to prescribe “a requirement (a *product stewardship requirement*) for the stewardship of the life cycle of a regulated product, including the development, design, creation, production, assembly, supply, use or reuse, recovery, recycling or disposal of the regulated product” and to

⁶ See *Plastic Reduction and Circular Economy Act 2021* (NSW), section 8 for more information.

set targets⁷. The Act then sets out a comprehensive list of matters that can be prescribed as a *product stewardship requirement*, such as “the use or re-use of recycled materials”, “the longevity of a product”, and “the ability of a product to be recycled, composted, repaired, processed, re-processed or re-used”, among others.

Policy options being considered

While a national approach to product stewardship is preferable, the NSW legislation sets out a broad framework and establishes powers for the state to take action if required. SA could consider a similar approach to NSW. To be clear, this is not a proposal to establish new state-based product stewardship schemes.

QUESTIONS

7.5 Product stewardship requirements

- 1 Should SA establish a product stewardship legislative framework to enable action to be taken at the state level for certain products/items? Please explain your reasons.
 - Should these actions include product *bans*, *design standards* and/or *product stewardship requirements*, and why?
 - What specific requirements could be included in a list of potential *product stewardship requirements*?
 - What should be included as a reason for a *design standard*?
- 2 Is there an alternative approach for action to be taken to address problematic products at the state level, in the absence of a national solution? Please outline.
- 3 Are there specific problematic items, materials or products (e.g., that contain hazardous materials) that should be considered for regulation at the state level, either through a *ban*, *design standard* or *product stewardship requirement*? Please list and explain why.

Consideration of specific problematic items

If a product stewardship legislative framework were to be established in SA, the following items could be considered for regulation, either through a *ban*, *design standard* or *product stewardship requirement*.

7.5.1 Tethered single-use drink bottle lids

Due to their size and nature, single-use plastic drink bottle lids are often disposed of improperly and, as litter, they pollute our environment. They are also challenging from a material recovery and recycling perspective and can cause contamination in recycling streams.

An option for addressing this is for a *design standard* to be applied to single-use plastic bottles requiring that the lid be tethered to the bottle. Tethered lids for single-use plastic drink bottles are designed with the intention of remaining attached to the bottle.



⁷ See *Plastic Reduction and Circular Economy Act 2021* (NSW), section 13 for information about how regulations may prescribe requirements and specify targets.

This will reduce the chance that the lid will be littered and increase the chance that the lid will remain with the bottle during the collection process (via the container deposit scheme or council collected co-mingled recycling kerbside bins) and during the sorting process at the MRF. If the materials used in both the plastic bottle and the lid are designed to facilitate recycling, this would increase the amount of materials that can be both recovered and recycled. When the entire bottle, including the lid, is more likely to be recycled, this promotes the recycling loop and reduces demand for raw materials to produce similar products, thereby supporting the circular economy.

This proposal is in line with the NSW Environment Protection Authority's (NSW EPA) proposal to introduce *design standards* for tethered lids and is aligned with the European Union where this requirement will come into effect in 2024 (NSW EPA, 2023).

QUESTIONS

7.5.1 Product stewardship requirements | Tethered single-use drink bottle lids

- 1 Should a *design standard* requiring single-use plastic bottles to have tethered lids be considered? Why or why not?
- 2 Should the *design standard* also require that the materials used in the plastic lid and bottle are designed for recyclability in Australia?

7.5.2 Plastic microbeads

Microbeads are pieces of manufactured plastic less than 5 mm in diameter, that are used in products for a variety of reasons, often for their abrasive or exfoliant properties. They are problematic as they do not degrade or dissolve in water and are not captured by most wastewater treatment systems due to their tiny size. When washed down the drain they can end up in our waterways and oceans. Plastic microbeads persist in the environment and have a harmful effect on marine life, environment, and human health. The most effective way to reduce their impact is to stop them from entering the environment in the first place by preventing their production and supply.

A national voluntary industry phase-out of microbeads commenced in 2016. The [Agreed Communiqué from the Environment Ministers Meeting](#) (EMM) on 15 April 2021 identified microbeads in personal health care products as one of eight 'problematic and unnecessary' plastic products types for industry to phase out nationally by 2025 (DCCEEW, 2021). NSW then proceeded to ban the supply of certain rinse-off personal care products containing microbeads from 1 November 2022 under their *Plastic Reduction and Circular Economy Act 2021*. They are now proposing a phase out of plastic microbeads in cleaning products that are washed down the drain (NSW EPA, 2023). This follows Queensland and Western Australia introducing bans on microbeads in cleaning products from 1 September 2023.

SA could follow suit and phase out the use of microbeads in rinse-off personal care products and cleaning products that are washed down the drain.

QUESTIONS

7.5.2 Product stewardship requirements | Plastic microbeads

- 1 Do you agree that the use of microbeads in rinse-off personal care products and cleaning products that are washed down the drain should be phased out? If not, why not?
- 2 What would be an appropriate timeframe for *bans* on these products to commence, and why?

7.5.3 Plastic microfibres

Microfibres are tiny pieces of plastic, usually made from polyester or nylon, which make up microfibre products such as cleaning cloths and clothing. Every time these synthetic products are washed, strands of microplastics (less than 5 mm in diameter) in the form of microfibres are released and flushed down the drain. Like microbeads, they do not degrade and end up in our waterways and oceans. They can also contain toxic chemicals that are added to textiles during the manufacturing process.

The use of microfibre filters on washing machines is one option for reducing the amount of microfibres being flushed down the drain. In Australia, the [National Plastics Plan 2021](#) aims to “work with the textile and whitegoods sectors on an industry-led phase-in of microfibre filters on new residential and commercial washing machines by 1 July 2030”. In 2020 France passed a law requiring that all new washing machines be fitted with a microfibre filter by January 2025.

SA could consider a *design standard* requirement for new residential and commercial washing machines sold in SA to be fitted with a microfibre filter.

QUESTIONS

7.5.3 Product stewardship requirements | Plastic microfibres

- 1 Should there be a *design standard* for new residential and commercial washing machines that are sold in SA requiring that they be fitted with a microfibre filter? Why or why not?

7.5.4 CCA treated timber posts

One problematic waste type which may be considered for a product stewardship regulatory approach is timber treated with copper chromium arsenic solution (CCA; commonly known as ‘permamine’). Several industries within SA – particularly viticulture, but also building and aquaculture – use CCA treated timber. An economically and environmentally sound disposal technology for this waste timber is currently not available in SA and with growing quantities of CCA timber waste being generated, stockpiles of these timber posts have developed.

As detailed in the EPA [Waste management guideline for CCA timber waste](#), when CCA treated timber becomes wet it can produce a leachate that contains the heavy metals arsenic (As), chromium (Cr) and copper (Cu). Stockpiling CCA treated timber may increase the potential for leachate to contaminate soils and groundwater. Stockpiling also poses a fire risk and combustion of CCA timber releases toxic gases and toxic residual ash. Currently, the EPA recommends that sites generating CCA timber waste should develop site-specific waste management plans to ensure that it is managed safely and appropriately (SA EPA, 2016).

To address these issues, a restriction on the use of CCA treated timber in SA could be considered. A restriction would likely apply to the use of CCA timber in viticulture only, allowing CCA timber to continue to be used for other outdoor uses such as telegraph poles, fencing, landscaping and other domestic uses. This could be done through the issuing of an approval or through a Standard which restricts who can use CCA treated timber. Another option could be to impose a *product stewardship requirement* for the producers of CCA treated timber to develop solutions to address the end-of-life stage of their products in order to prevent environmental harm.

QUESTIONS

7.5.4 Product stewardship requirements | CCA treated timber posts

- 1 Should the use of CCA treated timber be restricted or regulated? If so, should this apply to viticulture only or to other uses also? Please explain your reasons.
- 2 Should producers of CCA treated timber be required to develop solutions to address the end-of-life stage of their products in order to prevent environmental harm? Please explain your reasons.

7.5.5 Liquid paperboard beverage containers

Waste management providers have identified that there is currently a lack of options for recycling liquid paperboard beverage containers (both aluminium-lined and non aluminium-lined) in SA. Non aluminium-lined liquid paperboard containers are manufactured from paperboard with layers of plastic and are used to package fresh beverages and foods. Aluminium-lined liquid paperboard containers have an additional layer of aluminium foil and are used for long-life products such as long-life milk. The aluminium-lined material has limited reprocessing options and waste management providers are mostly disposing of it to landfill. The non aluminium-lined material also has limited reprocessing options.

For this reason, some states (e.g., Tasmania) and some councils in Western Australia and Victoria advise their residents to place the aluminium-lined containers directly in kerbside general waste bins and not the recycling bin. Others are not publicly communicating that the containers are being separated out at material recycling facilities for disposal to landfill. In SA there appears to be mixed messaging on this matter.

It is noted that brand owner Tetra Pak (producers of aluminium-lined liquid paperboard cartons) has funded the development of a purpose-built facility in NSW that receives end-of-life products such as Tetra Pak and other liquid paperboard, for recycling into building materials or paper and cardboard products such as boxes, paper towels and tissues (Tetra Pak, 2022).

While the recycling pathway for liquid paperboard beverage container waste that is generated in SA is limited, a *product stewardship requirement* that requires these products to be more easily recycled could be considered.

QUESTIONS

7.5.5 Product stewardship requirements | Liquid paperboard beverage containers

- 1 While there are limited pathways for liquid paperboard beverage container waste generated in SA to be recycled, should these containers be subject to a *product stewardship requirement* to ensure they are more easily recycled and more circular? Please explain your reasons.

7.6 Edible food donations

Food waste is a significant issue in SA, as it is in many parts of the world. The United Nations Environment Programme's (UNEP) Food Waste Index ranks Australia as the 10th most wasteful country in the world (UNEP, 2021). Nationwide, we waste 7.6 million tonnes of food every year at a cost of \$36.6 billion per year to the economy (Food Innovation Australia Limited [FIAL], 2021).

The problem of food waste arises at various stages of the food supply chain, including production, processing, distribution, and consumption. Through the food supply chain including manufacturing, distribution, wholesale and retail, 2.06 million tonnes of food are wasted. An additional 1.47 million tonnes of

food waste are generated by the hospitality sector and institutions (FIAL, 2021, pg12). At the same time, according to the [Foodbank Hunger Report 2023](#), 3.7 million households in Australia experienced moderate to severe food insecurity in 2023, representing 35% of the population (Food Bank, 2023). The report found that in SA, the level of food security has decreased from 71% in 2022 to 63% in 2023, exacerbated by increased cost of living pressures.

Adopting an edible food donation policy will ensure that unsold edible food from sections of the commercial and industrial sector is being used at its highest value use, which is to feed those in need. Food donated for redistribution delivers a social return on investment of \$23 per kilogram. For every tonne (1,000 kg) of food that is not wasted to landfill, the equivalent of 2.1 tonnes of CO₂ emissions is avoided (DCCEEW, 2023d).

Looking at how this issue is being addressed elsewhere, France was the first jurisdiction to pass food donation legislation. From 2017 supermarkets in France with a floor size of at least 400 m² have been required to establish contracts with charitable organisations to donate their surplus unsold edible food for redistribution. A lesson can be taken from France's experience of this new law, which saw the creation of an issue of oversupply to the food charities who were not initially equipped to deal with the additional donations. Ensuring that the necessary infrastructure and logistical arrangements are in place to support this type of legislative requirement is essential.

In 2016, in an effort to reduce emissions of short-lived climate pollutants, Californian legislation [SB 1383: State Organics Law](#) established goals to reduce the amount of compost materials disposed to landfills by 75% by 2025 and to rescue at least 20% of edible food currently disposed for human consumption by 2025 (CalRecycle, 2024a). Commencing in January 2022, this law requires some food service businesses to donate the maximum amount of edible food they would otherwise dispose, to food recovery organisations. The businesses captured include those who typically have more produce, fresh grocery, and shelf-stable foods to donate, specifically wholesale food vendors, food service providers, food distributors and grocery stores and supermarkets with a floor space of over 10,000 square feet (929 m²). Commencing on 1 January 2024, this requirement extends to additional businesses of certain sizes, including hotels, restaurants, health facilities, state agency cafeterias, large venues and events, and local education agencies with on-site food facilities (CalRecycle, 2024b).

For the Californian legislation, edible food is defined as “food intended for people to eat, including food not sold because of appearance, age, freshness, grade, size, surplus” and includes (but not limited to) “prepared foods, packaged foods and produce” (CalRecycle, 2024c). Food donations must meet the relevant food safety requirements.

Closer to home, the NSW EPA has proposed to mandate that large supermarkets report on surplus food donations to food rescue organisations from 1 July 2025 (NSW EPA, 2021; 2024b).

Policy options being considered

Consideration is being given to preventing certain businesses from disposing of unsold edible food and requiring that these businesses instead donate these foods to food rescue charities. Edible food and beverages from manufacturing and production, including mislabelled products and product overruns, which are suitable for food donation could also be captured.

Note that food that is not suitable for donation or surplus to a charity's needs would need to be redirected for animal feed or source segregated for food waste collection.

The businesses captured by this requirement could be identified by various criteria (or a combination of), such as:

- Businesses that generate over a certain threshold amount of food waste (e.g., large supermarkets)
- Business type (e.g., food manufacturers or food retailers)
- Business floor plan size (e.g., supermarkets exceeding 400 m²)
- Location (e.g., Metropolitan Adelaide or major regional centres).

In addition to which businesses this requirement would apply to, how we define 'unsold edible food', i.e., what is included and what is not included, is also important to determine. Commencement of this requirement could be set at a date that would enable the necessary supporting systems, agreements, infrastructure, and capacity to be established.



QUESTIONS**7.6 Edible food donations**

- 1 Do you agree that food waste generating businesses should be required to donate unsold edible food to food rescue charities or recipient agencies? If not, please outline why.
- 2 What criteria should be used to determine which businesses this would apply to?
 - a Business type: what type of food waste generating businesses should be captured?
 - b Businesses that generate over a certain threshold amount of food waste: what should this threshold be and should this threshold be reduced over time to capture additional food waste generating businesses?
 - c Business floor plan size: should this apply only to businesses over a certain size?
 - d Location: what areas should this requirement cover, (i.e., metropolitan Adelaide, regional centres, all regional areas) and why?
 - e Other criteria: what else should be considered?
- 3 What is the optimal timeframe for this proposed requirement to commence and why?
- 4 How should 'unsold edible food' be defined? In other words, what edible foods should be included or not included in this proposed requirement?
- 5 What would be the implications for current food rescue models arising from the implementation of a mandatory food donation policy?
- 6 What is the extent that existing systems, infrastructure, and capacity would need to change to enable businesses and charities to implement an unsold edible food donation policy?
- 7 What are the opportunities arising from this proposed policy?
- 8 What are the challenges or barriers for this proposed policy and how can these be addressed?
- 9 What needs to be in place to support the success of this proposed policy?
- 10 Do you have alternative views on how unsold edible food may best be redirected?

Key area 3: Maximising resource recovery

The review of the W2R EPP seeks to promote waste management and resource recovery practices which support a circular economy, where resources are kept in use for as long as possible with their value preserved and where waste is minimised. This includes managing resources in a manner that supports highest value reuse and recycling, for example, through source separation of material types to enable closed loop recycling (i.e., recycling glass products back into glass products). Where possible, closed loop recycling should be supported over downcycling, where materials are recycled into a low value mixed product with limited use over time. See [section 7.3 - Managing resources to preserve value](#) for an explanation of the concepts of source separation, closed loop recycling and downcycling.

While SA has long been a leader in resource recovery, there is more that can be done to improve our recycling rates and resource efficiency and ultimately reduce our impact on the environment.

Circular Economy Resource Recovery Report 2022–23

The *Circular Economy Resource Recovery Report 2022–23* produced by Green Industries SA (GISA), presents the findings from a survey of SA’s resource recovery sector for the 2022–23 financial year. The report includes data on reuse, recycling, and energy recovery, as well as the environmental, social and financial benefits that the sector provides. The data measures SA’s waste generation, landfill diversion and resource recovery, including progress against targets defined in South Australia’s *Waste Strategy 2020–2025*. Progress against the targets is set out in the table below.

Table 3 Summary of state waste targets and progress achieved in 2022–23
(source: adapted from CERR Report, Green Industries SA, 2024)

Topic	Target	Progress
Landfill diversion	Zero avoidable waste to landfill by 2030	SA disposed about 914 kt of waste to landfill in 2022-23, an increase from 885 kt in 2021-22.
Waste generation	5% reduction in waste generation per capita from a 2020 baseline	Waste generation per capita showed a 4% increase in 2022-23 compared to 2021-22. The long-term trend is downward.
Metropolitan diversion	Diversion by 2023:	Diversion rates achieved by metropolitan SA in 2022-23:
	MSW 65%	MSW 62%
	C&I 85%	C&I 76%
	C&D 90%	C&D 97%

This data shows that more needs to be done to improve diversion rates for the municipal solid waste (MSW) and commercial and industrial (C&I) waste streams, in order to meet the diversion targets as set in the South Australian *Waste Strategy 2020–2025*.

The SANKEY diagram (Figure 11), adapted from the CERR Report, depicts the flow of SA’s recovered resources by waste stream and material stream, the volumes of each and the destination for processing of these resources.

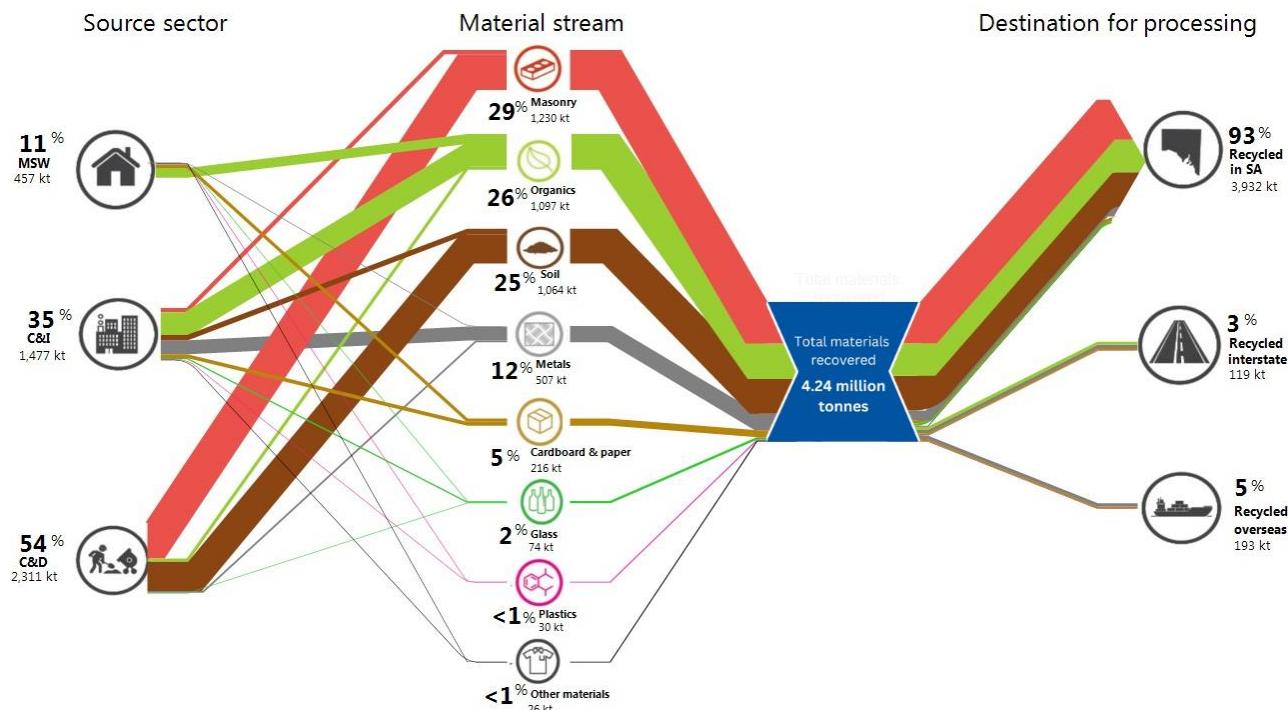


Figure 11 Resource recovery, including energy recovery, in SA during 2022–23, by material, source stream and destination, not including e-waste or material reused
(source: adapted from CERR Report, Green Industries SA, 2024)

The report identified that SA recovered about 4.24 million tonnes of material in 2022–23 from an estimated 5.16 million tonnes of waste generated, equating to 82.3% recovery rate of all materials (up from 81.9% in 2021–22). Disposal to landfill increased with 914,000 tonnes of waste landfilled in 2022–23 compared to 885,000 tonnes in 2021–22.

The table below shows the rates of recovery and disposal to landfill by source waste stream in 2022–23 according to the CERR Report. The report shows that the estimated recovery rate for construction and demolition (C&D) waste was the highest in 2022–23 at 97%, followed by C&I at 75% then MSW at 57%, bringing the total recovery rate for 2022–23 to 82%.

Table 4 South Australian recovery and landfill disposal by source stream in 2022–23
(source: adapted from CERR Report, Green Industries SA, 2024)

Sector	Recovery		Landfill disposal		Recovery rate
	kt	% of total	kt	% of total	
MSW	457	11%	347	38%	57%
C&I	1,476	35%	494	54%	75%
C&D	2,311	54%	73	8%	97%
Total	4,244	-	914	-	82%

A new partitioning method of the landfill split by waste streams was used to determine these results. The method is based on the findings of an audit conducted at several C&I transfer stations in 2022 in which materials were weighed to determine waste composition and tonnages. The EPA mass balance reporting data supplemented these results to produce a more accurate method than the previous model, which used an older landfill audit that relied on volumetric estimates and assumed densities.

Mass balance reporting

Since 2021, waste depots that receive over 20,000 tonnes of waste per annum have been required to report mass balance data to the EPA. Mass balance reporting monitors the movement of waste (material flows) to and from waste depots throughout the state, and tracks stockpiling of materials. While mass balance data captures only 15% of EPA licensed waste depots, it represents 77% of total tonnages of the material flows across SA. The additional 23% of tonnages from the waste depots that are not required to report is calculated based on estimated tonnages relating to each waste depot’s licensed activity level. The mandatory reporting requirements, coupled with the data analytics, ensure that this data is rigorous.

Mass balance data shows that the average landfill diversion rate for the 2022–23 financial year was 81%. Within the 81% diverted from landfill, 59% comprised recovered resources while the remaining 22% was allocated equally for waste depot operational use on-site (11%) and stockpiling⁸ (11%). Of the 59% of the recovered resources, 55% was recycled and 4% was used for energy from waste (i.e., refuse derived fuel) purposes. Furthermore, 78% of the 11% of materials used operationally during this financial period were used for capping or interim cover within landfill cells.

Although mass balance data indicates that stockpiling across the industry remains stable, there is a large volume of material stockpiled across the industry, with 5.03 million tonnes of material currently stockpiled. The majority of the stockpiled material is from the C&D waste stream, with 58% of all material stockpiled being waste fill (i.e., clean soil).

Table 5 South Australian resource recovery and landfill disposal, mass balance data 2022–23

Material fate	% of total
Disposed to landfill	19%
Recycled	55%
Incinerated for energy from waste	4%
Used onsite for operational use	11%
Stockpiled	11 %

Currently mass balance reporting requirements do not provide a breakdown by waste stream or material type for waste disposed to landfill. This additional information, if required, would give more rigour to reporting on the end fates of the different waste streams and provide useful data to better understand material flow. This is discussed further under [section 7.15](#).

⁸ It is important to note that stockpiling is interim and not indicative of end fates of materials.

Circular Economy Resource Recovery Report data and mass balance data

While the data from the CERR Report and mass balance reporting show recovery (i.e., diversion from landfill) rates of 82% and 81% respectively for the 2022–23 year, it is important to note that the mass balance data figure includes resources that are incinerated for energy recovery, resources that are used for operational use on-site by waste depots, as well as resources that are stockpiled⁹. What remains after these are deducted is the percentage of the recovered resources that are sent for recycling and reprocessing. It is these materials that continue to circulate in the economy and contribute to a growing circular economy.

It should be noted that the 2022–23 CERR Report has incorporated the mass balance data collected by the EPA in addition to other data sources, which has provided a fuller picture of SA's waste and resource recovery. If the provision of MSW data from local government were to be a mandatory requirement rather than being provided on a voluntary basis to GISA as it currently is, this would lead to further improvements in data collection and subsequent reporting back on waste and resource recovery trends and outcomes in SA. This is discussed further in [section 7.16](#).

Why action is needed

In a circular economy, waste is seen as leakage from the economy. To stop this leakage and prevent valuable recyclable materials ending up in landfill or used for a lower value purpose, we need to improve the way we sort, segregate, collect and process waste and recyclable materials.

Source separation

We know that source separation (the separation of waste as close as possible to the point of generation), results in higher-quality recovered resources than a single bin system that relies on downstream processing technology to subsequently separate out the various materials. Ensuring that we have clean, source separated feedstock across all waste streams will mean that we can deliver uncontaminated feedstock for high-value recycling.

The challenges and opportunities to address this goal are explored further below for two waste and recycling streams – MSW and C&I – with a separate section on food waste.

Contamination

When people and businesses dispose of waste or materials in the wrong bin, less resources are recovered. Additionally, materials being diverted for recycling or composting can become contaminated and more waste is sent to landfill than is necessary. When recyclable and organic materials become contaminated, this impacts the quality of the feedstock and potentially how it can be used. Contamination is an issue for co-mingled recycling bins as well as organics bins, imposing additional processing costs on the receiving materials recovery facilities (MRFs) and composting facilities and their customers, impacting on the quality of the recovered materials and subsequent value of output products. Significant contamination can lead to recyclables being disposed to landfill.

⁹ Note that CERR Report data excludes some resources that are used for operational purposes within landfills (consistent with methodology used in the National Waste Report), where mass balance data includes these.

What is happening elsewhere?

Australia

In New South Wales, it is proposed that councils provide food and garden organics kerbside collection services to all households from 1 July 2030 (NSW EPA, 2021; 2024b). Additionally, large food waste generating business will be required to source separate food waste for recycling from 1 July 2025 (NSW EPA, 2024a; 2024b).

Mandatory separation of commonly recyclable materials and organic waste is also planned for Victoria, through [Recycling Victoria: A new economy](#), where new rules are expected to come into effect by 2025 for businesses that are not eligible for kerbside collection systems (Department of Environment, Land, Water and Planning, 2020).

In late 2023 the Australian Capital Territory (ACT) passed the [Circular Economy Act 2023](#). This new legislation provides for a regulation to be made requiring businesses to reduce the amount of waste they produce through preparing a plan to reduce waste, keeping records, and reporting on compliance with the waste reduction plan. It also provides for a regulation to be made for businesses to sort their waste and dispose of it in a stated way.

The regulations, which are currently going through public consultation, will prevent businesses from disposing recyclable waste produced by the business to landfill. It lists recyclable waste as aluminium cans, trays, and foil; cardboard; glass bottles and jars; liquid paperboard cartons; paper; rigid plastic bottles and containers with lids removed; and steel cans.

The draft regulation also prevents food waste produced by food businesses from being disposed to landfill. Additionally, the regulation includes a requirement for food businesses to prepare a waste reduction plan that identifies where food waste is produced, how much is wasted, ways to reduce the waste and to monitor the effectiveness of the plan and to regularly review and update it if necessary. Food businesses are defined as supermarkets, cafes or restaurants, clubs, hotels, or bars that sell food and businesses that sell takeaway food but excluding businesses conducted by not-for-profit entities or volunteers.

Europe

Scotland's [Waste \(Scotland\) Regulations \(2012\)](#) require every business operating in Scotland to separate their waste for recycling. Food businesses are required to ensure the separate collection of food waste produced by the business. The law initially excluded business that produced less than 50 kg of food waste per week for the first two years after it commenced (2014–15). In 2016 the second phase commenced, and the threshold was reduced from 50 kg to 5 kg per week. By capturing additional food waste generators this has increased the recycling of food waste. The [Landfill \(Scotland\) Regulations 2003](#) were also amended to prohibit the acceptance of 'biodegradable municipal waste' at landfills, as of 2021.

Ireland's [Waste Management \(Food Waste\) Regulations 2009](#), which commenced in 2010, require all major producers of food waste to source segregate food waste generated on their premises, prevent contamination, and ensure it is collected and sent for recycling by composting (or another approved recycling process) or treated on site in an authorised composting unit. These regulations impose obligations on the "shops, supermarkets, public houses, state buildings, restaurants, cafés, bistros, wine bars, hot food outlets, canteens in office buildings, hotels, B&Bs, guest houses, hospitals, nursing homes, schools, colleges, train stations, marinas, and airports" (FoodWaste.ie, 2012). Businesses that produce less than 50 kg of food waste per week can seek an exemption from these requirements.

In Wales, from April 2024, all businesses, charities, and public sector organisations are required to sort their waste for recycling (Welsh Government, 2024). The following materials are required to be separated for collection, collected separately, and kept separate from each other and not subsequently mixed:

- food – for any premises that produce more than 5 kg of food waste a week
- paper and card
- glass
- metal, plastic and cartons
- unsold textiles
- unsold small waste electrical and electronic equipment.

This is coupled with a ban on sending food waste to sewer, wood waste to landfill, and separately collected waste going to incineration and landfill.

North America

In Canada, the City of Vancouver and the Metro Vancouver Regional District have banned food scraps from disposal as garbage since 2015. All food scraps need to be recycled and businesses must have a food waste diversion plan. The amended law required each county and city to prepare and submit to the department a countywide integrated waste management plan.

In the USA, a number of states have enacted food waste regulation. In Connecticut, covered food waste generators including supermarkets, resorts, conference centres, commercial food wholesalers and distributors, industrial food manufacturers or processors must separate and divert food waste to an organic processing facility if they are within 20 miles (32 km) of a facility and generate over 104 tonnes per year of food waste.

Vermont set up the same scheme in 2014 (104 tonnes per year and within 20 miles of an organic processing facility) but reduced the threshold to 52 tonnes per year in July 2015 with further reductions each year until 2020, when all food waste had to be separated.

In Massachusetts, 'commercial organic material' is banned from entering solid waste disposal streams. Food waste generating entities (other than households) that generate more than 1 tonne of food and vegetative material waste a week must either donate, process on site, or send the waste to compost, anaerobic digestion, or animal feed facilities.

Since 2016, Californian law [AB 1826: Mandatory Commercial Organics](#) required businesses that generated more than 8 cubic yards (4.2 m³) of organic waste per week to arrange for organic waste recycling services. This reduced to 4 cubic yards (2.1 m³) in 2017, then from 2019, businesses that generated 4 cubic yards or more of solid waste per week were also required to arrange for organic waste recycling services*. In 2016, in an effort to reduce emissions of short-lived climate pollutants, Californian legislation [SB 1383: State Organics Law](#) established goals to reduce the amount of compost materials disposed to landfills by 75% by 2025 and to rescue at least 20% of edible food currently disposed for human consumption by 2025 (CalRecycle, 2024a). This law commenced in 2022 and requires the provision of organic waste collection services to all residents and businesses and for the recycling of these organic materials.

* [Assembly Bill No. 1826](#), an Act to add Chapter 12.9 to Part 3 of Division 30 of the Public Resources Code, relating to solid waste.

7.7 Municipal solid waste

In 2022–23 South Australian households generated a total of 697,000 tonnes of waste for kerbside collection by local government, with 535,000 tonnes of this being generated in the Adelaide metropolitan area out of which 53.6% was recovered, while in regional SA the rate was 43.6%, adding up to a total recovery rate of 51.2%. Breaking this down by materials saw 32.7% organics and 18.5% recyclables recovered, with 48.8% being disposed to landfill.

Table 6 Materials collected from household at kerbside and recovery rate in 2022–23
(source: adapted from CERR Report, Green Industries SA, 2024)

Region	Collected at kerbside (kt)				Recovery rate (%)
	Residual	Recycling	Organics	Total	
Metro	248	100	187	535	53.6%
Regional	91	30	41	162	43.6%
SA	340	129	228	697	51.2%

There are many factors that influence both waste generation and recovery rates, including economics, location and type of residence, weather, demographics, household awareness/education, consumption trends and behaviours as well as kerbside bin services.

The [Local Government Act 1999](#) requires South Australian councils to provide services to residents such as household waste and recycling collection and disposal services. Some South Australian councils have established waste management authorities to provide these services, while others provide these services directly or through private waste contractors.

According to the CERR Report 2022–23, about 99% of South Australian households live in a council area that provides a general waste bin service, 97% have a recycling service and 91% have an organics service.

In metropolitan Adelaide, 94% of households have a three-bin system (general waste, co-mingled recyclables, and organics). All 19 metropolitan councils offer a three-bin service, however three of these only provide an organics bin on request and one council provides an organics bin to around two-thirds of its households (mostly Adelaide Hills township households).

Waste collection in regional SA is more variable. Approximately half of the councils offer a three-bin service with many offering this service only to townships. While there is reasonable consistency for a large percentage of the population, different models of kerbside services can impact on people's waste and recycling disposal. Having a consistent three-bin system will provide more familiarity and convenience for households which can help improve how they separate their waste and recyclables and place them into the correct bins for kerbside collection.

Food waste

In Australia 30% of food waste is generated in the home. In other words, one in five bags of household groceries are discarded. This equates to 2.5 million tonnes per annum, costing the economy \$319.3 billion and the average household \$2,000–2,500 per year (Australian Bureau of Statistics [ABS], 2017). Sadly, 70% of wasted food is still edible (FIAL, 2021).

Despite our efforts in SA to recycle food waste via food organics and garden organics (FOGO) waste collection services, it is estimated that 230,000 tonnes of food organics are still disposed to landfill each year (Green Industries SA, 2021a). In metropolitan Adelaide, waste audits of municipal solid waste have shown that 40% of the waste sent to landfill by households is food waste. Across the state, an average of 11% of household food waste is recovered through organics kerbside collection bins with an average rate of diversion from landfill for organics of 54% (Green Industries SA, 2021b).

SA's *Waste Strategy 2020–2025* sets targets for diversion from landfill, including a target of 75% diversion for MSW (70% from household bin systems) and 90% diversion from C&I streams by 2025. The [*Food Waste Strategy, Valuing our Food Waste – South Australia's strategy to reduce and divert household and business food waste 2020–2025*](#) details the food waste prevention and diversion actions required to enable these targets to be achieved.

Recognising the environmental impact, Australia has pledged its commitment to the United Nations Sustainable Development Goal of reducing global food waste generation by 50% at the retail and consumer levels. Efforts to reduce food waste not only help address environmental concerns but also contribute to mitigating greenhouse gas emissions. Food waste sent to landfill is responsible for 3% of Australia's emissions annually, excluding the embodied energy and resources from the production of the wasted food (DCCEEW, 2024). Every kilogram wasted generates the equivalent of 2.1 kg in CO₂ emissions (DCCEEW, 2023d). By preventing food waste and diverting it from landfill through strategies such as food rescue and redistribution, as well as recovery through source segregated systems for composting, the associated greenhouse gas emissions can be significantly reduced. For example, if 70% of household food waste currently sent to landfill was diverted, it would realise over 100,000 tonnes CO₂-e reductions annually ongoing.



There are also economic benefits to be gained from diverting food waste away from landfill. Sending food waste to composting facilities creates an additional 6.1 full-time equivalent jobs per 10,000 tonnes of waste compared to landfill. By taking action to reduce food waste generated and recover unavoidable food waste for return back into the food production cycle and to regenerate soils, SA has the opportunity to continue to lead nationally in organics management, recovery and processing to market standards.

Applying the waste management hierarchy and circular economy principles, to ensure that food is used at its highest value, the first preferred reuse is for surplus edible food to be donated to food rescue charities so that it can be redistributed to those in need. This is addressed in [section 7.6](#).

Second to this is for food waste to be recovered and used as animal feed or sent for composting to eventually return to and regenerate soil. This requires the management and separation of food waste at its source, to prevent contamination and ensure a high quality recycled organic end product.

These actions will help deliver the highest value outcomes for food waste.

Multi-unit dwellings

Waste segregation and collections from multi-unit dwellings (MUDs) can be problematic where the necessary waste management infrastructure and/or access for conventional waste collection compactor vehicles is inadequate. Ideally all new MUD constructions should provide the necessary infrastructure and space for the sorting, segregation and collection of co-mingled recyclables, organics and general waste. Providing these services and making it convenient for residents to sort and segregate their waste is essential. This requires consideration at the design stage and through planning and development approval processes, which is governed by the Planning and Design Code under the *Planning, Development and Infrastructure Act 2016*. Where developments have not included adequate planning and implementation of effective waste and recycling segregation and collection systems, long-term management and cost impacts for councils and residents arise.

Regional resource recovery and waste management

Under the *SA Waste Strategy 2020-2025*, the 2023 target for non-metropolitan waste was for regional waste management plans to be in place for all regional local government areas and/or regional city clusters, and the setting of regionally appropriate and progressive waste diversion targets. According to the 2020 *Regional SA Waste and Resource Recovery Background Report* prepared for the Legatus Group (Central Local Government Region regional subsidiary which represents 15 member councils), there are some common challenges facing regional councils. These challenges include the size of their council areas; distances to processing, disposal and markets; high transport costs; and high disposal and processing costs due to low volumes of materials (Rawtec, 2020). Contamination in co-mingled recycling and organics bins, illegal dumping and the informal management of waste on properties are also issues. Problematic wastes arising from agricultural sources such as CCA treated timber posts and plastic wrap, are another challenge.

Opportunities for regional councils include developing regional resource recovery infrastructure, including composting capability, arising from improved recovery and collections of organics waste, and upgrading transfer stations and resource recovery facilities to deliver increased source separation and efficiency for managing materials.

Resource recovery and waste management in remote Aboriginal and unincorporated outback communities

Waste and resource recovery services in the unincorporated or out-of-council areas of SA face a range of unique challenges due to a number of factors. A common factor is their remoteness, which when coupled with a lack of local waste and resource recovery infrastructure and capacity, means that if recyclable

materials are collected locally, they need to be transported long distances to an appropriate resource recovery facility. This creates significant transport costs (and greenhouse gas emissions) for materials that may have low commercial value as well as challenging end markets (e.g., tyre waste). Even for materials with higher commercial value (e.g., metals) or for hazardous wastes that are required to be managed in a particular way (e.g., asbestos), the challenging road conditions pose difficulties for waste transporters. Finite funding and resources for waste and resource recovery services and programs are also common factors.

CASE STUDY - City of Holdfast Bay

In July 2022, following a trial of 1,000 households, the City of Holdfast Bay changed their default residential kerbside waste collection schedule to a weekly organics collection with fortnightly general waste collection and fortnightly recycling collection (on alternate weeks). To ensure compliance with the W2R EPP, the City of Holdfast Bay allows residents to opt out of the new sustainable kerbside service model and retain the old service model of weekly general waste collection with organics and recycling collections on alternate fortnights.

A council-wide kerbside audit conducted in May 2023 showed that the new sustainable service model is achieving 83% diversion from landfill compared to the old service which is achieving only 50% diversion from landfill (Rawtec, 2023). Council-wide, this equates to a diversion rate of 69%. Compared to their 2021 audit, which showed a landfill diversion rate of 60%, the 2023 result is a significant improvement.

Contamination rates of organics bins has remained at acceptable levels across the three audit groups (1% to 3%). It was also found that very little organics contaminated the co-mingled recycling bins across the three residential groups, indicating that the change in the organics bin collection frequency would not impact the composition of the co-mingled recycling bins.

The 2023 audit also found that the general waste bins of all three groups had high proportions of unrecovered resources (52% to 66%) with most of this being suitable for the organics bin. However, a comparison between the proportions of loose food placed in the general waste bins showed that the 'Old Service' had 22% loose food and multi-unit dwellings had 21%, whereas the new 'Sustainable Service' had only 14%.

Why action is needed

South Australia's kerbside performance demonstrates that a step-change is needed to achieve the *Waste Strategy 2020–2025* target of 70% diversion by 2025 for MSW household bin systems in Metropolitan Adelaide, zero avoidable waste to landfill by 2030, and improve waste diversion in regional SA. Providing consistent and convenient kerbside collection services across metropolitan Adelaide, increasing kerbside collections services (and associated infrastructure) in regional SA, and implementing kerbside bin systems that optimise diversion of organics and recyclables, will help to achieve this target. Also, by supporting households to separate their waste and recyclable materials and place these into the correct bins, we can reduce contamination which will improve the quality of the recovered resources.

It should be noted that an outcome of the Environment Ministers' Meeting on 9 June 2023 was that "a national roadmap will be developed for staged improvements to the harmonisation of kerbside collections, taking into account circumstances of metropolitan, regional and remote communities for Ministers to consider in 2024" (DCCEEW, 2023a).

South Australian Waste Strategy 2020–2025

The SA Waste Strategy identifies priority actions for the MSW waste stream, including the following:

- Increase material diversion rates through provision of the three-bin system, including a minimum service to all households:
 - fortnightly collection of co-mingled recyclables
 - fortnightly collection of organics, including food waste.
- Reduce the amount of recyclables and organics (including food) in red/blue bins.
- Increase the recovery of recyclables in yellow bins.
- Increase the recovery of organics and food waste in the green bin and processed in accordance with [Australian Standard AS 4454 – Composts, Soil Conditioners and Mulches](#).
- Ensure all kerbside bins are compliant with *Australian Standard AS 4123.5 – 2008 Mobile waste containers* as soon as practicable (through replacement and in-field bin maintenance) before 2030, with a review to be undertaken by 2025.
- Encourage the uptake of segregated organics collection systems, including potential for legislative reform to increase the recovery of this material for processing into soil improvement products.



Policy options being considered

7.7.1 Household waste

Given that a key area for improvement in council kerbside bin collection systems is food waste, policy measures to improve the collection and recycling of food waste and reduce waste going to landfill are being considered. While over 80% of South Australian households currently have access to kerbside collected organics bins, the provision of organics bins and collection services for all residential premises in metropolitan Adelaide and inner regional SA would enable all residents in these areas to separate and recycle their food waste, garden organics and other compostable materials.

To address this, the EPA is investigating mandating a three-bin kerbside collection system, with a staged approach to implementation.

Stage 1 Metropolitan Adelaide

We are seeking feedback on the following potential alternative options:

Option 1: The three-bin system could apply to councils whose geographic area falls wholly within the metropolitan Adelaide boundary. This would in effect exclude Adelaide Hills Council whose local government area falls partly within and partly outside the metropolitan Adelaide boundary, noting that this does not prevent it from providing a three-bin service to all or part of its area.

Option 2: The three-bin system could be required to be provided to all residential premises within the urban areas of metropolitan Adelaide.

Option 3: The three-bin system could be required to be provided to all residential premises within the metropolitan Adelaide boundary.

To identify the optimal policy outcome, we are seeking further information to assist in determining the value in extending a three-bin system mandate to rural properties within the metropolitan Adelaide boundary. For example, residential premises in urban areas are more likely to utilise the organics bin for vegetation disposal in addition to food waste due to the size of the property, whereas residential premises in rural areas may have greater scope to dispose of vegetation and food waste onsite. Further information on the waste disposal habits and likely use of an organics bin for food waste on rural residential premises (within the metropolitan Adelaide boundary) is being sought to help determine the value of including such properties within the scope of any future proposed mandate.

It is noted that multi-unit dwellings that are serviced by private contractors or local government, may require site-specific plans for three-bin waste and recycling segregation and collection services (particularly for existing housing stock) in order to meet this requirement.

We are also seeking feedback from metropolitan councils who have undertaken trials aimed at increasing diversion from landfill and improving resource recovery outcomes, including rolling out the [Sustainable Kerbside Service model](#) (i.e., switching the kerbside collection frequency of general waste bins with the organics (FOGO) bins, to provide households with a weekly organics collection service and a fortnightly general waste collection service). Feedback on the results of these trials and what can be learned from them will assist in identifying any additional policy measures that will help increase diversion from landfill and improve resource recovery outcomes.

Stage 2 Large regional centres and townships

The second stage could extend the three-bin system requirement beyond those areas included in the first stage, to capture additional local government areas, townships and large regional centres where local processing capacity is available. The appropriate areas and timeframe for this to commence will need to be identified and feedback is sought on this.

QUESTIONS

7.7.1 MSW | Household waste – metropolitan Adelaide, large regional centres and townships

- 1 If a requirement to provide a standardised three-bin system (recyclables, organics, and general waste) to all residential premises, in particular metropolitan Adelaide areas, was mandated, which councils or which areas should this apply to and why?
- 2 Should a requirement to provide a standardised three-bin system to all residential premises in metropolitan Adelaide apply to multi-unit dwellings serviced by private waste contractors?
 - If so, what needs to be considered?
 - If not, what should the requirement be?
- 3 If separate collections for recyclables or organics, whether by council or private waste contractors, are unable to be provided due to lack of access or infrastructure, should this trigger a requirement for the waste collected to be treated for resource recovery prior to disposal to landfill?
- 4 What additional areas, townships, or regional centres should be included in Stage 2 and when should this stage commence? Please explain your reasons including whether there is current or planned local processing capacity.
- 5 What can be learned from the results of local government trials (and council-wide rollouts) aimed at increasing diversion from landfill and improving resource recovery outcomes, including changing the default residential kerbside waste collection service to a weekly organics collection with fortnightly general waste collection and fortnightly recycling collection?
- 6 Are there other policy measures that could support enhanced resource recovery outcomes through any or all of the following:
 - consistency in kerbside services
 - source segregation and collections
 - reduction in contamination of recyclable and organic waste bins.

7.7.2 Outer regional and rural areas

No policy measures have been identified at this stage. Feedback is sought to help identify options for outer regional and rural collection service provision, recognising that for some of these areas a three-bin system may not be suitable and other options that enable residents to participate in recycling and diversion of organics may need to be considered. This information will help determine the value of mandating any particular service models.

QUESTIONS

7.7.2 MSW | Household waste – Outer regional and rural areas

- 1 How might waste and resource recovery collection services in outer regional and rural areas be modified to achieve cost-effective improvements in rates of resource recovery and diversion of organics? Please explain your reasons and the area that your response relates to.
- 2 What are the barriers to improving resource recovery outcomes in outer regional and rural areas? Please explain your reasons and the area that your response relates to.
- 3 What are the opportunities for these areas that may arise from improved resource recovery outcomes (e.g., new local enterprises, skills development, job creation)? Please explain your reasons and the area that your response relates to.

7.7.3 Remote Aboriginal and unincorporated outback communities

No policy measures have been identified at this stage and it is recognised that a one-size-fits-all approach is unlikely to be effective. Feedback is sought to help identify sustainable long-term solutions to assist communities to achieve improved waste management and resource recovery outcomes and reduce the impact of waste on the environment and communities while honouring cultural values and connection to Country.

QUESTIONS

7.7.3 MSW | Household waste – Remote Aboriginal and unincorporated outback communities

- 1 What are the challenges and/or barriers to achieving improved waste management and resource recovery outcomes in remote Aboriginal and outback communities?
- 2 How might these challenges or barriers be addressed?
- 3 Are there opportunities that could be explored that facilitate cost-effective resource recovery (e.g., using reverse logistics/backloading to utilise the space in the food trucks returning to Adelaide empty)?
- 4 Are there opportunities to develop local skills and create jobs?
- 5 What support would assist communities in the management of waste and the recovery of valuable materials for recycling? Please specify the community or area that your response relates to.

7.7.4 Standardisation of waste bins

In SA currently, some councils use red lids for their general waste kerbside bins, while others use blue lids. Across SA 67.5% of dwellings have bins with red lids and 32.5% of them are blue. Having a kerbside bin system with non-standardised bin lid colours can create confusion within the community, especially for residents who move between council areas. It also makes statewide communications and education on which bin to use more difficult. See these images from the [Which Bin education campaign](#).



Figure 12 Which Bin resources www.whichbin.sa.gov.au (source: Green Industries SA)

Australian Standard [AS4123.7–2006 Mobile waste containers, Part 7: Colours, markings, and designation requirements](#) specifies colours, markings, and designation requirements for mobile waste containers with two wheels and capacity up to 400 L for lifting devices (kerbside collection bins) as well as other mobile waste containers with capacities up to 1,700 L. The aim of the Standard is to enhance the maximum resource recovery by providing guidance on colours and markings for various elements of the waste stream. The colour designations for lids for kerbside waste bins are listed in this table.

Types of material	Designated lid colour
Garbage / general waste	Red
Green waste / organics	Lime Green
Recyclables	Yellow

Consideration is being given to whether SA should require adherence to the *Australian Standard AS4123.7–2006 Mobile waste containers, Part 7: Colours, markings, and designation requirements* in relation to colour designation for two-wheel containers with a capacity up to 400 L (i.e., kerbside collection bins). Compliance with this standard could be achieved by councils through existing in-field maintenance, bin replacement programs or rollouts, within a specified period of time, with the commencement of this requirement being set at a future date (e.g., 2030).

QUESTIONS

7.7.4 MSW | Standardisation of waste bins

- 1 What is a reasonable approach and timeframe for standardising the colour of kerbside collection bin lids in compliance with *the Australian Standard AS4123.7–2006 Mobile waste containers, Part 7: Colours, markings and designation requirements*?

7.8 Commercial and industrial waste

Another significant opportunity for improvement in resource recovery in SA is in the commercial and industrial (C&I) sector. C&I waste makes up a significant part of the total waste generated in SA, generating 1.5 million tonnes of waste and recyclables. Figure 13 depicts the volumes of waste generated in the C&I sector in 2022, by waste or material stream and the destinations of these wastes or materials.

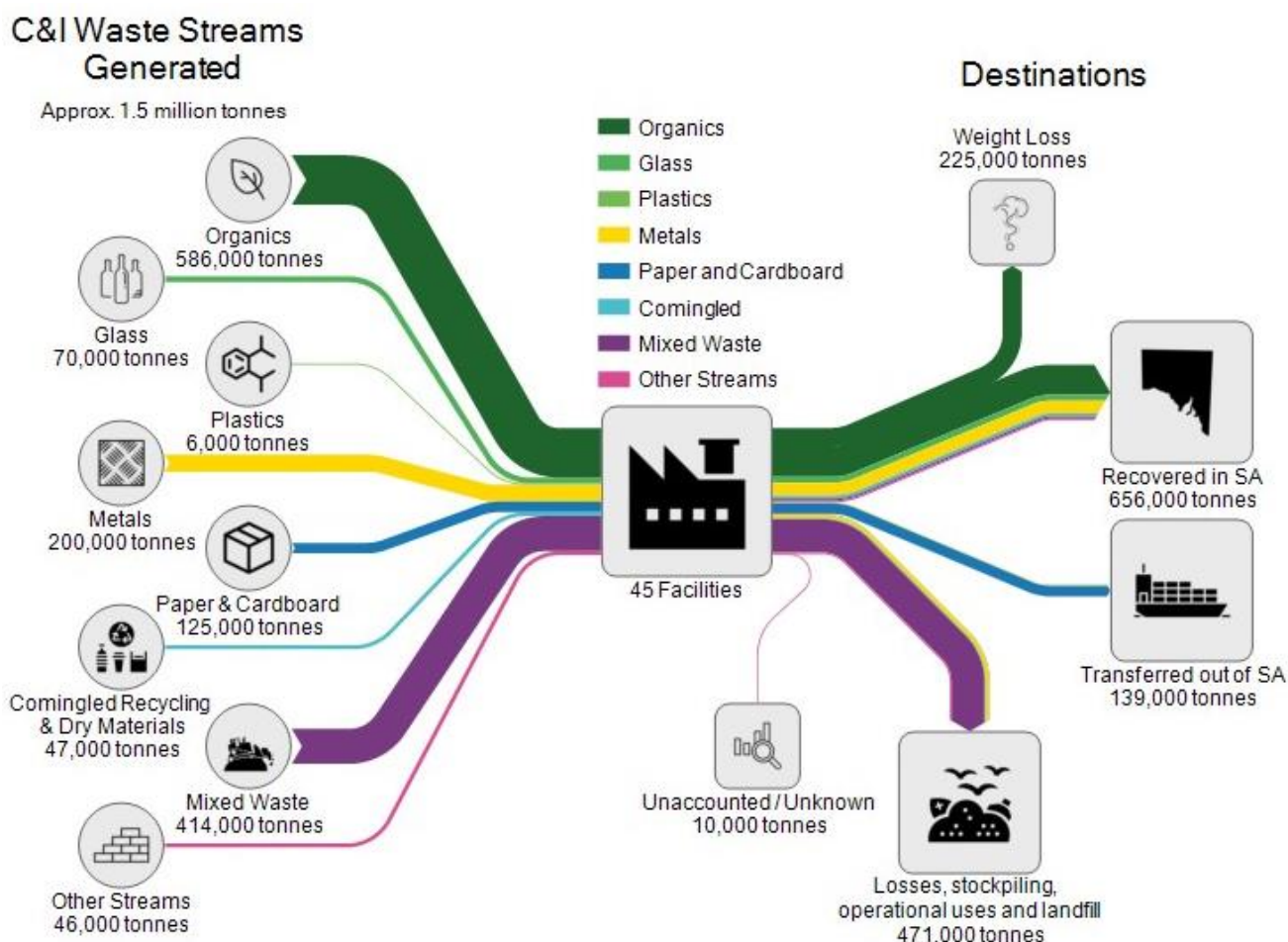


Figure 13 C&I waste streams from generation to disposal/reprocessing location
(Source: Rawtec, 2022)

In 2022, GISA commissioned a physical audit of C&I waste with the results published in a report titled *C&I Waste Audit of Metropolitan South Australia* (Rawtec, 2022). The audit was conducted to assist understanding of the composition of the mixed C&I waste (general waste and dry general waste streams) at the point of waste generation. A total of 8,457 kg of waste was audited across samples from 50 C&I waste trucks and the audit results were weighted with consideration to the net weight of the truck which the sample was taken from and the total incoming tonnes of C&I waste at each audit site. The weighted audit results found that the following six streams emerged as the biggest components of mixed C&I waste:

- 18.9% paper and cardboard
- 18.8% food waste (loose and packaged)
- 13.6% plastic films
- 13.1% wood (treated and untreated)
- 8.5% non-recyclable plastic/expanded polystyrene
- 7.2% textile materials.

The C&I sector generates over 400,000 tonnes of mixed waste per annum that is sent to landfill, even though much of it could be recovered and reused, recycled or composted if separated at the source.

The type and volume of waste and recyclable materials varies between business depending on the type and size of the business. While a restaurant or food manufacturer would likely generate larger volumes of food waste, a warehouse with packaging and storage would likely generate greater volumes of plastics and cardboard. Due to these differences, systems to optimise source separation, storage, and collection need to be tailored to the needs of the business.

While resource recovery rates can be improved across the sector, there are barriers that some businesses experience, including space restrictions, difficulties introducing service or frequency changes within existing contracts, proximity to resource recovery infrastructure, and a perception that there is cost, and effort involved in sorting and separating waste outweighs the benefits.

Another challenge for the C&I waste stream is how we ensure that the materials collected in co-mingled recycling bins are used for recycling and not for a lower-value purpose (under the waste management hierarchy) such as energy from waste, which is an end destination for these materials. When businesses separate and present their recyclables for collection, they have a legitimate expectation that these recyclables will be sent for recycling. Unfortunately, this does not always occur. Many of these services are provided to customers as a recycling service with expectations that C&I recycling is being sent to MRFs for sorting, equivalent to household co-mingled bin. Coupled with a lack of transparency about the end fates of these recyclables, i.e., where they go and what happens to them, this means that businesses are not always able to make informed decisions about what happens with their recyclables. A policy option to address the lack of transparency is set out under [section 7.15](#).

A further challenge arises from the varying levels of demand for recycled materials and products. This reflects the current situation where local markets for recovered resources are still developing, capacity and infrastructure is being built, and investor confidence in the circular economy is still growing. As a result, some of these recovered resources are currently being sent overseas for reprocessing. Supporting the development of strong local markets for recovered resources is essential to keeping materials circulating in the economy and to close the loop.

Food waste

About 26% of C&I waste is food waste. For cafes and restaurants this figure is up to 60% and for the broader hospitality sector it is around 40%. The C&I Waste Audit estimates businesses collectively dispose of 86,300 tonnes of loose and packaged food waste annually (Rawtec, 2022). This presents a significant opportunity for intervention to ensure that food waste is used at its highest value through prevention actions and source segregation of this material to enable this to be achieved.

In addition to minimising waste going to landfill and the associated greenhouse gas emissions, by minimising food waste, businesses can reduce their expenditure. The *Business Case for Reducing Food Loss and Waste* presents a strong case for industry to invest in food waste prevention activities. International data from 1,200 sites across 700 companies in 17 countries indicated that nearly every site had a positive return on investment, with half seeing a 14-fold or greater return on investment (Champions, 2017).



Why action is needed

Action is required to improve the rate of resource recovery to ensure that these valuable materials continue circulating, reducing the demand for raw materials, and decreasing greenhouse gas emissions.

Separating waste at the point of generation combined with separate collections of recyclable materials, will help ensure these valuable materials are recovered, minimising material losses and the likelihood of contamination from other wastes. Keeping the recovered materials separate, by preventing separately collected resources from being combined with other collected waste streams, will help maintain their quality. The higher the quality of the recovered resource, the higher will be the quality of the final end-product.

While the W2R EPP already bans aggregated recyclables from being disposed to landfill, mixed recyclables collected from the C&I sector are sometimes disposed of straight to landfill due to contamination with other waste, and sometimes sent for use as alternative fuel (energy from waste), despite an expectation from businesses that these are being recycled. By expanding the material types that are subject to source separation and collections, this will help reduce contamination and lead to improved recovery rates and higher-quality recovered materials for recycling. Preventing separately collected recovered resources from being disposed to landfill, will also ensure that these resources continue circulating as intended.

Policy options being considered

7.8.1 Source separation and collections of co-mingled recyclables

The EPA is investigating mandating the separation and collection of certain recyclable wastes or materials generated by the C&I sector. In addition to separating and collecting food waste, this could include the separation and collection of the same types of materials that are accepted in the co-mingled recycling (yellow lid) kerbside collection bins, such as:

- paper and cardboard
- glass bottles, jars, and containers (non-deposit items)
- empty drink cans and bottles
- metal cans and non-ferrous metal
- aluminium foil
- hard plastic items, plastic trays and pots, and plastic food containers.

By keeping the types of recyclable wastes or materials that can be deposited into C&I collected co-mingled recycling bins consistent with MSW kerbside collected co-mingled recycling bins, this will help avoid confusion and maximise resource recovery.

This potential mandate could be phased in over time, commencing initially with larger waste generators and limited to geographic areas where the necessary collection infrastructure and processing capacity currently exists or can reasonably be scaled up in time for the commencement of such a requirement. It could then be extended to additional, smaller waste generators once the waste and resource recovery industry has further expanded its collection and processing capacity, and end markets for the recovered resources are available.

Feedback is invited on the idea of mandating source separation and collections of co-mingled recyclables in the C&I sector, and what recyclable materials should be included. Ideas are also sought to help identify the most appropriate criteria to define the organisations or businesses that should be captured by any future proposed mandate, for example:

- type of organisation/business
- size of organisation/business
- volume of waste generated per annum
- Proximity to resource recovery infrastructure.

Additionally, feedback is sought on which larger waste generators (e.g., supermarkets, food courts, large sporting venues etc) should initially be included and appropriate commencement date, and an appropriate timeframe for smaller waste generators to be added later.



QUESTIONS

7.8.1 C&I | Source separation and collections of co-mingled recyclables

- 1 For South Australian businesses and organisations that do not have access to council collected kerbside bins, what recyclable materials should be required to be separated for resource recovery collection? For example:
 - food waste
 - organics (such as garden waste from commercial operators)
 - paper and cardboard
 - glass bottles, jars, and containers (non-deposit items)
 - empty drink cans and bottles
 - metal cans and non-ferrous metal
 - aluminium foil
 - hard plastic items, plastic trays and pots, and plastic food containers
- 2 Should all South Australian businesses or organisations be required to separate their recyclable materials for collections, and if not why, who should be and why?
- 3 If a mandate for separation and collections of recyclables were to be phased in over time, which businesses or organisations should be included in the first phase and what are the criteria that would help identify them? For example:
 - type of organisation/business
 - size of organisation/business
 - volume of waste generated per annum
 - proximity to resource recovery infrastructure
- 4 If a mandate for separation and collections of recyclables were to be phased in over time, which businesses or organisations should be included in the second phase and what are the criteria that would help identify them?
- 5 What would be appropriate timeframes for each phase to commence, and why?
- 6 What are the barriers (e.g., space, infrastructure) that businesses or organisations might need to address to enable source separation and collections?
- 7 What support might businesses or organisations need to implement this requirement?
- 8 What are the opportunities created by this requirement (e.g., shared infrastructure, precincts)?

7.8.2 Source separation and collections of food waste

To minimise food waste, reduce the amount of food waste being sent to landfill and the associated greenhouse gas emissions, and to increase recovery of food waste for composting, the EPA is looking into potential options for mandating food waste separation and collection for businesses and organisations that generate food waste. This policy measure is in line with action being taken in both [NSW and Victoria](#).

This requirement could be phased in over time, to enable food waste generators to set up systems for segregating food waste, and for the waste and resource recovery industry to further expand their collection and processing activities. This could commence first for larger food waste generators such as large supermarkets, food manufacturers, hospitals, residential facilities, large event or sporting venues, large cafes

and restaurants, and food courts etc and then extend to smaller ones, as has been done in other jurisdictions. Businesses or organisations could be classified according to the amount of food waste they generate within a given period of time, which would determine when this requirement would commence for them.

Alternatively, businesses or organisations could be classified according to the size/capacity of their general waste bins, which reflects the volume of waste they send to landfill. This second option would provide an incentive to reduce the overall amount of waste being disposed to landfill, in order to be under the threshold for this requirement. The threshold could then be reduced over time, providing additional incentive to reduce the generation of waste and increase the rate of recovery of recyclable materials. Like the previous option, this type of staged approach would help build up the collection efficiencies and cost-effectiveness of source separated food waste services. It would also provide time for businesses to put systems in place to reduce their food waste generation and for the waste and resource recovery industry to further expand their collection and processing activities.

To ensure that the collected food waste does not end up in landfill, a food waste recycling requirement would need to be coupled with a ban on disposing to landfill any aggregated organics that have been collected for recycling (see proposal under [section 7.10](#)). Together this will have a significant effect on reducing how much food waste is generated, as well as increasing source segregated quantities that can be used to improve soil health and reduce greenhouse gas emissions through avoiding food waste being landfilled.

QUESTIONS

7.8.2 C&I | Source separation and collections of food waste

- 1 Should the separation and collection of food waste for businesses that generate food waste be mandatory? Please explain your reasons.
- 2 How should 'food waste' be defined? In other words, are there particular foods or types of foods (e.g., packaged food, food processing wastes) that should be included or not included in this proposed requirement?
- 3 Which businesses/organisations should be given the priority for applying the threshold requirement? Should the criteria for businesses/ organisations to be included in the mandate be determined by the quantity of food waste or the amount of general waste they generate?
- 4 What should the thresholds be for:
 - large food waste generators?
 - small food waste generators?
- 5 Should this requirement apply to:
 - Metropolitan Adelaide only?
 - Metropolitan Adelaide and major regional centres where collections and processing capacity are in place?
- 6 Should this be extended to other parts of SA through a phased-in approach?
- 7 If mandatory separation and collection of food waste was phased in over time, commencing first for large food waste generators and then extending to smaller food waste generators, what would be the appropriate timeframes for each phase to commence?
- 8 What other options should be considered?
- 9 Do you have alternative views on how to divert food waste from landfill?

7.8.3 Business waste reduction plans

To support a reduction in waste generation and improved circularity at a business or organisation level, the EPA is seeking feedback on whether businesses or organisations should be required to prepare a plan to:

- reduce their waste generation by practically applying the waste management hierarchy
- provide for source separation and collection of their waste and recyclable materials (where source separation of co-mingled recyclables and/or food waste is already a requirement)
- keep records on how they are complying with their waste reduction plan, with these records to be made available to the EPA upon request.

We are also seeking feedback on whether this should apply broadly, or only to businesses or organisations who meet certain criteria. For example, the criteria could consider business type, waste material type, volume of waste being generated, or some other measure. Alternatively, the requirement could be limited to those businesses or organisations who are mandated to source separate and collect either co-mingled recyclables and/or food waste.

QUESTIONS

7.8.3 C&I | Business waste reduction plans

- 1 Should South Australian businesses and organisations be required to prepare waste reduction plans? If not, why?
- 2 Should this apply to all South Australian businesses and organisations? If not, who should be excluded and why?
- 3 What are the opportunities relating to this approach?
- 4 What are the barriers that need to be considered?
- 5 Do you have other ideas on how the EPA could require producers of waste to identify opportunities to reduce and reuse waste?



7.8.4 Prohibiting the recombining of separately collected materials

Consideration is being given to prohibiting the re-combining of waste and resource recovered materials that have been collected separately. An example of this is where co-mingled recyclables are collected separately, but then combined with dry general waste, contaminating the recyclable materials which then impacts on the ability for these to be recycled into high-quality recycled products. Another example is the combining of separately collected high quality organics with waste collected from a general C&I waste collection or kerbside collected general waste (whether subsequently treated or not), effectively downgrading the resulting combined material so that it is unsuitable for repurposing into high-quality compost for agricultural use.

The intention of this policy measure would be to ensure that the recovered materials can be reused at their highest value by preventing deliberate contamination and the subsequent downgrading of the material's value and use.

QUESTIONS

7.8.4 C&I | Prohibiting the recombining of separately collected materials

- 1 Do you agree that the recombining of waste and resource recovered materials that have been collected separately should be prohibited? Please explain your reasons.
- 2 Are there any situations where this prohibition should not apply? Please outline and explain your reasons.

7.8.5 Public place recycling and organic waste bins

Consideration is being given to whether recycling bins and organic waste bins should be required to be provided in public places. Providing organic waste bins will support the recovery of food and any food-contaminated certified compostable serviceware at public locations, and providing recycling bins will help prevent recyclable materials being sent to landfill. While taking action to improve diversion of these materials from landfill, we also need to prevent or minimise contamination in these bins in order to ensure that the recovered material is of high value and results in quality end-products.



QUESTIONS**7.8.5 C&I | Public place recycling and organic waste bins**

- 1 Do you agree that recycling and organic waste bins should be provided in public places? Please explain your reasons.
- 2 Should the materials in public place recycling or organic waste bins be prohibited from disposal to landfill? If so, should there be any exceptions to this? Please explain your reasons.

7.8.6 Event and venues recycling and organic waste bins

Consideration is also being given to whether recycling and organic waste bins should be required to be provided for all major events and large venues. Aligned with action being taken on single-use plastics, this will support the recovery of food and any food-contaminated certified compostable serviceware at these locations, and help prevent recyclable materials being sent to landfill, supporting circular outcomes. Events and venues requiring certified compostable service ware, alongside next phases of single-use plastics bans coming into place will support this measure.

QUESTIONS**7.8.6 C&I | Event and venues recycling and organic waste bins**

- 1 Should three-bin systems be provided at all major events and large venues?

7.8.7 Resource recovery treatment for public place bins

Under clause 11 of the W2R EPP, waste or other matter is required to be treated prior to disposal to landfill. 'Treatment' in this instance includes treatment for resource recovery. This requirement is limited to certain areas specified under Schedule 2, and Schedule 3 lists wastes or matter that is excluded from this.

The current EPP excludes waste collected by a council from bins located in public places (clause 1(f) of Schedule 3) from the requirement for resource recovery treatment. There is currently no differentiation between public general waste bins and public bins for recyclables or organics. This means that even when recycling and/or organics bins are provided in public places, they are not required to be treated for resource recovery.

It is proposed that the only public place bins that are excluded from the requirement for resource recovery treatment are council collected general waste bins where the council also provides separate bins for recyclable waste and/or organic waste. This requirement could be limited to certain areas, for example metropolitan Adelaide, and would exclude wastes listed under Schedule 3.

This will prevent materials disposed in recycling bins or organics bins from being sent directly to landfill. It will also encourage councils to provide recyclable waste and organic waste bins in public places as general waste bins on their own will require resource recovery treatment.

QUESTIONS**7.8.7 C&I | Resource recovery treatment for public place bins**

- 1 Should public place general waste bins require treatment for resource recovery prior to disposal to landfill where recycling and organic waste bins have not been provided?

7.8.8 Requirement for treatment of waste prior to disposal to landfill

In order to support the transition to a circular economy, it is essential that valuable recyclable materials are not lost through disposal to landfill. As referred to earlier, the requirement for waste or other matter to be treated for resource recovery prior to disposal to landfill is limited to certain areas specified under Schedule 2 of the W2R EPP. Currently the only area that is specified is metropolitan Adelaide, and so waste produced outside of metropolitan Adelaide is not required to be treated for resource recovery prior to landfill.

Since the commencement of the EPP, waste and resource recovery services, capacity and infrastructure have developed in regional areas, enabling improved resource recovery and diversion from landfill. While recognising the barriers relating to the distance that recovered resources may be required to be transported to receive treatment, in order to maximise resource recovery in other parts of SA, consideration is being given to extending the specified area beyond metropolitan Adelaide. Extending the area that clause 11 (resource recovery requirements) applies to will increase recovery of recyclable materials.

QUESTIONS

7.8.8 C&I | Requirement for treatment of waste prior to disposal to landfill

- 1 Should the requirement for waste or other matter to be treated prior to disposal to landfill be expanded beyond metropolitan Adelaide?
- 2 If so, what areas should be included?
- 3 What might be the barriers to implementing this requirement in areas beyond metropolitan Adelaide, how might these be overcome, and what support might be needed?
- 4 What would be an appropriate timeframe for the commencement of this requirement in the area(s) identified?

7.8.9 Standardising bins to Australian Standard AS4123.7–2006

Australian Standard [AS4123.7–2006 Mobile waste containers, Part 7: Colours, markings, and designation requirements](#) specifies colours, markings, and designation requirements for mobile waste containers with capacities up to 1,700 L. The aim of the Standard is to enhance the maximum resource recovery by providing guidance on colours and markings for various elements of the waste stream.

Consideration is being given to whether adherence to the Australian Standard AS4123.7–2006 in relation to colour designation for four-wheel containers with a capacity of between 500 L and 1,700 L, should be required in SA. Compliance with this standard could be achieved within a specified period of time, with the commencement of this requirement being set at a future date.

The colour designations are set out in Table 7.

Table 7 Colour designation under Australian Standard AS4123.7–2006

Types of material	Body	Lid
Garbage/general waste	Dark green or black	Red
Paper/cardboard	Dark green or black	Blue
Green waste/organics	Dark green or black	Lime green
Recyclables	Dark green or black	Yellow
Metal cans	Dark green or black	Light grey
Food waste	Dark green or black	Burgundy
Clear glass	Nature green	White
Brown glass	Nature green	Brown
Green glass	Nature green	Nature green
Mixed glass bottles	Nature green	Yellow
Plastics	Dark green or black	Orange
Office paper	Blue	Blue
Electronics	Dark green or black	White
Clinical and related – incineration*	Yellow	Orange
Clinical and related – technologies other than incineration*	Yellow	Yellow
Cytotoxic*	Purple	Purple
Radioactive*	Red	Red
*Appropriate hazard warnings shall be affixed Note: Where the bin body is metal it may remain neutral or galvanised.		

QUESTIONS

7.8.9 C&I | Standardising bins to Australian Standard AS4123.7–2006

- 1 What is a reasonable approach and timeframe for standardising the colour of C&I mobile waste bins in compliance with the *Australian Standard AS 4123.7–2006 Mobile waste containers, Part 7: Colours, markings, and designation requirements*?

Supporting markets for recovered resources

Supporting the development of strong local markets for recovered resources is an essential part of our transition to a circular economy. This is explored in detail in the next section, [Key Area 4](#).

Key area 4: Supporting a strong market for recovered resources

In 2019, section 10 of the EP Act was amended to add an Object to ensure that measures are taken “to promote the circulation of materials through the waste management process and to support a strong market for recovered resources”¹⁰.

This review provides an opportunity to consider how the EPP can secure this Object of the Act by promoting the circulation of materials (discussed earlier) and by supporting a strong market for recovered resources.

The problem/opportunity

To help our transition to a circular economy, we need to develop markets for the materials that are collected and recycled, as well as the products that use them. There is little value in collecting recycled materials if there is no end market for them. Instead, this leads to stockpiling of these resources or disposal to landfill, neither of which is a desirable outcome.

The key to successfully implementing a circular economy lies in increasing the demand and value of recyclable materials and products produced from recycled content (Green Industries SA, 2020). Requiring products to include recycled content will stimulate demand for recycled materials and thereby boost their market. Mandating it can lead to economies of scale which will help the market further increase products with recycled content. This requires collaborative effort by the state, local government, businesses, and consumers. For example, one way local government could support the increase in demand for recycled materials would be by requiring councils to utilise recovered organics for landscaping purposes. In the absence of end markets for these materials and products, the demand for raw materials will continue, impacting on the environment and contributing to higher greenhouse gas emissions, water and energy use, and more waste production.

Feedback is sought on what mechanisms or tools should be used to help stimulate the market for recycled materials.

Why action is needed

We need to close the loop. Governments and industry can play an important role in generating demand for local recyclable and recycled materials and recycled-content products. Increasing demand for these recycled materials and products can help attract investment in local remanufacturing, drive innovation and support the transition to more sustainable business models and practices.

A key target of the [2019 National Waste Policy Action Plan](#) is to significantly increase the use of recycled content by governments and industry. The [SA Waste Strategy 2020–2025](#) also identifies the need for an increase in market demand for recyclable materials and recycled content products to help create market opportunities for new, sustainable products made from recycled materials.

7.9 Circular procurement

Embedding circular principles into procurement policies is one way to help boost demand for circular solutions and support local markets for recycled materials and recycled-content products.

Circular procurement is an approach to purchasing works, goods and services that accelerate the transition to a more circular economy by prioritising the purchase of products and services with circular attributes.

¹⁰ *Environment Protection Act 1993*, section 10(1)(b)(iaa)

Circular procurement policies can require consideration of durability, reparability, upgradability, reuse, recyclability (including the ability to be disassembled at end-of-life), and the use of recycled materials in procurement decisions. They can also consider reduction in consumption, resource efficiency, reduction of hazardous substances, avoidance of goods made from problematic materials, amount of waste, and the type and amount of packaging. Supplier 'take-back' requirements at a product's end-of-life can also be part of a circular procurement policy.

Other considerations can include prioritising local suppliers and businesses who have adopted circular practices or are certified sustainable businesses. This can promote the growth of local economies, encourage circular or sustainable practices, and reduces transport-related emissions.

Circular procurement builds on sustainable procurement practices which consider broad sustainability factors like energy consumption, greenhouse gas emissions, water use, water quality impacts, and impact on natural habitat. Circular procurement adds additional elements and looks to close the loop on material use.

The role of public procurement

Public procurement is widely recognised as a key driver in the transition towards a circular economy. Public authorities are large consumers and through their procurement practices can play a critical role in the transition to a circular economy. By using their significant purchasing power to choose sustainable goods, services and works, they can make an important contribution to sustainable consumption and production. This helps provide market certainty for circular products and services and supports industry to develop, innovate and invest in the circular economy activities.

The South Australian Government in its 2023 [South Australian Economic Statement](#), notes that as a significant purchaser and employer, 'it can meaningfully shape outcomes through its procurement policies, with \$8.5 billion in goods and services purchased each year'. It goes on to explain:

Government can shape and even co-create markets through associating key outcomes with procurement - whether that be local content or sustainability metrics. We can also drive innovation through our procurement activities, leveraging government purchasing power to develop new products or methods of production (Government of South Australia, 2023, p.21).

CASE STUDY - SA Local Government Association circular procurement pilot project

The Local Government Association's (LGA) [Buying it Back](#) project was a pilot project where councils worked together to use their buying power to increase the demand for recyclable materials. The aim of this project was to improve the sustainability of waste management practices, make recycling more viable and reduce councils' waste management costs. The project was a step towards developing local markets for recyclable materials in Australia and establishing a circular economy.

Looking abroad, in 2017 the European Commission published the document [Public Procurement for a Circular Economy – Good practice and guidance](#) (2017). This was developed to action the 2015 *EU Action Plan for the Circular Economy*, which recognised public procurement as a key driver in the transition towards a circular economy (European Commission, 2015). The guide refers to incorporating circular principles into existing procurement policies and practices. One way to do this is to apply a hierarchy, based on the traditional waste hierarchy, to prioritise potential actions.

By way of example, the Government of Wales has adopted a sustainable procurement hierarchy to guide their procurement decision making (WRAP Cymru, 2021). This hierarchy has been designed to exemplify best practice in sustainable procurement rather than being a definitive method.

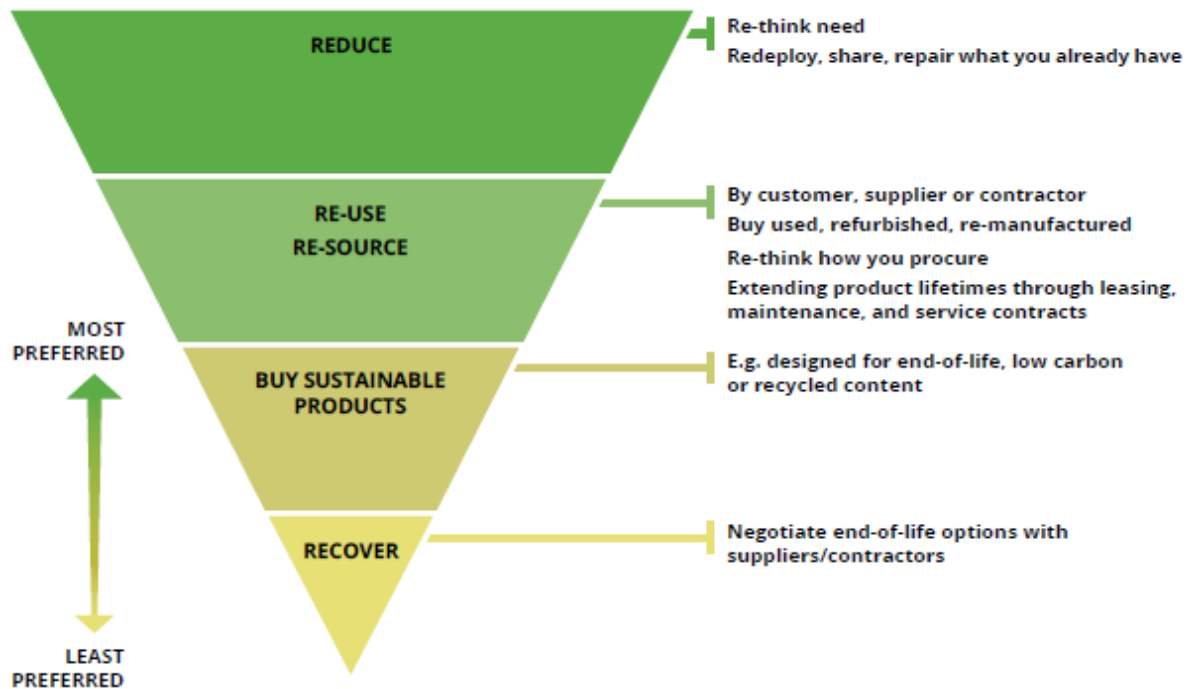


Figure 14 Wales's Sustainable Procurement Hierarchy (Source: WRAP Cymru, 2021)

Closer to home, the NSW Government is requiring departments to preference products that contain recycled content during procurement and to report annually on the use of recycled content in state government procurement and its associated impact on emissions and waste reduction (NSW EPA, 2021). All NSW Government-owned and leased buildings over 1,000 m² will also be required to obtain and publish a National Australian Built Environment Rating System (NABERS) Waste Rating by 2026.

In SA, the *Waste Strategy 2020–2025* sets out a number of priority actions to progress sustainable procurement practices. This includes investigating and identifying legislative and policy measures. Additionally, the *Circular Economy in South Australia's built environment – Action Plan (2023)*, which sets out key actions required for driving a circular economy in the built environment, recommends that circular economy requirements in procurement processes for infrastructure and capital works projects be mandatory (Green Building Council of Australia, 2023, p.39). It proposes a phased implementation over time commencing with major projects (>\$50 million). It also proposes that Infrastructure Sustainability (IS) and Green Star ratings should also be considered as these tools have circular economy principles, metrics and reporting embedded.

South Australian Government

Sustainable procurement is being progressed across state government, with the introduction of agency level sustainable procurement policies (e.g., Department for Infrastructure and Transport) and through various agency level projects and trials. Current whole-of-government policies, guidelines and resources that can be used to support agencies in sustainable procurement include the [Green Procurement Guideline](#) and the GISA [Circular Procurement Knowledge Hub](#). A collaborative project by GISA, the Department for Environment and Water, and Procurement SA is being progressed to develop an evidence base for sustainable public procurement best practice and applicable policy options in the SA context. This piece of work will inform SA Government ESG Procurement Strategy currently being developed by Procurement SA.

Policy options being considered

Consideration is being given to whether South Australian public authorities should be required to adopt a whole-of-government circular procurement policy or alternatively embed circular economy principles and considerations into their public procurement decision making.

Principles to guide circular procurement decision making could include:

- A requirement to apply a circular procurement hierarchy to all procurement decisions
- Certain criteria or considerations, including their prioritisation, such as:
 - reusing existing assets or materials
 - procuring products as a service (e.g., from providers that incorporate take-back, reuse, repair, refurbishment and recycling as part of their business model)
 - life cycle assessments to evaluate the environmental impact of products and services over their entire life cycle, from raw material extraction to disposal
 - product durability and lifespan
 - repairability
 - ability to be disassembled
 - recyclability
 - recycled content
 - preference for products and materials that have an identified end-of-life use
 - avoidance of products made with hazardous substances or problematic materials
 - type and amount of packaging
 - agreements with suppliers to take responsibility for packaging, or to take back the goods at their end-of-life
 - preference for suppliers who participate in an accredited product stewardship scheme
 - support for local businesses
 - support for accredited sustainable businesses.

Additionally, a circular procurement policy could set:

- minimum standards or requirements, e.g., a minimum requirement for packaging to contain at least 50% recycled content
- physical or descriptive requirements which specify characteristics of the goods or service, such as a product must be repairable or recyclable
- mandatory requirements, such as meeting a certain level of Infrastructure Sustainability (IS) rating, Green Star Rating, or National Australian Built Environment Rating System (NABERS) Waste Rating
- performance requirements, such as requiring a certain percentage of waste to be diverted from landfill
- targets for performance against certain criteria to encourage continual improvement
- measurement and reporting requirements, such as requiring suppliers to report on certain sustainability performance indicators to enhance transparency or requiring public authorities to report on their performance against mandatory requirements and/or progress towards circular procurement targets.

QUESTIONS

7.9 Circular procurement

- 1 Should there be a South Australian whole-of-government circular procurement policy, or sustainable procurement policy that incorporates circular economy principles?
 - If so, should this be mandatory and regulated by the EPA?
- 2 Should a requirement for government reporting of performance against adopted circular procurement standards, criteria, or targets, be regulated by the EPA?
- 3 Should a circular procurement policy also be mandated and regulated by the EPA for industry/business?

If yes, should this be limited to businesses over a certain size? If so:

 - a What size business should this apply to?
 - b What would be an appropriate reporting mechanism for businesses?
 - c What is a reasonable lead time for businesses to commence and undertake this requirement?
- 4 What collaborative actions by government, industry and the community should be prioritised to grow sustainable markets for recycled materials and products?
- 5 How can SA incentivise markets that extract the highest value from recovered materials?
 - a What incentives could be implemented to encourage SA councils and businesses to use recycled content?

7.10 Prohibited landfill waste

The [National Waste Policy Action Plan 2019](#) commits all governments to developing ‘a common approach to restrict the disposal of priority products and material in landfill, starting with lithium-ion batteries, materials collected for the purpose of recycling, and e-waste’.

The W2R EPP lists all prohibited landfill wastes in SA (Schedule 4). These wastes were included on the basis that there were established resource recovery options for those materials or that they posed a risk of environmental harm if disposed of directly to landfill.

This review provides an opportunity to consider additional wastes to prohibit from disposal to landfill and to provide additional clarity on what is covered under Schedule 4.

Priority products

Each year, the Federal Minister for Environment (currently Minister for Climate Change, Energy, the Environment and Water) releases a list of priority products and materials that need urgent product stewardship action. By doing so, the Minister is signalling that regulatory measures may be considered for these items if industry does not act.

The 2022–23 Priority List (DCCEEW, 2022b) included:

- photovoltaic systems
- electrical and electronic products
- oil containers.
- child car seats
- clothing textiles
- problematic and unnecessary single-use plastics
- mattresses
- plastics in healthcare
- end-of-life tyres.

The Minister's Priority List for 2023-24 (DCCEEW, 2023e) includes:

- clothing textiles
- tyres
- plastics in health-care products in hospitals
- mattresses
- child car seats

A number of products on the 2022–23 list are not on the 2023–24 list as the federal government is progressing regulating these due to insufficient progress made by industry. The items include photovoltaic systems, electrical and electronic products, problematic and unnecessary single-use plastics, and oil containers (DCCEEW, 2023b).

Why action is needed

To keep valuable materials circulating through the economy, we need to ensure that items or materials that have a pathway for resource recovery and recycling are prevented from being disposed to landfill. Banning these materials from landfill encourages the development of recycling, reprocessing, and recovery industries, which in turn creates jobs and economic activity. It also reduces the environmental impact of landfilling certain wastes, such as food and organic waste, which generate methane, a potent greenhouse gas, when decomposing in a landfill.

From a circular economy perspective, when considering the appropriateness of banning particular items from landfill for the purpose of resource recovery, we need to consider the existence of, or the development of infrastructure and collection systems, the reprocessing capacity, and whether there are off-take markets for the recovered materials. In the absence of these, unintended consequences of banning certain items from landfill, such as stockpiling, may occur.

Additionally, items that pose a risk of environmental harm if disposed of directly to landfill should be considered for prohibition. Banning problematic items or environmentally harmful wastes from landfill can encourage those who produce these items, or generate these wastes, to prioritise higher order actions under the waste management hierarchy, such as waste avoidance, designing for circularity, reuse, repair, and resource recovery.

Policy options being considered

Recoverable materials

The following items are being considered for inclusion in the list of prohibited landfill wastes due to the existence, or development, of resource recovery options for these items. A phased-in approach to prohibition from landfill for these items can be adopted to allow for the development of collection systems, resource recovery and reprocessing infrastructure, and end markets.

7.10.1 Aggregated organics

Currently under Schedule 4 of the W2R EPP, a landfill ban applies to “vegetative matter aggregated for resource recovery and collected by a council by a kerbside waste collection service operated as a separate collection service for such waste”. In other words, food and organic waste that has been put out for kerbside collection in the green organics bin, cannot be disposed to landfill (other than for biosecurity reasons, e.g., fruit fly). This ban however does not extend to other organic matter such as garden waste from commercial operators, segregated organics from business and events, and segregated food waste from the food service industry.

7.10.1 Aggregated organics

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A priority action of the Waste Strategy 2020–2025 is to “pursue regulatory interventions to ensure that all organic materials that have been aggregated for recycling are prohibited from direct disposal to landfill”. To address this priority, it is proposed that all organic matter aggregated for recycling be prohibited from disposal to landfill.

QUESTIONS

7.10.1 Prohibited landfill waste | Aggregated organics

- 1 Should organic matter that has been aggregated for recycling be prohibited (banned) from disposal to landfill in SA?
- 2 Is there capacity for additional organic materials recovered from the C&I sector to be received and processed by composting facilities or is a delay in commencement of this proposed ban required to enable additional capacity to be developed?

7.10.2 Clothing textiles

Australia generated 780,000 tonnes of textile waste in 2018–19, with clothing making up approximately 32% of this waste. Only 3% was recycled and the rest was disposed to landfill. In 2019–20 Australia exported 93,058 tonnes of worn clothing (DCCEEW, 2022c). The complex mix of fibre types and chemicals in commonly used clothing textiles makes them difficult to separate and recycle, and discarded clothing can pollute the environment through the release of hazardous chemicals.

A National Clothing Product Stewardship Scheme for clothing textiles, *Seamless*, launched in June 2023, aims to reduce the environmental impact of clothing through its life cycle, including through product design improvements related to durability, reparability, reusability and/or recyclability of clothing. While the scheme is currently a voluntary scheme, the communiqué from the Environment Minister’s Meeting on 10 November 2023 made it clear that “if voluntary product stewardship doesn’t work, government will regulate” (DCCEEW, 2023c).

While many Australians buy second-hand clothing, there are no formal collection services other than mainly through charities and their ‘op’ shops. Some of the clothing given to these charities is unsuitable, leaving the charities to manage this as waste. To support resource recovery and recycling of unwearable textile clothing, the Product Stewardship Scheme will support the development of collection systems, which will then provide the feedstock for new products to be manufactured from recycled textiles. These collection services will need to complement charitable donations (for clothing that can be reused) and not replace them, as reuse as second-hand clothing is a higher value beneficial reuse option than recycling.

To provide textile recycling businesses with regulatory certainty about the availability of this recovered material, consideration is being given to banning these items from landfill. To enable the development of the systems, infrastructure, capacity and end markets needed to support textile recycling activities, the commencement of a ban on textile clothing could be set at an appropriate future date.

QUESTIONS

7.10.2 Prohibited landfill waste | Clothing textiles

- 1 Should unwearable clothing textiles be prohibited (banned) from disposal to landfill in SA?
- 2 What is the current or planned capacity for clothing textile recycling and reprocessing within SA, and what markets exist for this recycled material?
- 3 What are the opportunities if unwearable clothing textiles were prohibited from disposal to landfill in SA?
- 4 What are the risks if clothing textiles were prohibited from disposal to landfill in SA?
- 5 If clothing textiles were to be prohibited from disposal to landfill, when should this commence?

Other items

The following items are being considered for dual reasons – risk of environmental harm due to containing hazardous materials, and resource recovery as they also contain valuable materials.

7.10.3 Batteries

The only batteries that are currently listed as prohibited landfill waste under Schedule 4 of the W2R EPP are lead acid batteries. Other types of batteries such as commonly used single-use alkaline batteries are not banned from landfill.

A total of 728 million handheld batteries (i.e., all batteries under 5 kg) were sold in Australia in 2021, representing 99% of all batteries sold, equating to 14% of batteries sold by weight. This represents an increase of 309 million (7,260 tonnes) compared to sales in 2018. In 2021 South Australians purchased 47,820 single-use batteries and 3,820 rechargeable batteries, with a combined weight of 14,040 tonnes (Battery Stewardship Council, 2023a).

Batteries are problematic in that they can catch fire, contaminate waste and recycling infrastructure, and leach toxic chemicals into the environment. They also pose a risk of environmental harm if improperly disposed, leaking toxic materials such as lead, mercury, and cadmium into the environment. Li-ion batteries in particular are known to cause waste fires, fires in waste collection vehicles and explosions in recycling facilities.

Another reason for keeping them out of landfill is that they contain valuable materials and if recycled, up to 95% of a battery's components can be turned into new batteries or used in other industries. B-Cycle, a national industry-led product stewardship scheme for batteries was launched by the [Battery Stewardship Council](#) in February 2022 with collections commencing in February 2023. The scheme provides easily accessible collection points and facilitates the recycling of loose and handheld batteries, batteries that are not embedded inside a product, button batteries and rechargeable batteries, to recover materials for reuse.

The Battery Stewardship Council's 2023 *Battery Market Analysis* report observed that of the 2,240 tonnes of batteries collected in Australia in 2021, 76% of total batteries were mechanically shredded and the battery materials were supplied to domestic materials markets such as plastics recyclers, metal recyclers, and downstream material processors. Another 11% of the material recovered was exported to global materials markets (Battery Stewardship Council, 2023a).

It is proposed that all batteries that are covered by the B-Cycle product stewardship scheme (loose batteries, consumer electronics, power tool batteries, button batteries, e-bikes and portable energy storage) be included in the list of prohibited landfill waste. Consideration is also being given to additional battery types that are yet to be included in a product stewardship scheme including battery energy storage systems and electric vehicle batteries.

Single-use alkaline batteries

The Battery Stewardship Council's 2023 *Battery Market Analysis* report found that alkaline batteries represented the largest share of battery sales by number with over 570 million batteries sold in 2021. It also identified that alkaline batteries represented the largest share of recycled batteries by battery type with 1,300 tonnes of alkaline batteries recycled in 2021 (Battery Stewardship Council, 2023a).

In September 2022 Nyrstar announced that their Port Pirie site would become the first B-Cycle accredited recycler to recover commodity grade quality metals from single-use alkaline batteries for local and international markets (Nyrstar, 2022). They have since become [accredited](#), which provides a pathway for resource recovery for these items in SA.

Button cell batteries

Button batteries, also known as zinc air batteries, cell batteries or coin batteries, are flat, round single cell batteries that are used in everyday devices such as car keys, watches, power tools, hearing aids and children's toys. Sales of these batteries in Australia totalled over 34 million in 2021 making them the fourth largest share of battery sales (Battery Stewardship Council, 2023a). They are recyclable and included in the B-Cycle product stewardship scheme.

QUESTIONS

7.10.3 Prohibited landfill waste | Batteries

- 1 Should single-use alkaline batteries be prohibited (banned) from disposal to landfill in SA, and when should this commence?
- 2 Should button cell batteries be prohibited from disposal to landfill in SA, and when should this commence?
- 3 Are there any other batteries that should be prohibited from disposal to landfill in SA? What are these and why? (Note that Lithium-ion batteries are discussed in the next section)

7.10.4 Lithium-ion batteries

The growth in demand for energy storage technology has created a growing Lithium-ion (Li-ion) battery waste problem. Li-ion batteries are the predominant battery type used in electric vehicles, battery energy storage systems and portable consumer electronics. The 2023 *Battery Market Analysis* report found that Li-ion batteries are the second largest share of battery sales in weight, with just over 26,000 tonnes of batteries sold in 2021 and the third highest in number of batteries sold (just over 38 million). Statistics have shown that Li-ion battery waste is growing by 20% per year and could exceed 136,000 tonnes by 2036. Only 10% of Australia's Li-ion battery waste was recycled in 2021, compared with 99 per cent of lead acid battery waste (Zhao, Ruether, Bhatt, & Staines, 2021). This presents an opportunity to significantly increase the amount of Li-ion batteries that are recycled by ensuring they are collected safely and not disposed to landfill.

Under Schedule 4 of the W2R EPP, a waste that is classified as a 'hazardous waste' is a prohibited landfill waste. 'Hazardous waste' is defined in the EPP as "listed waste having a characteristic described in schedule A list 2 of the *National Environment Protection (Movement of controlled waste between States and Territories) Measure*" ([NEPM Movement of Controlled Waste](#)). Li-ion batteries contain lithium, an alkali metal, which is a Listed Waste under Schedule 1, Part B of the EP Act 1993, and has a characteristic described in the NEPM Movement of Controlled Waste.

Battery energy storage systems

Battery energy storage systems (BESS) are systems that provide stationary energy storage using rechargeable batteries and are used to power homes and businesses. The batteries used in residential battery energy storage systems are predominantly Li-ion batteries with a small amount of lead acid batteries being used for larger-scale storage systems.

In 2021, 10,000 BESS batteries were sold in Australia and it is expected that the size of this market will grow over the next 25 years with tonnages projected to grow between 10% and 40% each year until 2030 (Battery Stewardship Council, 2023a).

The Australian Government's discussion paper, *Wired for change: Regulation for small electrical products and solar photovoltaic system waste* is consulting on whether energy storage batteries should be included in their proposed product stewardship regulatory scheme covering small-scale solar photovoltaic systems (DCCEEW, 2023h).

Electric vehicle (EV) batteries

With strong growth in sales of electric and hybrid-electric vehicles, electric vehicle (EV) batteries are a growing waste stream. The Battery Stewardship Council's 2023 [Battery Market Analysis](#) report projected that stocks of EV batteries will reach 600,000 tonnes in 2030 and over 4 million tonnes by 2050.

The [National Electric Vehicle Strategy](#) outlines the Federal Government's commitment to supporting an EV circular economy to help mitigate the environmental impacts of EV production and EV waste. Additionally, it states that:

The Government will undertake research to inform an EV and other large format battery recycling, reuse and stewardship initiative. This will consider end market demand for materials derived from these batteries, to reduce waste, grow jobs, and support emerging Australian industries. (DCCEEW, 2023f, pg. 25).

The Battery Stewardship Council is considering establishing a product stewardship scheme for EV batteries with consultation through a discussion paper that was released in 2023 (Battery Stewardship Council, 2023b)

Notwithstanding that Li-ion battery waste may already be captured as hazardous waste through existing legislation, in the same way that lead acid batteries are, specifically listing Li-ion batteries in the EPP (as lead acid batteries are similarly listed) will provide clarity and remove doubt that these items are banned from landfill.

Under clause 12(2) of the W2R EPP it is an offence to place hazardous waste in a bin for collection or transport for disposal at a landfill depot. This includes kerbside collection general waste bins. Given the safety risks associated with the incorrect disposal of Li-ion batteries, it is proposed that this be extended to all kerbside collection bins, i.e., adding co-mingled recycling (yellow lid) bins and food organics and garden organics (FOGO green lid) bins.

QUESTIONS

7.10.4 Prohibited landfill waste | Lithium-ion batteries

- 1 Noting that Li-ion batteries are prohibited from disposal to landfill in SA, what is needed at the state level to support their safe recovery and provide a pathway for recycling at their end-of-life?
- 2 Noting that it is an offence to place Li-ion batteries in kerbside collection general waste bins (bins designated for disposal to landfill), should this be extended to include all kerbside collection waste bins (i.e., to include co-mingled recycling and food organics and garden organics bins)?
- 3 Are there any Li-ion batteries that are not already included or proposed to be included in a national product stewardship scheme (other than electronic medical devices and vapes that are considered a biohazard)?
- 4 Should SA consider establishing a state-based product stewardship scheme, in the absence of effective action being taken at the national level? Please outline your reasons.

7.10.5 E-waste

E-waste is a rapidly growing waste stream. Australia generated 511,000 tonnes of e-waste in 2019 with over \$430 million worth of valuable materials contained within the e-waste being discarded to landfill (DCCEEW, 2023h). E-waste contains hazardous materials that pose a risk to the environment and human health, as well as valuable materials such as gold, copper, nickel, silicon, and lithium, which need to be recovered.

Currently the W2R EPP prohibits computer monitors and televisions, whitegoods, and electrical or electronic equipment from being disposed to landfill.

This review provides an opportunity to clarify what is covered under the existing ban and to look at expanding the list of items banned.

It also provides an opportunity to align with the proposed national e-waste stewardship regulation as outlined in the Australian Government's discussion paper *Wired for change: Regulation for small electrical products and solar photovoltaic system waste* which proposes to cover small electrical and electronic equipment found in homes and small businesses weighing up to 20 kg (DCCEEW, 2023h). The scheme proposes to include embedded batteries in these products, but not loose batteries (e.g., AA and AA batteries) which are covered under the B-cycle product stewardship scheme discussed above.

Solar PV systems

Solar photovoltaic (PV) systems comprise Australia's fastest growing electronic waste stream. As of 2020, Australia had 20.8 gigawatts of installed solar capacity. In 2019, PV and battery storage system waste was estimated at around 3,500 tonnes. By 2030 this is expected to increase 18-fold to around 62,000 tonnes (DCCEEW, 2022b).

Solar PV systems were included in the Federal Environment Minister's Priority List for the first time in 2016–17 (DCCEEW, 2016). The listing includes solar panels, inverter equipment and system accessories, for domestic, commercial, and industrial applications.



Components of PV systems may contain hazardous substances which can leach into the environment if disposed to landfill. While PV systems contain many recoverable materials of value, the complexity of these systems creates challenges for the full recovery of valuable materials.

In 2023 the Australian Government released a discussion paper *Wired for change: Regulation for small electrical products and solar photovoltaic system waste*, to consult on their intention to regulate waste from small solar photovoltaic systems (up to 100 kW) and small electrical and electronic products through a product stewardship scheme (DCCEEW, 2023h). In Victoria, solar PV panels are already included in their [e-waste landfill ban](#), which came into effect in 2019.

The inclusion of small solar PV systems on the South Australian list of prohibited landfill wastes could support this proposed product stewardship scheme by ensuring that these items are recovered for recycling and not sent to landfill.

QUESTIONS

7.10.5 Prohibited landfill waste | E-waste

- 1 What additional e-waste items should be included in the existing prohibition (ban) on disposing e-waste to landfill in SA?
- 2 Should small solar PV systems be included in the definition of e-waste?

7.10.6 Wind turbine blades

Like solar energy, wind energy is an important part of Australia's renewable energy transition but also a significant source of future waste that needs to be addressed. Wind farms are currently built for a lifespan of 20–30 years with some existing Australian wind farms reaching their end-of-life in the next 5–15 years. While turbine parts can be recycled more easily, the materials used in wind turbine blades (carbon and glass fibre composites) are more challenging and currently do not have a clear pathway for recycling or an end market for the recovered materials. As a result, they mostly end up in landfill.

In Europe, four countries – Austria, Finland, Germany, and the Netherlands – have banned wind turbine blades from disposal to landfill, with more countries expected to follow suit. A landfill ban can help drive changes to design and promote more sustainable approaches to end-of-life wind turbine blades.

If wind turbine blades were to be banned from disposal to landfill in SA, a delay in commencement of the landfill ban would provide time for the research and development of recycling options and reprocessing capacity. It would also provide time for legislative harmonisation with other Australian jurisdictions to ensure that the waste problem is not just transported interstate.

QUESTIONS

7.10.6 Prohibited landfill waste | Wind turbine blades

- 1 Should wind turbine blades be prohibited (banned) from disposal to landfill in SA?
- 2 What are the potential risks associated with prohibiting wind turbine blades from being disposed to landfill?
- 3 What are the opportunities arising from prohibiting wind turbine blades from being disposed to landfill and how can these opportunities be utilised?
- 4 If wind turbine blades were to be prohibited from disposal to landfill, when should this commence, and why?

7.10.7 Mattresses

Approximately 1.8 million mattresses are discarded every year in Australia. Of these, 40% go straight to landfill and up to as much as 60% of the rest also ends up in landfill. In addition to creating a risk of subsidence and taking up a lot of space, disposing of mattresses to landfill results in valuable resources being lost from the economy. Mattresses contain plastics (synthetic fibres), textiles, polymers (such as foams), steel and some contain timber. Currently mattress recyclers are able to recover around 75% of these materials. As a result, mattresses have been included on the Federal Minister's 2022–23 Priority List for product stewardship (DCCEEW, 2022b). The Minister has warned that the Australian Government will move to regulate if industry participation in the voluntary Australian Bedding Stewardship Scheme does not increase (DCCEEW, 2022d).

The Australian Bedding Stewardship Scheme is an industry led stewardship scheme which aims to reduce the number of end-of-life mattresses going to landfill (Australian Bedding Stewardship Council, 2024). Supporting the scheme by banning mattresses being disposed to landfill can assist by requiring an end-of-life solution other than landfill. Capacity for recycling of mattresses exists in SA and can be easily scaled up in response to additional demand arising from a ban to landfill.

The Australian Capital Territory (ACT) has banned mattresses from landfill since 2010, and Queensland is considering the same. Banning these from landfill in SA, alongside a requirement for recovery of a minimum percentage of materials (e.g., 50%), would ensure that recyclable materials are recovered to the fullest extent possible.

QUESTIONS

7.10.7 Prohibited landfill waste | Mattresses

- 1 Should mattresses be prohibited (banned) from disposal to landfill in SA?
- 2 Should there be a minimum level requirement for resource recovery for mattress recycling, and if so, what should that be?
- 3 If mattresses were to be prohibited from disposal to landfill, when should this commence?

7.10.8 Child car seats

It is estimated that 200,000 child car seats are disposed of each year in Australia. While they are an essential safety requirement, they have a relatively short lifespan. However, up to 80% of child car safety seat components can be recycled (DCCEEW, 2022e).

Child car seats were first included on the Minister's Priority List in 2022–23 which called for industry to “establish a stewardship scheme to manage the disposal, collection and recycling of unwanted child car seats and improve design consistent with circular economy principles” (DCCEEW, 2022f). Since then, trials have confirmed the recyclability of car seats and identified changes in materials used to manufacture seats. An industry-led voluntary national stewardship scheme for these products is being considered.

If a national stewardship scheme for child car seats is established, this could be supported at the state level by banning these products from being disposed to landfill.

QUESTIONS

7.10.8 Prohibited landfill waste | Child car seats

- 1 Should child car seats be prohibited from disposal to landfill in SA?
- 2 What are the opportunities arising from prohibiting child car seats from being disposed to landfill in SA?
- 3 What are the potential risks associated with prohibiting child car seats from being disposed to landfill?
- 4 If child car seats were to be prohibited from disposal to landfill, when should this commence?

7.10.9 What else

QUESTIONS

7.10.9 Prohibited landfill waste | What else

- 1 Are there any other priority products or materials that should be prohibited from disposal to landfill? Please outline what these are, the rationale and a suitable timeframe.

Key area 5: Protecting the environment and human health from waste pollution

When people fail to dispose of waste in the correct manner or in the correct place, it can cause harm to our environment and to human health. It is for these reasons, as well as the imperative to recover valuable resources, that waste disposal is tightly regulated.

7.11 Unlawful disposal of waste

Under the W2R EPP (clause 10) only a limited range of options are acceptable for the disposal of waste. In all other cases, disposal is unlawful, and penalties apply.

The W2R EPP does allow, under clause 10(1)(f) and 10(3), for a person to dispose of waste to land that they own or occupy, or to the land of another with consent of the owner or occupier, provided it does not cause:

- environmental harm affecting water
- site contamination
- environmental nuisance
- unstable geotechnical conditions
- an infestation of vermin, rodents, or pests
- a fire hazard
- is not into a sinkhole in a karst environment.

This is intended to be consistent with, but narrower than, the defence against polluting one's own land under section 84(1)(c) of the EP Act.

Enforcement

There are several aspects of the current provisions which, in practice, are difficult to enforce.

- 1 Clause 10(1)(f) of the W2R EPP allows disposal of waste "to land owned or occupied by the person". The occupier of the land may be quite distinct from the owner of the land, who may take umbrage with ultimately being left with the liability of waste disposed to their land.
- 2 Establishing that the owner or occupier gave consent for the disposal can be a matter of debate in terms of what was permitted for disposal and to what extent.
- 3 Establishing what has been disposed of after the fact and whether it poses harm to waters, a risk of site contamination, or geotechnical stability generally requires expensive excavation and/or testing.

Often, construction and demolition waste is disposed of under this clause for the purposes of filling land. The [Standard for the production and use of Waste Derived Fill](#) (WDF Standard) outlines information and processes required by the EPA to support the reuse of wastes as fill, including construction and demolition waste. Typically, the EPA requires licensees to comply with the WDF Standard when filling land, however unlicensed sites are not required to comply with it by virtue of clause 10 of the W2R EPP.

Licensing

Clause 10(1)(f) of the W2R EPP does not affect environmental, licensing or other requirements under the EP Act. Therefore, the landowner or occupier could still be guilty of conducting a waste depot without a licence (under section 36 of the EP Act). The EP Act prescribes 'waste disposal' as an activity of environmental significance, which includes "the conduct of a landfill depot, being a depot, facility or works for the disposal of

waste to land". Whether disposal to land in fact constitutes a 'depot, facility or works' can be difficult to establish in practice. Even taking money for the disposal of waste to land (particularly in the case where it is being used to fill land) does not necessarily deem the activity as the operation of a depot.

Since 2010 the waste levy (and hence waste depot gate fees) has increased substantially from \$26 per tonne to \$161 per tonne (for 2024–25). As a result, the financial incentive to receive and dispose of waste without a licence can be significant. This undermines legitimate waste management operators and efforts to establish a circular economy in SA.

Policy options being considered

There are a range of possible amendments which could be considered to address these matters:

- 1 Removing clause 10(1)(f) of the W2R EPP altogether, noting that section 84(1)(c) of the EP Act provides a defence against polluting your own land.
- 2 Amending clause 10(1)(f) of the W2R EPP to:
 1. only allow disposal of waste generated on your own land,
 2. provide a quantitative threshold for the amount of waste which can be received, and/or
 3. specify the types of waste that are allowable.
- 3 Linking the offence for disposal to own land to the person having accepted the waste for a fee or reward.
- 4 Only allowing disposal to land with permission of the landowner (not the occupier). This may include defining that permission must be in writing and must define that waste type and amount to which it relates.
- 5 Explicitly excluding certain waste types from disposal to a person's own land, such as waste banned from disposal to landfill.

QUESTIONS

7.11 Unlawful disposal of waste

- 1 In what circumstances is it appropriate for a person to dispose of waste to their own land without a licence?
- 2 In what circumstances is it appropriate for a person to dispose of waste to land with permission of the landowner and without a licence?
- 3 Are there specific types of waste that should always be allowed to dispose to your own land? If so, please list and explain the reasons.
- 4 Are there specific types of waste that should never be allowed to dispose to your own land? If so, please list and explain the reasons.
- 5 Given the existence of standards, such as the WDF Standard which define when material ceases to be waste, is it still necessary or appropriate for unlicensed sites to receive and dispose of waste to land?

7.12 Contaminants and chemicals of concern

While materials and products that are not readily or safely able to be recirculated within the economy are still being produced, there will continue to be a need for these wastes to be managed safely and effectively.

Clause 19 of the W2R EPP prescribes that the EPA must have regard to the respective national environmental management plans (NEMP) for hexachlorobenzenes (HCBs), organochlorine pesticides (OCPs) and polychlorinated biphenyls (PCBs) prepared under the [National Strategy for the Management of Scheduled Waste](#) when determining matters in relation to environmental authorisations and development authorisations.

In 2018 (and updated in 2019), Environment Ministers endorsed a NEMP for perfluoroalkyl and polyfluoroalkyl substances (PFAS). The PFAS NEMP establishes a practical basis for nationally consistent environmental guidance and standards for managing PFAS contamination. The plan has been developed by all jurisdictions and recognises the need for implementation of best practice regulation through individual jurisdictional mechanisms. It represents a how-to guide for the investigation and management of PFAS contamination and waste management.

As part of implementing the PFAS NEMP, the EPA published the [PFAS in waste soils interim guideline](#).

Why action is needed

Consideration should be given to how the W2R EPP can address emerging contaminants and chemicals of concern in a timely manner. There are significant delays and resource implications to addressing each new contaminant or chemical of concern as they emerge.

Policy options being considered

There may be opportunity for the W2R EPP to be amended to address chemicals of concern as they are added to national or international agreements, such as the *Stockholm Convention* or the *National Strategy for the Management of Scheduled Wastes*.

QUESTIONS

7.12 Contaminants and chemicals of concern

- 1 Are there aspects of the PFAS NEMP which could be useful to incorporate explicitly into the EPP?
- 2 Would it be appropriate for the EPP to incorporate emerging chemicals as they are added to national or international agreements, such as the Stockholm Convention or the National Strategy for the Management of Scheduled Wastes?

7.13 Greenhouse gas emissions from landfill

Degradation of putrescible waste in a landfill generates methane, carbon dioxide and other trace gases that pose potential hazards to site safety, human health, and the environment. Generation of landfill gas can continue for tens of years after placement of the waste and is intricately linked to leachate management.

Landfill emissions are approximately 50% carbon dioxide and 50% methane. Methane has 21 times the effect of carbon dioxide on the greenhouse effect and related climate change. Approximately 704 kilotonnes of CO₂ equivalent was emitted from South Australian waste disposal sites in 2022 (DCCEEW 2023g). The installation of landfill gas management systems offers the potential to capture and burn landfill gases, reducing greenhouse gas emissions to the atmosphere.

Currently, the [Environment Protection Regulations 2023](#) allow for the environment management component of a landfill's licence fee to be reduced where the licensee satisfies the EPA of the existence of a leachate and landfill gas management system that complies with the EPA guideline [Environmental management of landfill facilities](#). For landfills receiving over 100,000 tonnes, this is a reduction of 30 fee units per annum (\$25,980 for 2023–24 financial year), a substantial component of a landfill's licence fee.

This guideline outlines the EPA's expectations for the control and management of landfill gas in order for licensees to meet their general environmental duty under section 25 of the EP Act. Site-specific requirements are then imposed via licence condition, which may include a requirement for active landfill gas capture rather than passive gas collection (refer to the guideline for explanation of the difference). While licensees must have landfill gas management strategies in place, it is not standard practice to require licensees to capture landfill gas.

It is recognised that SA is in a unique position with low waste volumes, vast regional areas, and a dry climate in comparison to other Australian jurisdictions. As a result, currently operational sites may never have sufficient gas volumes or flow of gas to warrant active extraction or energy production investments.

It is noted that the Emissions Reduction Fund enables credits to be claimed for landfills gas capture. The fund has a regulatory additionality requirement, and credits cannot be claimed for activities which are required by law (such as requirement via licence condition).

Why action is needed

Greenhouse gas emissions from landfills can be reduced through the installation of active landfill gas capture systems on capped cells.

Policy options being considered

In order to incentivise landfill gas capture, consideration is be given to providing further or differential reductions in licence fees for waste depots that capture emissions produced in landfill. This could include a higher fee reduction for active gas collection systems and a lesser reduction for passive gas collection systems.

Another option would be to provide a reduction or rebate on the solid waste levy for waste depots that capture emissions produced in landfill.

QUESTIONS

7.13 Greenhouse gas emissions from landfill

- 1 Does the current reduced licence fee for landfill gas capture offer a sufficient incentive?
- 2 Are there other factors acting as a disincentive for final capping and installation of landfill gas capture systems?
- 3 Would a waste levy reduction or rebate be an appropriate tool to incentivise landfill gas capture? How should this be applied?

It should be noted that an EPP to address climate change is also being developed and that policy options raised here may ultimately be included in that EPP rather than in a new circular economy and waste EPP.

7.14 Medical waste

Clauses 16, 17 and 18 of the W2R EPP set out the requirements for the management of medical waste. This includes:

- Providing that medical waste produced in the course of a prescribed activity must, as soon as reasonably practicable, be placed in a prescribed container, collected and transported appropriately.
- Setting out expectations for the collection, storage, and disposal of medical waste by councils, hospitals and pharmacies.
- Prohibiting the disposal of medical sharps through kerbside waste collection.

This review provides an opportunity to consider whether these provisions require updating or amending in order to ensure that medical wastes in managed and disposed of safely and that human health is protected.

Policy options being considered

No policy changes have been identified at this time. Stakeholders are invited to raise any issues for consideration.

QUESTIONS

7.14 Medical waste

- 1 Are there any clauses in Division 2 relating to the management of medical waste that are problematic?
- 2 Are there any additional matters that the EPP might address relating to the management of medical waste?

Key area 6: Circular economy metrics, reporting and transparency

It is said that ‘you can’t manage what you don’t measure’. While measurements of the linear economy are well established, we now need a framework that enables us to measure and track our progress as SA transitions to a circular economy. Measuring where we are now, identifying where we want to be within a defined timeline, and tracking progress towards this, can help show the areas that are progressing well, as well as the areas where attention is required in terms of policy reform, investment, behaviour change or other. Data is key to the successful transition to a circular economy and knowing how we are tracking can help accelerate our progress.

Ideally, a circular economy measurement framework would be developed, adopted, and coordinated nationally, across all levels of government and jurisdictions, so that data is harmonised and can be compared across states and territories, as well as across reporting periods within jurisdictions. At this point there is no agreed national framework.

Why action is needed

While the South Australian government already collects particular circular economy data, it is largely focused on materials at their end-of-life using traditional waste management indicators such as diversion from landfill and resource recovery rates¹¹. This data alone is not sufficient to measure progress towards circularity. Circular economy indicators for higher level activities in the waste management hierarchy (e.g., rates of repair, reuse, and re-manufacturing) are not yet being measured or reported. Also, more detailed data could be collected about waste generation, resource recovery, and the end point of materials, to track material flows at a more granular level.

While a holistic circular economy measurement framework goes beyond the Objects of the EP Act, and beyond the scope of an EPP, this review provides an opportunity to consider what additional indicators or metrics would contribute towards tracking the state’s progress in the areas of waste generation, waste avoidance, resource recovery and material flow. This additional information will help inform the development of future policy and regulatory measures so that they are targeted effectively. It will also enable us to better track performance and progress towards circularity and the targets in current and future SA waste strategies.

Policy options being considered

7.15 Circular economic metrics

To keep products and materials in use at their highest utility and value and for the longest possible duration, we need to track how materials are circulating and where they are being lost from the economy. To track material flow through the economy, we need to improve the monitoring, measurement and reporting of waste and resource recovery across all sectors from the point of generation through to the final destination point of reuse or recycling.

QUESTIONS

7.15 Circular economy metrics

- 1 What additional metrics would help measure the state’s progress in the areas of waste avoidance, resource recovery and material flow?

¹¹ The EPA collects mass balance reporting data from waste depots and GISA collects data relating to the Circular Economy Resource Recovery Report (see [Key Area 3](#) for more information)

7.16 Waste depot reporting

Public reporting

To improve transparency for users of waste and recycling services, in order that they can know how their waste and recyclables are managed, the EPA is considering requiring waste recovery facilities, waste reprocessing facilities, and waste disposal facilities to publicly report, at a facility level, on certain information. This could include information on materials accepted and processed, recovery and recycling rates, diversion outcomes and end fates of materials. This would allow users of these services to consider performance outcomes when selecting their preferred waste contractors and resource recovery facilities, enabling informed decisions as businesses adopt more circular business practices.

The public reporting could be done via the waste depot's own website and in accordance with an EPA-issued standard (to ensure consistency of data across reporting entities). While annual auditing of this data could be done in-house in the first instance, it may be appropriate for the EPA to have the authority to require the waste depot operator to verify this data through independent auditing, where necessary, to ensure accuracy.

Reporting on the waste depot's own website would enable waste depot operators to explain what the information means and the context for the performance outcomes. Consideration can be given to how to achieve this reporting outcome while recognising that some business information may be commercially sensitive. Feedback on this matter is sought.

Since 2021, waste depots that receive over 20,000 tonnes of waste per annum have been required to report mass balance data to the EPA. Mass balance reporting monitors the movement of waste (material flows) to and from waste depots throughout the state, and tracks stockpiling of materials.

Regulation 68 of the *Environment Protection Regulation 2023* provides detail on the "sharing of information with other persons or bodies" related to mass balance reporting data. This regulation enables the EPA to share mass balance reporting data with Green Industries SA or any State or Commonwealth agency. Mass balance reporting data as provided by the EPA is used in Green Industries SA's annual Circular Economy and Recycling Report (CERR report). Regulation 68 also permits the EPA to share "statistical or other data that is not of a commercially sensitive nature or that could not reasonably be expected to lead to the identification of any person to whom it relates".

Noting that mass balance reporting data is included in the CERR report, and the confidentiality provisions under section 121 of the EP Act, feedback is sought on whether the EPA should publicly publish any mass balance reporting data on its website and how often such data should be reported.

End fates of waste or materials

Mass balance reporting data is essential to our understanding of what is happening with waste generation, material flows, stockpiling and rates of diversion from landfill within our state. However, there are some data gaps, that if addressed would provide a fuller picture and help inform regulatory policy and programs to support a circular economy.

Currently, mass balance reporters are required to report monthly on material stream (i.e., C&I, C&D, MSW) and types:

- received at the site
- transported from the site
- remaining stockpiled on site

- used on site
- disposed on site (landfill facilities only)

In relation to material received, reporters must also specify whether the material was received from within the Adelaide metropolitan region (metro), or from outside the Adelaide metropolitan region (non-metro), in alignment with metro and non-metro waste levy rates. When material is transferred out of the waste depot, reporters must specify:

- if it is material recovered as a result of resource recovery processes (resource recovery), or is being transported to another waste depot for further treatment (transferred)
- whether it is to be transported to a place within the State, interstate or overseas.

Since there is currently no requirement to report on the precise location material has been received from or transferred to, there is no requirement for reporting on where materials are received from or being sent to (other than that the material has been transferred or has been sent for resource recovery). This can lead to double counting of waste when looking at the data at a statewide level, particularly where material is transferred between waste depots undertaking mass balance reporting.

Requiring an extra level of information on where the materials have been received from and where the materials are sent once they leave the facility, will help remove double counting, enable better tracking of material flow, and provide data on the end fates of materials (e.g., sent for recycling or reprocessing at certain facilities). As an example, this could include reporting the licence number for materials sent to another licensed site, or an ABN for a business that is not licensed by the EPA.

Additionally, for waste or materials being received from or being sent overseas, there is no requirement currently to specify the country that the materials are sent to. This additional information would assist in providing a greater understanding of material flows at the international level.

Consideration is being given to requiring additional information for mass balance reporting data and feedback is invited on which information would be readily available or easily able to be included, in order to provide a fuller picture of our growing circular economy.

Mass balance reporting

While mass balance data captures only 15% of EPA-licensed waste depots, it represents 77% of total tonnages of the material flows across SA.

Under the Environment Protection Regulations, mass balance reporting applies to any waste depot receiving over 20,000 tonnes of waste per annum. However, the EPA can direct any facility receiving between 5,000 and 20,000 tonnes per annum to participate in mass balance reporting. The EPA can also prescribe material types in the Standard which anyone receiving must provide mass balance reporting data on.

Feedback is sought on reducing the current minimum mass balance reporting threshold to enable a greater number of facilities to be included into mass balance reporting and offer the state valuable data to support policy reforms and grants programs. Alternatively, feedback is sought on whether there are particular materials or types of waste depot which represent a key aspect of understanding material flows in the circular economy and should be included in mass balance reporting.

Waste tracking – Lithium-ion batteries

Under the *Environment Protection (Movement of Controlled Waste) Policy 2014* (MCW EPP), certain high-risk wastes are required to be tracked when transported into, within or out of SA. The waste consignor (producer), transporter and receiving facility all have obligations to ensure these wastes are properly tracked.

The MCW EPP implements requirements of the National Environment Protection (Movement of Controlled Waste between State and Territories) Measures (NEPM) in South Australia. The NEPM regulates the tracking requirements for hazardous waste transported between South Australia and other states and territories. As Li-ion batteries are not listed in Schedule A (List 1) of the NEPM, nor are lithium or lithium compounds, they are not required to be tracked. Rather, only a consignment authorisation is required to be completed to transport Li-ion batteries interstate.

Other high risk battery types, such as lead-acid batteries and nickel-cadmium batteries are included in waste tracking requirements. Mandating the tracking of Li-ion batteries will enable the state to monitor the material flows of these batteries and implement regulatory measures for their proper end-of-life management. Feedback is sought on whether Li-ion batteries should be tracked given that they can exhibit characteristics that are listed in Schedule A (List 2) of the NEPM.

It is noted that interjurisdictional agreement would be required to implement this policy change across jurisdictions.

Landfill depots

Like the data gaps in mass balance reporting, there is also a data gap with the current requirements for waste levy reporting. Currently the EPA receives data on total tonnages that are disposed to landfill, but this is not broken down by waste stream or types. While the particular waste stream or type may be able to be ascertained through mass balance reporting data, where available, this can be very difficult for complex landfill depot sites.

Understanding the waste streams and types being disposed of would assist in identifying further opportunities for resource recovery, which could be targeted by future policy reforms and grants programs, as well as enable more accurate auditing of reporting for waste levy liability purposes.

This review provides an opportunity to explore whether this gap in our knowledge can and should be addressed by an amendment to waste levy reporting requirements.

QUESTIONS**7.16 Waste depot reporting**

1. Should waste depots be required to report certain information on a public facing website, to enable users of their services to consider performance outcomes when selecting their preferred waste contractors and resource recovery facilities?
 - a Should this include all waste recovery facilities, waste reprocessing facilities, and waste disposal facilities? Please explain your reasons.
 - b What information should be reported publicly for each of the waste depot types:
 - waste recovery facilities
 - waste reprocessing facilities
 - waste disposal facilities
 - c Should this information be reported annually or more frequently?
 - d Should this information require independent auditing?
 - e What are the barriers (e.g., commercially sensitive information), to this policy measure and how might these barriers be addressed?
2. Noting the confidentiality provisions in Section 121 of the *Environment Protection Act 1993* and that mass balance reporting data is currently included in the CERR report, should the EPA publish any of this data on its website in order to increase transparency? Why, or why not?
 - a How often should this data be reported?
3. Is the current mass balance reporting threshold of 20,000 tonnes per annum the right threshold required for providing mass balance reporting data? Please explain your reasons.
4. Are there particular materials or types of waste depots currently not captured in mass balance reporting that should be included? Please specify.
5. Should mass balance reporting be extended to include reporting on where materials are coming from, and being sent to, including end fates of wastes and materials, to provide a fuller picture of material flows in SA and nationally?
6. What specific information should be included in the reports to clarify the end fates of recyclables and organics?
7. What mechanisms should SA implement to create more transparency around the end fates of recyclables and organics? What challenges or barriers are there?
8. Should lithium-ion batteries be included in intra and inter-state waste tracking requirements?
9. Should waste levy reporting be extended to include detail on waste streams and material types being disposed to landfill?



7.17 Reporting by local government

7.17.1 Reporting on kerbside waste collection performance

Currently, all SA councils report to the Local Government Grants Commission (LGGC) annually on certain information relating to kerbside collection services. This data is then provided back to councils by the LGGC, but there is a delay of up to 12 months before it's compiled and available for others to use. This same information is also provided to GISA.

In addition, metropolitan Adelaide councils voluntarily provide data directly to GISA annually. However, there are delays in GISA receiving data for non-metropolitan councils, leading to the data being up to two years old when it is received. These delays lead to difficulties in accurately determining the effectiveness of the GISA programs that are aimed at improving waste avoidance and resource recovery, especially when combined with the evolving nature of kerbside collection systems. Being provided with up-to-date and timely data will assist GISA in making informed decisions to target its programs and support most effectively.

To achieve this, a requirement for reporting by local government on household waste generation and resource recovery performance is being considered. This data will provide an accurate and timely circular economy metric for local, state and federal governments. Currently councils only receive information on diversion or resource recovery rates from their contracted MRFs if it is required under their contract. Receiving this data will assist councils to communicate with their residents about kerbside system performance and enable conversations about how to reduce household waste generation, reduce contamination and improve recycling rates.

In addition to providing local communities with data about their own waste, this reporting will enable benchmarking across councils. Benchmarking has potential to help councils identify gaps in their kerbside system performance and uncover opportunities to improve by learning from their peers. It will also provide up-to-date reporting on kerbside collections for the [National Waste Report](#).

The information required to be reported could include:

- tonnes per kerbside bin stream
- landfill diversion rates
- contamination rates by bin type
- waste and recycling service cost per household
- changes to waste service contracts/arrangements for all waste and resource recovery services
- receipt of and stockpiling of problematic items or materials (e.g., CCA treated posts)
- end fates of materials (unless this is already provided through additional mass balance reporting as outlined in [section 7.15](#))
- kerbside waste collection bin audit findings.

QUESTIONS

7.17.1 Reporting by local government | Kerbside waste collection performance

- 1 Should local government be required to report on household waste generation and resource recovery performance, in order to provide an accurate and timely circular economy metric for all levels of government?
 - a What information should be required to report and why?
 - b How frequently should local government be required to report, i.e., monthly, or quarterly?
- 2 Should local government be benchmarked or ranked publicly on the basis of their kerbside performance? Why or why not?

7.17.2 Standardising kerbside waste collection bin audits

To add to the policy proposal above, consideration is being given to establishing a standardised audit methodology for kerbside waste collection bin audits.

Kerbside waste collection bin audits are important for understanding the composition of waste and resources in kerbside bins. This information assists local government and state government to understand household waste management behaviour and practices and develop targeted programs and policies to improve kerbside resource recovery outcomes.

Most metropolitan and regional councils conduct kerbside waste collection bin audits on a regular basis, ranging between every two to four years. However, there is a lack of consistency with audit methodologies adopted across councils, and consequently, audit results are difficult to compare across councils. A requirement for local governments to conduct audits using consistent audit methodology and frequency will help to standardise practices, ensure quality data provision, and enable comparison of results across councils.

QUESTIONS**7.17.2 Reporting by local government | Standardising kerbside waste collection bin audits**

- 1 Should kerbside waste collection bin audit methodologies be standardised to ensure consistency and enable comparison of results across councils? What are the opportunities and barriers to this policy option?
- 2 For councils undertaking kerbside waste collection bin audits:
 - a what audit methodologies are currently used and what range of waste types are covered? Do they measure and reflect householder behaviour and if so, how?
 - b should any other measures be reported through kerbside collection waste bin audits, e.g., bin placement at kerbside, number and relative fullness of the bins presented for collection? What are the impacts of including additional measures in the audits?
- 3 How frequent should a kerbside waste collection bin audit be undertaken and why?

7.17.3 Publishing waste management plans and performance outcomes

Consideration is being given to requiring local governments to publish their waste management plans and strategies and to report on kerbside waste collection performance and related circular economy outcomes on their websites. This information will assist households to better understand what is happening in their local council area and support education initiatives.

7.17.4 Publishing waste contract tendering information publicly

A proposal to make waste contract tendering information public is also being considered, and feedback is being sought on whether councils should take the environmental, social and governance (ESG) principle into account when awarding waste contracts in order to enhance reporting on kerbside system performance.

QUESTIONS**7.17.3 Reporting by local government | Waste management plans and performance outcomes**

- 1 Should local governments be required to publish their waste management plans and strategies on their websites? Please explain your reasons.
- 2 Should local governments be required to publish kerbside waste collection performance outcomes and related circular economy outcomes on their websites? Please explain your reasons.
 - a what information should be included in this online reporting?
 - b should this information include results of kerbside waste bin audits?
 - c when and how often should this information be updated?
- 3 Should the tendering of local government waste contracts be required to be public information in SA? What are the benefits and/or potential barriers of making this information accessible to the public?
- 4 What specific details of the tender should be made public (e.g., criteria for selection, contract terms etc)? In what format should this information be presented to ensure clarity and accessibility for the general public?
- 5 What are the challenges associated with integrating ESG into waste contracts? How can these challenges be addressed?

7.18 Transparency in waste levy component of service fees and charges

In addition to there being a lack of transparency about what happens to recyclable materials after they are collected, there is also a lack of transparency in the information provided by the waste and resource recovery industry to their customers about the waste levy component of fees and charges. This is reflected in the fact that customer invoices for waste services generally do not set out the amount of the invoice that directly relates to the solid waste levy fee that is incurred in providing that service.

In order to increase transparency for users of these services, the EPA is seeking views on whether landfill depots should disclose the component of fees and charges on their invoices that specifically relate to the payment or incurring of a solid waste levy expense.

QUESTIONS

7.18.1 Transparency in waste levy component of service fees and charges

- 1 Should operators of landfill depots be required to disclose the waste levy component of fees and charges on customer invoices? Please explain your reasons.
- 2 Should a requirement to disclose the waste levy component of fees and charges on customer invoices extend to other waste and resource recovery operators? If so, who should it apply to and why?

8 Additional questions

QUESTIONS

- 1 Are you impacted by the current W2R EPP? Please describe how you are impacted and what effect this has.
- 2 Do you have any feedback on the current South Australian regulatory framework for resource recovery and waste management?
- 3 Are there any other policy measures that would help increase waste avoidance, improve resource recovery, and support a circular economy?
- 4 Are there any other comments you would like to make in response to the discussion paper?

9 Next steps

Following consultation on this discussion paper, the EPA will consider the submissions and publish a consultation summary and response.

The feedback received will then inform the preparation of a new draft EPP. As required by section 28 of the EP Act, the draft EPP will be released, along with detailed explanatory information, for further public consultation. The process for that stage is depicted in Figure 15.

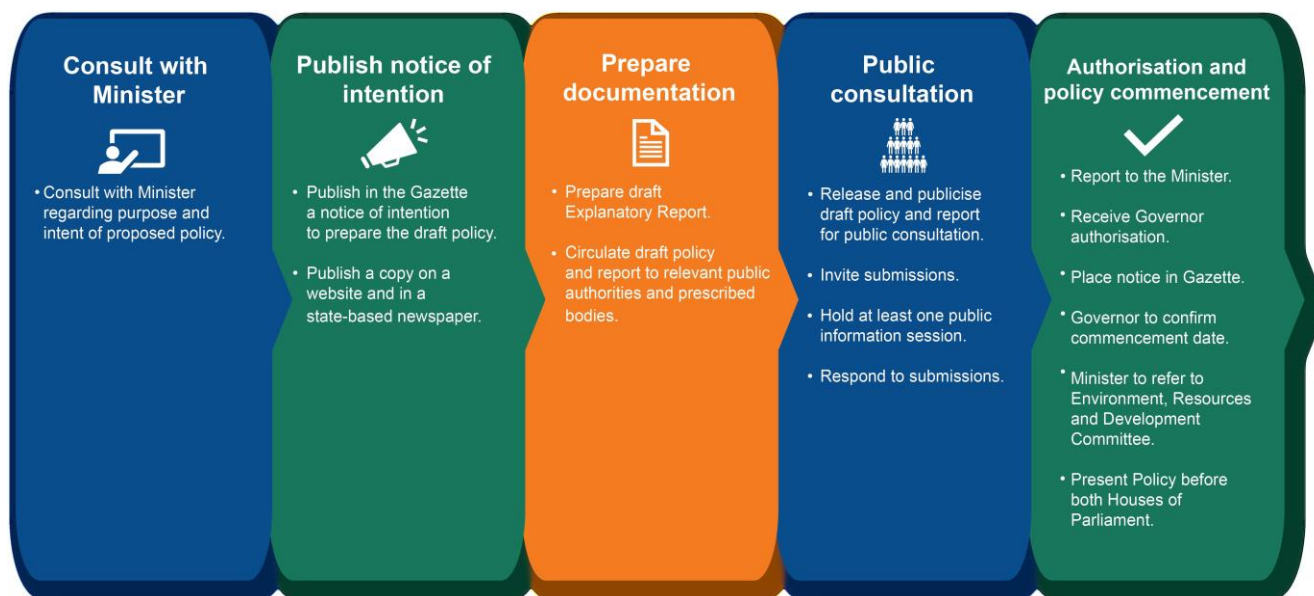


Figure 15 Steps to develop environment protection policies

Glossary

Alternative fuels	Any combustible material which is not a traditional fossil fuel such as coal, gas, diesel or petroleum coke. This includes refuse derived fuel.
Aluminium-lined liquid paperboard containers	Containers manufactured from paperboard with layers of plastic and an additional layer of aluminium foil which are used for long-life products such as long-life milk.
Beneficial use or reuse	The outcome of the use or reuse of a product or material being a net environmental benefit, i.e., contributing to environmental sustainability and resource efficiency.
Biodegradable	Capable of being decomposed by the action of biological processes.
Biogas	A renewable gas created by the anaerobic digestion of organic matter (or materials).
CCA treated timber	Copper chrome arsenate treated timber - timber that has been treated by a chemical preservative containing compounds of copper, chromium and arsenic.
Circular economy	<p>A circular economy is an economic model designed to prioritise sustainability, resource efficiency, and waste reduction. It aims to move away from the traditional linear economic model of 'take-make-dispose' and instead seeks to create a closed loop system where resources are kept in use for as long as possible, with their value preserved and waste minimised.</p> <p>It is based on three principles: design out waste and pollution; keep products and materials in use (ideally at their highest and best value); and regenerate natural systems.</p>
Circular procurement	An approach to purchasing works, goods and services that accelerate the transition to a more circular economy by prioritising the purchase of products and services with circular attributes.
Climate change mitigation	Limiting, reducing or preventing greenhouse gas emissions.
Closed loop recycling	Material from a product system is recycled in the same product system and is of the same quality and functionality as the original material.
Construction and demolition (C&D) waste	Solid waste arising from the construction, demolition or refurbishment of buildings or infrastructure, but does not contain municipal solid waste, commercial and industrial waste, listed waste, hazardous waste or radioactive waste.
Commercial and industrial (C&I) waste	Solid waste arising from commercial, industrial, government, public or domestic premises (other than municipal solid waste), but does not contain listed waste, hazardous waste or radioactive waste.

Co-mingled recycling kerbside bins	Yellow lidded kerbside bins for co-mingled recyclables collected by council.
Compost	Pasteurised material resulting from the controlled microbiological transformation of compostable organic waste under aerobic and thermophilic conditions for not less than six weeks.
Compostable organic waste	The biodegradable component of the waste stream that is of biological origin but does not contain any listed waste, radioactive waste or hazardous waste.
Composting	The controlled process whereby compostable organic wastes are pasteurised and microbiologically transformed under aerobic and thermophilic conditions for a period not less than six weeks, including the pasteurisation phase.
Container deposit scheme	A litter control and waste management system for beverage containers through a regulatory scheme for the protection of the environment, which prohibits the sale or supply of beverages in certain containers in the state unless approved by the EPA and are returnable to retailers and collection depots for a refund.
Contaminants/contamination	Waste that ends up in streams where it does not belong and affects the processing and recycling of that material.
Design standard	A requirement or requirements for the design of items prescribed for environmental, human health or economic reasons.
Disposal	Final stage in the management of waste, which includes: <ul style="list-style-type: none"> • treatment of waste prior to disposal • incineration of waste, with or without energy recovery • deposit of waste to land or water • discharge of liquid waste to sewer • permanent, indefinite or long-term storage of waste.
Dispose	To dispose of waste, including the deposit of waste and causing or allowing waste to be disposed or deposited.
Diversion	Diverting waste from landfill for other uses.
Downcycling	Downcycling is the process of breaking down material to make something new but of a lower quality and functionality than the original product. This can be due to contamination or natural degradation over time.
Energy recovery	Processes through which wastes are collected, sorted and processed to recover energy in usable form, for example process heat, steam or in electricity generation.
Environment Ministers Meeting	Comprises the Commonwealth Minister for the Environment and the Environment Minister from each Australian state and territory.

Environment protection policy (EPP)	A legislative tool provided for under the <i>Environment Protection Act 1993</i> . EPPs can be made for any purpose directed towards securing Objects of the Act. This may include setting out requirements or mandatory provisions that will be enforceable under the Act.
E-waste	Waste electrical and electronic equipment which is dependent on electric currents or electromagnetic fields in order to function (including all components, subassemblies and consumables which are part of the original equipment at the time of discarding).
Feedstock	Raw material used to manufacture products. Material varies depending on what is being produced.
Food organics and garden organics (FOGO)	Combined food organics and garden organics collections.
Food organics/food waste	Food that does not reach the consumer or reaches the consumer but is thrown away. Food waste can be generated by households or industry, and includes food processing waste, out of date or off specification food, meat, fruit and vegetable scraps.
Garden organics / garden waste	Organics derived from garden sources such as grass clippings and tree prunings. Also known as green organics or green waste.
Generator (of waste materials)	A C&I or C&D generator of waste materials to either landfill or recovery fates.
Green organics kerbside bins	Green lidded kerbside bins for food organics and garden organics collected by council.
Green waste	The vegetative portion of the waste stream arising from various sources including waste from domestic and commercial premises and municipal operations.
Greenhouse gases	Gases, including carbon dioxide and methane, that trap heat in the earth's atmosphere, affecting weather and climate patterns.
Hazardous waste	Listed waste having a characteristic described in schedule A list 2 of the <i>National Environment Protection (Movement of controlled waste between States and Territories) Measure</i> .
Highest value use/reuse	<p>The highest achievable outcome for the use or reuse of products or materials, according to the waste management hierarchy and the second principle of a circular economy (to keep products and materials in use at their highest value). This relates to material resource efficiency and also the greenhouse gas emissions impact of the intended use or reuse of that product or material.</p> <p>An example of highest value reuse is a glass bottle being recovered for reuse as another glass bottle.</p>
Incineration	The thermal destruction of waste for the primary purpose of disposal, with or without recovery of energy.

Kerbside collection general waste	The segregated portion of municipal solid waste – kerbside bin collection consisting of the residual waste after source separation from organic waste and recyclable waste.
Kerbside collected recyclable waste	The segregated portion of municipal solid waste – kerbside bin collection consisting of dry recyclable materials including beverage containers, paper, cardboard, plastics, glass and metals.
Kerbside waste collection	Waste collected by local councils from residential properties, including rubbish, mixed recyclables, food organics and garden organics, and glass, but excluding hard waste.
Landfill	A waste disposal site used for the controlled deposit of solid waste onto or into land.
Mass balance reporting	<p>Mass balance reporting monitors the movement of waste (material flows) to and from waste depots throughout the state, and tracks stockpiling of materials. Waste depots receiving over 20,000 tonnes of solid waste per annum (or otherwise directed by the EPA) are required to report monthly to the EPA on quantities of waste or other matter:</p> <ul style="list-style-type: none"> • received at the site • transported from the site • remaining stockpiled on site • used on site • disposed on site (e.g., by landfill or incineration).
Material flows	The way materials pass through production, distribution and use processes in an economy.
Materials recovery facility	A facility that receives waste or matter for sorting, aggregating, compacting, baling or packing prior to its transfer elsewhere for lawful reuse.
Methane	A colourless, odourless, flammable gas CH ₄ . Methane has 28 times the effect of carbon dioxide on the greenhouse effect and related climate change.
Metropolitan Adelaide	The part of the South Australia within the boundary of Metropolitan Adelaide as defined in the <i>Development Act 1993</i> .
Microplastics	Pieces of manufactured plastic (less than 5mm in diameter) that are used in products for a variety of reasons, often for their abrasive or exfoliant properties.
Municipal solid waste (MSW)	Solid waste arising from mainly domestic but also commercial, industrial, government and public premises including waste from council operations, services and facilities that is collected by or on behalf of the council via kerbside collection, but does not contain commercial and industrial waste, listed waste, hazardous waste or radioactive waste.

Non-circular	Activities that are a pathway to end-of-life for products or materials as opposed to keeping them circulating in the economy.
Organic waste	Wastes derived from material that was once living, excluding petroleum-based materials.
PFAS	Per- and poly-fluoroalkyl substances.
Photovoltaic solar panels	Devices which are used to absorb the sun's rays and convert them into electricity.
Product	An article, material or substance that is manufactured or refined for sale.
Product stewardship	A concept and set of approaches based on the idea that those involved in designing, manufacturing and selling products should accept responsibility for ensuring they do not have adverse impacts on the health of humans and environments. This includes impacts across the lifecycle of the products, from the extraction of materials, the way products are used, and how they are managed at end-of-life.
Product stewardship program/scheme	Product stewardship schemes support the environmentally sound management of products and materials over their life. This includes at the end of their useful life. These arrangements may be voluntary, mandatory, or co-regulatory (arrangements between government and industry).
Prohibited landfill waste	Schedule 4 of the W2R EPP lists all prohibited landfill wastes in SA. These wastes are prohibited from being disposed to landfill on the basis that there are established resource recovery options for these materials or that they pose a risk of environmental harm if disposed of directly to landfill.
Public place recycling	Recycling facilities found in public areas, such as parks, reserves, transport hubs, shopping centres and sport and entertainment venues that allow the community to recycle when away from home.
Raw materials	Materials sourced through primary resource extraction that have not previously been processed or used in the creation of products.
Recovered materials	Waste materials separated, sorted or processed for the purposes of waste reuse, recycling or energy recovery.
Recovery	A process that extracts materials or energy from the waste stream.
Recycle/recycling	To treat materials so that new products can be made from them. A set of processes (including biological) for converting recovered materials that would otherwise be disposed of as wastes into useful materials and or products. The following definitions apply: <ul style="list-style-type: none"> a Closed loop recycling: recycling process in which the reclaimed output is used as an input to the same product system. b Open loop recycling: recycling process in which the reclaimed output is used as an input to another product system.

Recycled materials	Material that has been reprocessed from recovered (reclaimed) material by means of a manufacturing process and made into a final product or into a component for incorporation into a product.
Recycling stream	The component of the waste stream that is separated from waste intended for disposal, which is then sorted and recycled.
Refuse derived fuel	A fuel material produced from specific wastes that are otherwise destined to landfill and which will not cause harm to the environment or human health when used to beneficially replace or supplement a fossil or other standard commercial fuel in an industrial process. Refuse derived fuel is required to be produced to meet an approved standard as issued by the EPA. See Refuse derived fuel standard .
Repair	Altering a product or material to correct damage or fault, maintaining its use.
Reprocessing	Processing of recovered materials to make raw materials for use in making new products or direct use.
Residual waste	Residual material that remains after any source separation or reprocessing activities of recyclable materials or garden organics.
Resource recovery	Activities through which wastes are collected, sorted, processed (including through composting), and/or converted into raw materials for use in a production system. For data reporting purposes, the quantity of waste allocated to the fate 'resource recovery' is the sum of the quantities allocated to waste reuse, recycling and energy recovery.
Resource recovery rate	The quantity of waste that is prevented from going to the landfill for use in another way, divided by the quantity of waste generated.
Resource recovery treatment	Treatment for resource recovery as defined in clause 3 of the <i>Environmental Protection (Waste to Resources) Policy 2010</i> .
Reuse	Reallocation of products or materials to a new owner or purpose without reprocessing or remanufacture, (but may include repair, maintenance or cleaning).
Single use	Designed to be used once and then disposed of.
Source separation	Physical sorting of the waste at the point of generation into specific components suitable for resource recovery from the residual component.
Three-bin system	A council kerbside bin collection system which provides three bins for: 1. general waste, 2. co-mingled recyclables and 3. food and garden organics.
Transfer station	A depot for the reception and aggregation of waste streams prior to their transport to another depot or location for further sorting, resource recovery or disposal.

Virgin materials	Raw materials that have not previously been processed or used in the creation of products.
Waste	Waste is defined in section 4 of the EP Act as: ‘any discarded, dumped, rejected, abandoned, unwanted or surplus matter, whether or not intended for sale or for purification or resource recovery by a separate operation from that which produced the matter, whether or not of value’.
Waste and resource recovery industry	This is inclusive of business and organisations involved in collecting, sorting, processing, trading, transporting and disposing of waste.
Waste avoidance	Preventing waste generation, including through design of products and changing consumer behaviour to preference durable, reusable and repairable products. Also referred to as waste prevention or waste minimisation.
Waste depot	Any depot, facility or works as described in Schedule 1 Part A clause 3 of the EP Act. This includes waste disposal depot, material recovery facility, transfer station, waste reprocessing facility or composting depot.
Waste generation	The process of producing waste. For data and reporting purposes, waste generation is the sum of the quantities of waste taken to waste management facilities or added to on-site stockpiles. Measures of the total amount of waste generated include the waste we recycle as well as the waste we send to landfill.
Waste management hierarchy	Reference to an order of priority for the management of waste in which avoidance, minimisation, reuse, recycling, recovery of energy and other resources, treatment of waste to reduce potentially degrading impacts, and disposal of waste in an environmentally sound manner are pursued in that order.
Waste levy	A waste levy is payable to the EPA on solid or liquid waste disposed of by landfilling, incineration or via liquid waste depot (i.e., disposal at licensed waste disposal depots under the EP Act).
Waste prevention	Any deliberate action taken that stops an item, component or material from entering a waste management facility or system.
Waste streams	The flow system for the cycle of waste from its source to the recovery, recycling, or ultimate disposal of the waste.
Waste treatment	The treatment of waste in some way as described below- <ul style="list-style-type: none"> a to recover material from the waste that may be reused or recycled; or b to recover energy or other resources from the waste; or c to prepare the waste for further treatment to recover material from the waste that may be reused or recycled or to recover energy or other resources from the waste; and includes, but is not limited to, sorting, shredding, crushing, compacting or packaging the waste.

Abbreviations

ACT	Australian Capital Territory
As	arsenic
BESS	battery energy storage systems
C&D	construction and demolition
C&I	commercial and industrial
CCA	copper chromium arsenic
CERR Report	Circular Economy Resource Recovery Report
CO ₂	carbon dioxide
CO ₂ -e	carbon dioxide equivalent
Cr	chromium
Cth	Commonwealth
Cu	copper
EoL	end-of-life
EPA	South Australian Environment Protection Authority
EP Act	<i>Environment Protection Act 1993</i>
EMM	Environment Ministers' Meeting
EPP	environment protection policy
ESG	environmental, social, and governance
E-waste	electronic waste (discarded electrical and electronic devices)
FOGO	food organics and garden organics
GHG	greenhouse gas
GISA	Green Industries SA
HCBs	hexachlorobenzenes
kg	kilogram
kW	kilowatt
LGA	Local Government Association of South Australia

Li-ion	lithium-ion
mm	millimetres
MRF	materials recovery facility
MSW	municipal solid waste
MUDs	multi-unit dwellings
NEMP	National Environmental Management Plan
NSW	New South Wales
OCPs	organochlorine pesticides
PCBs	polychlorinated biphenyls
PFAS	perfluoroalkyl and polyfluoroalkyl substances
PV	photovoltaic
SA	South Australia
SDGs	Sustainable Development Goals
W2R EPP	<i>Environment Protection (Waste to Resources) Policy 2010</i>
WDF Standard	Standard for the production and use of Waste Derived Fill

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Appendix 2

*Draft submission into the review of the Environment
Protection (Waste to Resources) Policy 2010.*

Adelaide Hills Council (AHC)

Submission into the review of the *Environment Protection (Waste to Resources) Policy 2010*

EPP review question	AHC response
7.1 Broadening the policy objective	
1) Do you agree that 'circular economy' should be an objective of the W2R EPP? If not, please explain your reasons.	In principle, AHC supports including a circular economy objective in the W2R EPP. Council supports further consultation with key stakeholders that will be impacted by the inclusion of a circular economy objective in the W2R EPP as further details of potential implications from these changes arise.
2) Do you agree that 'climate change mitigation' (i.e., limiting, reducing, or preventing greenhouse gas emissions) should be an objective of the W2R EPP? If not, please explain your reasons.	In principle, AHC supports the inclusion of climate change mitigation objective in the W2R EPP. Council supports further consultation with key stakeholders that will be impacted by the inclusion of a climate change mitigation objective in the W2R EPP as further details of potential implications from these changes arise.
7.2 Expanding the waste management hierarchy	
1) Do you have any comments on the proposed expanded SA waste management hierarchy set out in Table 2 and depicted at Figure 7 (below)?	AHC supports the proposed expanded SA waste management hierarchy. Consideration should be given to how this detail is communicated to the community and that some applications may benefit from a simpler graphic to that outlined in Figure 7 of the discussion paper.
7.5 Product stewardship requirements	
1) Should SA establish a product stewardship legislative framework to enable action to be taken at the state level for certain products/items? Please explain your reasons.	AHC's preferred option is that the Federal Government establish a product stewardship framework so there is consistency at a national level. However, SA should consider acting to implement a legislative framework if national approach is unlikely to happen in a timely manner. A product stewardship framework will either encourage producers and manufacturers to design their products for longer life, repair and resource recovery at their end of life, or be responsible for the cost of recovery/disposal if they are unwilling to make design changes.
– Should these actions include product bans, design standards and/or product stewardship requirements, and why?	Stewardship arrangements for CCA and other treated posts would be welcomed to support vineyards and other agricultural uses of post in the AHC region. Product stewardship requirements should be included as they will assist to ensure producers and manufacturers

manage the resource recovery and waste components of their goods at end of life.

– What specific requirements could be included in a list of potential product stewardship requirements?

Requirements could include:

- Minimising packaging with a focus on harder to recycle material.
- Maximising recycled content with grade A material that can be recycled over and over.
- Minimising use of lower grade material that is downcycled or once off reuse.
- Banning use of materials that can't be recovered.
- Buying Australian Made where possible.
- Make it easy for consumers to recycle at product end of life.

These requirements should not lead to adverse outcomes, including:

- Disposal costs passed onto State or Local Government.
- Significant cost increases for consumers.

– What should be included as a reason for a design standard?

Design standard to ensure the principles of a circular economy are adhered to at the highest level.

3) Are there specific problematic items, materials or products (e.g., that contain hazardous materials) that should be considered for regulation at the state level, either through a ban, design standard or product stewardship requirement? Please list and explain why.

A range of products/materials would benefit from greater regulation:

- CCA treated posts – there are no recycling options and their stockpile on properties has proven problematic during bushfire events and led to contaminated soil/waterways.
 - Lithium-ion batteries – these have caused multiple combustion events, which recently included an East Waste kerbside truck in the Adelaide Hills, causing \$150,000 of damage. Product stewardship would be an appropriate approach.
 - Solar panels – end of life panels will be a significant problem in the coming years and will require a concerted approach to manage them and divert them from landfill. Product stewardship would be an appropriate approach.
 - Polystyrene – packaging options have progressed to make polystyrene a largely unnecessary option. This
-

is a material that could be suitable for a ban to progress its phase out.

- Expansion of the CDS to include wine and spirit bottles to deliver these to their highest and best use (i.e. bottle-to-bottle).

7.7.1 MSW | Household waste – metropolitan Adelaide, large regional centres and townships

- 1) **Stage 1 Metropolitan Adelaide** - If a requirement to provide a standardised three-bin system (recyclables, organics, and general waste) to all residential premises, in particular metropolitan Adelaide areas, was mandated, which councils or which areas should this apply to and why?

While AHC supports a principle of consistency in waste collection mechanics (e.g. colours of bins, materials collected through each bin, etc) AHC's preference is that local councils should have the flexibility to determine waste collection models (e.g. frequency of collection and waste streams collected) that meet the needs and preferences of their particular communities. This approach would allow for innovation and testing of different models and enables council to engage with their local communities on a genuine and meaningful basis around waste management.

Should the policy mandate particular collection models (say, the three-bin system), AHC's position is that flexibility should be provided in regard to rural. Using the 'metropolitan boundary' or designating councils which cross the boundary as either metropolitan or regional could result in unreasonable cost implications. For instance, large rural properties will make limited use of FOGO collections for garden waste disposal, however it may still be desirable to provide FOGO services for food waste collection. If AHC was required to provide FOGO services to rural properties, without being able to offset costs by adjusting the frequency of collection of other waste streams, it will add an additional cost burden to the ratepayers, which is likely to be met with significant opposition.

The Policy could also provide flexibility where a local council can demonstrate through community engagement and trials that a varied waste collection model best suits its community.

The requirement to provide a three-bin system would be AHC second preference, if the current requirement in the

EPP (Part 3, Div 1, 10, [2]) for councils to provide access to a weekly general waste service is removed.

The requirement to provide weekly waste collection is a significant barrier to implementing high performing kerbside services that meet the need of the community and keep cost of living pressures down, while assisting those in the community with genuine needs (e.g. medical, nappies). In particular, AHC cannot implement FOGO to rural residents with this requirement due to the costs associated with maintaining access to weekly collections for rural residents. Council would likely extend a three-bin system to rural properties if there was no requirement to provide the option for a weekly landfill collection (or without the ability to recover the cost of this with a service charge). The large geographical area of AHC means it impractical and cost prohibitive to potentially be required to collect a small number of weekly waste bins from those properties opting out of fortnightly waste collection service.

The provision of weekly FOGO to townships and urban areas is also challenging with the requirement to maintain access to weekly collections, albeit not to the same degree as rural properties.

The removal of the requirement to provide weekly waste collection to both township and rural properties would give AHC more flexibility to plan and implement a high performing three-bin system that meets community needs.

3) If separate collections for recyclables or organics, whether by council or private waste contractors, are unable to be provided due to lack of access or infrastructure, should this trigger a requirement for the waste collected to be treated for resource recovery prior to disposal to landfill? This could lead to perverse outcomes for AHC. Rural properties currently do not have a FOGO service and if their landfill bins were subject to resource recovery requirements this could either require a separate truck to complete the rural run leading to increased collection costs or result in new costs for resource recovery requirements for the recyclable and organics bin following collection and before disposal. It is not clear whether post-collection sorting technology is sufficiently developed or available at reasonable cost, at this time.

4) Stage 2 Large regional centres and townships

- What additional areas, townships, or regional centres should be included in Stage 2 and when should this stage commence? Please explain your reasons including whether there is current or planned local processing capacity.

Depending on the outcome of Stage 1, Stage 2 will need to consider how AHC would be impacted by these requirements. AHC townships already have a three-bin system and it would need to allow flexibility to consider and implement a system that meets community needs and balances cost to provide services to rural properties.

5) What can be learned from the results of local government trials (and council-wide rollouts) aimed at increasing diversion from landfill and improving resource recovery outcomes, including changing the default residential kerbside waste collection service to a weekly organics collection with fortnightly general waste collection and fortnightly recycling collection?

AHC recently completed a successful 12-month trial of alternative collection frequencies.

The township trial with weekly FOGO, fortnightly landfill achieved an average kerbside diversion of 77%. There were two rural samples that received a FOGO bin for the first time. One had weekly FOGO, fortnightly landfill and achieved 57% kerbside diversion and the other with a fortnightly three-bin system reached 51% diversion.

The trial was well received by a majority residents and only a small number chose to opt-out of the trial.

The trial highlighted AHC's opportunity to achieve the state waste target and be the highest performing council in the state. AHC's kerbside diversion has been static at around 50% for many years and weekly FOGO and fortnightly waste provides a step change and impact on resident behaviour to recycle food waste. Without weekly FOGO and fortnightly waste collection residents are less likely to change their behaviour.

The trial also confirmed that Council may extend a three-bin system to rural properties if there was not a requirement to provide the option for a weekly landfill collection (or without the ability to recover the cost of this with a service charge). The large geographical area of AHC means it impractical and cost prohibitive to potentially be required to collect a small number of residents.

6) Are there other policy measures that could support enhanced resource recovery outcomes through any or all of the following:

- consistency in kerbside services
- source segregation and collections

If the current requirement for weekly landfill for metropolitan councils (and AHC) is not removed, an option that could be considered is to allow councils to introduce a service charge for weekly landfill collection, only if an exemption process is in place so that those with a genuine need (e.g. those with nappies, medical needs) do not have to pay.

– reduction in contamination of recyclable and organic waste bins.

Measures should be considered that provide councils with a regulatory mechanism that can be applied to those properties that repeatedly undertake gross contamination of their recycling or organic waste bins. Aside from repeated education and encouragement there are no mechanisms available to councils to prevent repeat occurrences of this behaviour.

7.7.4 MSW | Standardisation of waste bins

1) What is a reasonable approach and timeframe for standardising the colour of kerbside collection bin lids in compliance with the Australian Standard AS4123.7–2006 Mobile waste containers, Part 7: Colours, markings and designation requirements?

AHC supports nominating a specific date for councils to stop issuing new or replacement bins that do not comply with the Australian Standards (e.g. After December 31 2025, newly issued general waste bins must have red lids). AHC does not support specifying timelines for councils to retrofit existing bin stock, unless funding will be made available to deliver this. AHC supports a replacement model where bins are aligned to the Australian Standards as they need to be replaced. While this will require education to accommodate the two lid colours, it prevents the need for an expensive retrofit at Council's expense for little practical benefit.

7.8.5 C&I | Public place recycling and organic waste bins

1) Do you agree that recycling and organic waste bins should be provided in public places? Please explain your reasons.

Ideally recycling and organic waste bins should be provided in public places. In practical terms however these bins are often grossly contaminated requiring the contents to be disposed of to landfill. In the absence of well developed and cost efficient post-collection sorting technology for co-mingled waste streams, it is difficult to see how this could be reasonably mandated.

2) Should the materials in public place recycling or organic waste bins be prohibited from disposal to landfill? If so, should there be any exceptions to this? Please explain your reasons.

AHC does not support materials from public place recycling or organic waste bins being prohibited from landfill. Public place recycling or organic waste bins are often grossly contaminated and requiring resource separation prior to disposal would be prohibitively expensive.

7.8.6 C&I | Event and venues recycling and organic waste bins

1) Should three-bin systems be provided at all major events and large venues?

AHC supports the principle that large venues and major events should have a mandated three-bin system at the organisers responsibility including post event auditing to

ensure materials are diverted into the appropriate waste stream.

Consideration needs to be given to what is defined as a major event to ensure smaller events are not adversely impacted by additional expense or requirements. The implications of mandating a three-bin system and waste auditing could be disproportionate to overall event budgetary costs, particularly for small events.

7.8.7 C&I | Resource recovery treatment for public place bins

1) Should public place general waste bins require treatment for resource recovery prior to disposal to landfill where recycling and organic waste bins have not been provided?	This could lead to perverse outcomes for AHC and other large or regional councils. Public place bins are often collected by the kerbside truck and requiring bins to be subject to resource recovery requirements could require a separate truck to complete the rural run leading to increased collection costs or incur resource separation costs prior to disposal.
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7.9 Circular procurement

1) Should there be a South Australian whole-of-government procurement policy, or sustainable procurement policy that incorporates circular economy principles? – If so, should this be mandatory and regulated by the EPA?	Yes, AHC already has sustainable procurement practices imbedded within its procurement documents. It should be mandatory but not regulated by the EPA. Regulation should be considered in the future after a period of transition (e.g. reliable sources of recycled content products are available and markets are consistent).
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2) Should a requirement for government reporting of performance against adopted circular procurement standards, criteria, or targets, be regulated by the EPA?	There must be clear purpose and benefit from reporting requirements otherwise the benefit will be outweighed by the additional administrative resource and costs to report. If clear benefit is identified reporting should come, but not until after a period of transition. Reporting could be considered into the future when reforms are stabilised (e.g. reliable sources of recycled content products are available and markets are consistent).
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3) Should a circular procurement policy also be mandated and regulated by the EPA for industry/business? a) What size business should this apply to? b) What would be an appropriate reporting mechanism for businesses?	It should be mandatory but not regulated by the EPA. a) Unable to provide a definition, however the reforms should apply to larger suppliers/any company that sells large quantities of product to the community/general public (e.g. Bunnings, Harvey Norman, Woolworths, Coles etc).
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c) What is a reasonable lead time for businesses to commence and undertake this requirement?

b) Reporting should come but not until after a period of transition. Reporting could be considered into the future when reforms are stabilised.

c) Depends on the detail of reforms and should therefore be considered at a later stage.

7.10. Prohibited landfill waste 1 - 9

The following items are being considered for inclusion in the list of prohibited landfill wastes due to the existence, or development, of resource recovery options for these items. A phased-in approach to prohibition from landfill for these items can be adopted to allow for the development of collection systems, resource recovery and reprocessing infrastructure, and end markets.

- Aggregated organics
- Clothing textiles
- Batteries
- Lithium-ion batteries
- E-waste
- Wind turbine blades
- Mattresses
- Child car seats

AHC supports the principle of proposed landfill waste bans subject to appropriate engagement occurring with relevant stakeholders to ensure:

- financially sustainable alternative disposal paths are planned and in place
- suitable circular based replacement products are available
- end markets are available for the recovered products
- local government is not the default alternative collection and disposal pathway
- costs for new recovery paths are met by the producers of the products.

7.17.1 Reporting by local government | Kerbside waste collection performance

1) Should local government be required to report on household waste generation and resource recovery performance, in order to provide an accurate and timely circular economy metric for all levels of government?

AHC support this, subject to further consultation and engagement with councils and the LGA to ensure reporting system is efficient, does not duplicate existing reporting and has a minimal resource impact.

a) What information should be required to report and why?

Information that AHC can see benefit from reporting includes:

b) How frequently should local government be required to report, i.e., monthly, or quarterly?

- kerbside tonnes per stream (monthly or quarterly – this data would flow through to calculations for kerbside diversion and waste generation per person).
- hard waste tonnes (quarterly or annually)
- transfer station tonnes (quarterly or annually)

2) Should local government be benchmarked or ranked publicly on the

No. If this was considered, the purpose of the benchmarking should be clear and not compare kerbside

basis of their kerbside performance? Why or why not?

performance simplistically without appreciating variables and limitations councils face that are beyond their influence.

Kerbside performance is a reflection of the collective performance of the community, not necessarily reflective of council commitments and actions to reduce waste and increase resource recovery.

7.17.2 Reporting by local government | Standardising kerbside waste collection bin audits

1) Should kerbside waste collection bin audit methodologies be standardised to ensure consistency and enable comparison of results across councils? What are the opportunities and barriers to this policy option?

Yes, there should be a standard methodology and set of resources (e.g. guidance document, reporting and analysis spreadsheet) that allow audit results to be compared across councils. This can be developed to still provide flexibility for differences between councils (e.g. metro and rural) and consider where audits are aiming to achieve specific outcomes (e.g. weekly FOGO trials).

If State Government wants to receive this data from councils, then they should be willing to develop these common resources and potentially contribute financially to the delivery of these audits.

2) For councils undertaking kerbside waste collection bin audits:

a) what audit methodologies are currently used and what range of waste types are covered? Do they measure and reflect householder behaviour and if so, how?

b) should any other measures be reported through kerbside collection waste bin audits, e.g., bin placement at kerbside, number and relative fullness of the bins presented for collection? What are the impacts of including additional measures in the audits?

a) AHC audits are typically managed and delivered via East Waste. They follow the traditional auditing method of a representative sample of bins (e.g. 100 bins per stream) which is then separated by category and weighed.

Key measures included in these audits include:

- kerbside diversion
- contamination
- unrecovered resources in the landfill bin
- material separation efficiency
- food efficiency
- estimated waste generation (kg per household per week)
- composition of each material stream.

b) Other data measures have limited value when considering the cost to deliver:

- bin fullness is time consuming to measure and provides little practical value.
- Bins presented for collection can be determined through collection vehicle data (e.g. number of bin lifts as a proportion of total bins).

3) How frequent should a kerbside waste collection bin audit be undertaken and why?

Audits provide a snapshot of performance at a point in time and should not be over-relied on as a definite measure of performance.

The current cost and logistic impacts of an audit mean it is only practical to deliver them every 2-3 years (or smaller audits for specific purposes).

7.17.3 Reporting by local government | Waste management plans and performance outcomes

1) Should local governments be required to publish their waste management plans and strategies on their websites? Please explain your reasons.

Yes, to:

- help the community understand how they can better perform in regard to use of the kerbside bin system.
- allow other councils and organisations to understand a council's priorities and potential opportunities to partner or align on actions.

2) Should local governments be required to publish kerbside waste collection performance outcomes and related circular economy outcomes on their websites? Please explain your reasons.

Yes, with the main focus of helping the community understand how they can better perform.

See responses to 7.17.1 and 7.17.2 for comments on questions a, b and c.

a) what information should be included in this online reporting?

b) should this information include results of kerbside waste bin audits?

c) when and how often should this information be updated?

3) Should the tendering of local government waste contracts be required to be public information in SA? What are the benefits and/or potential barriers of making this information accessible to the public?

No. There appears to be little if any benefit to this approach.

4) What specific details of the tender should be made public (e.g., criteria for selection, contract terms etc)? In what format should this information be presented to ensure clarity and accessibility for the general public?

None. AHC is already open and transparent regarding performance of the kerbside bin system through performance reporting, annual reporting, budgets and annual business plans.

7.18.1 Transparency in waste levy component of service fees and charges

2) Should a requirement to disclose the waste levy component of fees and charges on customer invoices extend to other waste and resource recovery operators? If so, who should it apply to and why?

Where possible without placing unreasonable burden, and the levy amount can actually be determined. For example, it will be difficult to apply at the Heathfield Resource Recovery Centre given it's not known whether metro or non-metro rate would apply.

8 Additional Questions

1) Are you impacted by the current W2R EPP? Please describe how you are impacted and what effect this has

As outlined previously AHC recently completed a successful 12-month trial of alternative collection frequencies. Trial outcomes showed a marked improvement in diversion rates in the township trial and two rural trials that were undertaken.

2) Do you have any feedback on the current South Australian regulatory framework for resource recovery and waste management?

The current W2R EPP requires AHC to provide a weekly waste collection to metropolitan and non-metropolitan properties. The success of the trials was based on fortnightly waste collection and due to current requirements of the W2R EPP Council had to provide an option to 'opt out' to weekly waste collection. In the trial, opt outs were able to be carefully managed given the limited number of participants (~600 properties). In regard to a change of service across the entire Council area this would involve approximately 16,500 properties which makes it more challenging to minimise the number of opt outs, particularly in rural areas given the large distance which significantly impacts the logistics and costs of having to provide a weekly waste option. If a high number of opt outs occur the provision of weekly FOGO to township properties and the provision of a new FOGO service to rural properties would become financially unviable. Given this risk, Council is not considering a FOGO service to rural properties until such time there is legislative certainty regarding requirements to provide a weekly waste collection. Accordingly, Council is therefore not able to progress the environmental and circular economy benefits that have been identified from the trial undertaken.

3) Are there any other policy measures that would help increase waste avoidance, improve resource recovery, and support a circular economy?

4) Are there any other comments you would like to make in response to the discussion paper?

To allow AHC to facilitate the environmental and circular economy benefits identified from the trial the requirement to provide weekly waste collection should be removed.

**ADELAIDE HILLS COUNCIL
ORDINARY COUNCIL MEETING
Tuesday 10 November 2024
AGENDA BUSINESS ITEM**

Item:	12.4
Responsible Officer:	Zoë Gill Executive Governance Officer Office of the CEO
Subject:	CEO PRP Council Member and Presiding Member Appointment
For:	Decision

SUMMARY

The Chief Executive Officer Performance Review Panel (the CEOPRP) is created under Section 41 of the *Local Government Act 1999* (the 'Act').

The purpose of this report is to determine its Council Member and Presiding Member appointments for a specified term.

The current members of the CEO PRP are Cr Chris Grant (Presiding Member), Cr Kirsty Parkin, Cr Lucy Huxter, Cr Melanie Selwood (as Deputy Mayor) and Vanessa Godden (Independent Member).

Cr Chris Grant and Cr Kirsty Parkin's membership expired on 30 November 2024.

RECOMMENDATION

Council resolves:

Decision 1

- 1. That the report be received and noted.**
- 2. To determine that the method of selecting the CEO Performance Review Panel Committee Members be by an indicative vote to determine the preferred persons for the two Council Member positions utilising the process set out in this Agenda report.**
- 3. To adjourn the Council meeting for the purposes of seeking nominations for and, if necessary, conducting an indicative vote to determine the preferred persons for the CEO Performance Review Panel Committee Member roles and for the meeting to resume once the results of the indicative vote have been declared.**

Decision 2

- 1. To appoint _____ and _____ as members of the CEO Performance Review Panel Committee to commence 10 December 2024 and conclude on the end of the current term of Council.**

2. **To determine that the method of selecting the CEO Performance Review Panel Committee Presiding Member to be by an indicative vote to determine the preferred person utilising the process set out in this Agenda report.**
3. **To adjourn the Council meeting for the purposes of seeking nominations for and, if necessary, conducting an indicative vote to determine the preferred person for the CEO Performance Review Panel Committee Presiding Member role and for the meeting to resume once the results of the indicative vote have been declared.**

Decision 3

1. **To appoint _____ to the position of CEO Performance Review Panel Presiding Member to commence 10 December 2024 and conclude on the end of the current term of Council.**
-

1. BACKGROUND

CEOPRP Membership

Council, at its 29 November 2022 meeting, in relation to the CEO PRP Presiding Member role resolved to appoint Cr Chris Grant and Cr Kirsty Parkin as members of the CEO PRP, and Cr Chris Grant as Presiding Member, as follows:

12.6 CEO PRP Membership - Council Member and Presiding Member Appointment

Moved Cr Mark Osterstock

S/- Cr Leith Mudge

302/22

1. **To appoint two Council Members, Cr Chris Grant and Cr Kirsty Parkin, as members of the Chief Executive Officer Performance Review Panel for a 12 month term to commence 30 November 2022 and conclude on 30 November 2023 (inclusive).**
2. **To appoint Cr Chris Grant to the position of Chief Executive Officer Performance Review Panel Presiding Member for a 12 month term to commence 30 November 2022 and conclude on 30 November 2023 (inclusive).**

Carried Unanimously

At its 14 November 2023 meeting Council resolved to extent Cr Chris Grant and Cr Kirsty Parkins membership as follows:

Moved Cr Malcolm Herrmann
S/- Cr Kirsty Parkin

286/23

Council resolves:

- 1. That the report be received and noted.**
- 2. To extend the term of the CEO Performance Review Panel members for a period of one month following the end of the CEO Probationary Review Process or six months, whichever is the earliest.**
- 3. That Cr Nathan Daniell continue as a member of the CEOPRP when his term as Deputy Mayor concludes on 30 November 2023.**

Carried Unanimously

When the initial CEO Performance Review process concluded on 18 January 2024, a new term for two Council Members was required. At a special council meeting on 2 February 2024 Council resolved to extend Cr Grant and Cr Parkin's membership on the CEO PRP until 30 November 2024:

- 1. That the report be received and noted.**

Decision 2

- 2. To determine that the method of selecting the CEO Performance Review Panel Committee Members to be by an indicative vote to determine the preferred persons for the two Council Member positions utilising the process set out in this Agenda report.**
- 3. To adjourn the Council meeting for the purposes of seeking nominations for and, if necessary, conducting an indicative vote to determine the preferred persons for the CEO Performance Review Panel Committee Member roles and for the meeting to resume once the results of the indicative vote have been declared.**
- 4. To appoint Cr Chris Grant and Cr Kirsty Parkin as members of the CEO Performance Review Panel Committee for a period commencing on 5 February 2024 to 30 November 2024.**

Carried Unanimously

VARIATION

The Deputy Mayor with consent of the Mover and Seconder sought and was granted leave of the meeting to vary point 7 of the motion.

Decision 3

Moved Cr Leith Mudge
S/- Cr Malcolm Herrmann

/24

Council resolves:

- 5. To determine that the method of selecting the CEO Performance Review Panel Committee Presiding Member to be by an indicative vote to determine the preferred person utilising the process set out in this Agenda report.**
- 6. To adjourn the Council meeting for the purposes of seeking nominations for and, if necessary, conducting an indicative vote to determine the preferred person for the CEO Performance Review Panel Committee Presiding Member role and for the meeting to resume once the results of the indicative vote have been declared.**

7. To appoint Cr Chris Grant to the position of CEO Performance Review Panel Presiding Member for a period commencing on 5 February 2024 to 30 November 2024 to enable alignment with the expiry of current existing memberships.

Carried Unanimously

CEO PRP Membership

The relevant elements of the Panel’s TOR regarding membership and contained in clause 5, as follows:

5. MEMBERSHIP

- 5.1 The Panel will be comprised of five (5) members as follows:
- 5.1.1 Deputy Mayor;
 - 5.1.2 Three (3) Council Members (not being the Mayor); and
 - 5.1.3 One (1) Independent Member, who is not an employee or the qualified independent person engaged pursuant to section 102A of the Act.
- 5.2 All members of the Panel will be appointed by the Council.
- 5.3 The Independent Member of the Panel shall have recent and relevant skills and experience in fields related to the role and functions of the Panel, as determined by the Council.
- 5.4 It is desirable for the Council Members appointed to the Panel to have a sound understanding of the role and functions of the Panel.
- 5.5 In considering appointments to the Panel, Council will give consideration to the diversity of its membership.
- 5.6 Appointments to the Panel shall be for a period of up to three (3) years, as determined by the Council.
- 5.7 Members of the Panel are eligible for reappointment at the expiration of any term of office.

2. ANALYSIS

➤ **Strategic Management Plan/Functional Strategy/Council Policy Alignment**

Strategic Plan 2024 – Your Place, Your Space

Goal 4 Organisation
Objective 02 Operate with integrity using best practice governance processes.
Priority 02.1 Demonstrate accountable and transparent decision making.

➤ **Legal Implications**

Section 41 of the *Local Government Act 1999* (the Act) sets out the processes for the establishment of council committees. These committees may be formed to assist council in the performance of its functions; to enquire into matters; to provide advice to council and to exercise delegated powers functions and duties. The CEOPRP is a s41 Committee.

The *Local Government Act 1999, Chapter 7 – Council Staff* contains provisions for the requirement for a CEO, vacancies in the Office of CEO, appointment procedures and the role of the CEO, remuneration of the CEO, ability to have a deputy CEO, delegation by the CEO, person to act as CEO and CEO Performance reviews.

➤ **Risk Management Implications**

The Council’s consideration of membership of the CEOPRP will assist in mitigating the risk of:

Poor governance practices occur which lead to a loss of stakeholder (i.e. customer and regulator) confidence and/or legislative breaches.

Inherent Risk	Residual Risk	Target Risk
Extreme (5C)	Low (3E)	Low (3E)

Note that there are many other controls that assist in mitigating this risk.

➤ **Financial and Resource Implications**

Council’s current budget has provision for the costs associated with the CEOPRP Ordinary and Presiding Member roles. In regards to sitting fees the Terms of Reference states:

6. SITTING FEES

- 6.1 The applicable Determination of the Remuneration Tribunal (or its successor) outlines the applicable allowances for Council Members on the Panel.
- 6.2 The Independent Member is to be paid a sitting fee for attendance at meetings and authorised training sessions, as determined by resolution of the Council.
- 6.3 Council may determine by resolution a higher sitting fee will apply for the Presiding Member.

Under the Remuneration Tribunal SA’s Determination of the Allowances for Members of Local Government Council’s (no.2 of 2022) the annual allowance for the presiding member of a s41 committee is equal to one and a quarter (1.25) times the annual allowance for councillors of that council. This equates to an additional \$429.70 monthly.

➤ **Customer Service and Community/Cultural Implications**

There is a high expectation that Council has appropriate governance and accountability mechanisms in place in relation to its meeting structures and that Council Committee members are competent and understand the role and functions of the committee and their individual obligations with regard to conduct.

➤ **Sustainability Implications**

Not applicable.

➤ **Engagement/Consultation conducted in the development of the report**

There is no requirement for community consultation in relation to the extension of appointments of Council Members and the Presiding Member to the CEO PRP.

Consultation on the development of this report was as follows:

<i>Council Committees:</i>	Not Applicable.
<i>Council Workshops:</i>	Not Applicable.
<i>Advisory Groups:</i>	Not Applicable.
<i>External Agencies:</i>	Not Applicable.
<i>Community:</i>	Not Applicable.

➤ **Additional Analysis**

Indicative Voting Process for Determining Council Appointed Positions

Due to the implications of the Material Conflict of Interest provisions under s74, it is proposed that the Council adjourn the meeting for the purposes of seeking nominations for and, if necessary, conducting an indicative vote (Indicative Voting Process) to determine the preferred person for nomination to the LGA.

As the Indicative Voting Process involves discussion of a matter that is, or is intended to be, part of the agenda for a formal meeting of the Council or Council Committee, it is an Information or Briefing Session that should be open to the public for the purposes of s90A(3) and the *Information and Briefing Sessions Policy* (the Policy). As an Information or Briefing Session, the Chief Executive will conduct the meeting in accordance with the Policy.

The proposed Indicative Vote Process below is based on the Appointments to Positions Process contained in Clause 4.7 Council's *Code of Practice for Council Meeting Procedures* with modifications to suit the legislative requirements of the conflict of interest and Information or Briefing Session provisions.

The proposed Indicative Voting Process is:

- a) Chief Executive Officer calls for self-nominations as a candidate for the Panel.
- b) If the number of nominees is equal to or less than the number of positions, no election will be required. If the number of nominees is greater, an election will be necessary.
- c) The CEO (or another Council staff member) will be appointed as the Returning Officer and may enlist other Council staff to assist with the conduct of the vote and the count.
- d) The method of voting will be by secret ballot utilising the preferential counting system
- e) Each Council Member (including the Mayor) shall have one vote.
- f) Ballot papers will be provided to each Council Member
- g) The nominee's names will be drawn to determine the order on the ballot paper.
- h) Each Member will write the nominee's names on the ballot paper in the order they are drawn.
- i) Each nominee will have two (2) minutes to speak to the Briefing Session in support of the candidacy. The speaking order will be as listed on the ballot paper.

- j) Members will cast their votes and the completed ballot papers will be collected by the Returning Officer and the count will be undertaken in a separate room with an observer [another Council Member (not being a nominee for the position being determined) or an Officer] present.
- k) In the event of a tie, the result will be decided by the Returning Officer drawing lots, the candidate first drawn being the candidate excluded.
- l) After all votes have been counted, the Returning Officer shall publicly announce the final votes cast for each candidate and formally declare the result of the election (i.e. the preferred person).
- m) The ballot papers will be shredded.

Proposed Chronology of Events

The mechanics are relatively complicated due to the legislative provisions regarding conflict of interest and Information or Briefing Session requirements, as such the following chronology is suggested:

- i. Council will consider the process that it will use to choose the preferred person(s). Council would give effect to this by dealing with Part 2 (Decision1) (or a variant) at this time.
- ii. Having decided the method, Council will then have to adjourn the meeting to enable the process to be undertaken. Council would give effect to this by dealing with Part 3 Decision 1 (or a variant) at this time.
- iii. Once the Indicative Voting Process has been completed the Council meeting will resume in accordance with the previous resolution.

Upon resumption the Council Member(s) who nominated for the CEO PRP Member role would be advised to consider their conflicts of interest in relation to the matter.

Council can then resolve for the preferred persons to be nominated as the CEO PRP Member.

3. OPTIONS

The Council has the following options:

- I. To approve to appoint two Council Members as members of CEO Performance Review Panel Committee to commence 10 December 2024 and conclude at the end of Council's term.
- II. To determine not to approve the two Council Members as members of the CEO Performance Review Panel, doing so would cause disruption to the CEO PRP membership when consistency of membership is necessary for the full duration of the CEO Probationary Review Process. (Not Recommended).

4. APPENDICES

- (1) CEO PRP Terms of Reference

Appendix 1

CEO PRP Terms of Reference

ADELAIDE HILLS COUNCIL
CEO Performance Review Panel

TERMS OF REFERENCE

1. ESTABLISHMENT

- 1.1. The CEO Performance Review Panel (the Panel) is a Panel established by the Council under Section 41 of the Local Government Act 1999 (the Act).
- 1.2. The Panel has no power or authority to make delegated decisions on behalf of the Council, nor does it have any financial delegations. The Panel performs an advisory role to the Council, as a governing body.

2. ROLE

- 2.1. In accordance with section 102A(1) of the Act, Council must review the performance of the Chief Executive Officer (CEO) at least once per year.
- 2.2. In accordance with section 102A(2) of the Act, Council must obtain and consider the advice of a qualified independent person on a review. The qualified independent person must not be a member or employee of the Council and is to be a person determined by the Council (evidenced by resolution) to have appropriate qualifications or experience in human resource management.
- 2.3. The Council is responsible for the selection, remuneration and performance management of the CEO. The role of the Panel is to facilitate, manage and report to Council on the review process in accordance with section 102A of the Act, as well as to provide advice to Council on matters relating to the performance and development of the CEO.

3. SPECIFIC FUNCTIONS

- 3.1 The Panel is to provide advice to Council on the CEO's performance and development, including, but not limited to, the following matters:
 - 3.1.1 Determining the Performance Targets for the forthcoming 12 month performance period;
 - 3.1.2 Monitoring the progress on the CEO's agreed Performance Targets for the current 12 month performance period;
 - 3.1.3 Reviewing the CEO's performance over the preceding 12 month performance period, in particular assessing performance against the agreed Performance Targets and Position Description requirements;

- 3.1.4 Identifying development opportunities for the CEO;
- 3.1.5 Reviewing the remuneration and conditions of employment of the CEO in accordance with Section 99A of the Act, as well as any Determination made by the Remuneration Tribunal; and
- 3.1.6 Making recommendations to Council on the conclusion of the review, including with respect to the Employment Agreement as between Council and the CEO.

4. OTHER MATTERS

The Panel shall:

- 4.1 Have access to reasonable resources in order to carry out its duties and functions, within Council's budgetary constraints;
- 4.2 Be provided with appropriate and timely training, both in the form of an induction program for new members, as well as on an ongoing basis for all members;
- 4.3 Comply with all relevant legislation, including the Act;
- 4.4 Where the Panel is required to act jointly with, or to obtain the concurrence of, the CEO in the performance of its functions, the expectation of the Council is that both parties will negotiate and consult in good faith to achieve the necessary objectives; and
- 4.5 At least once in its term, undertake a review its own performance, including these Terms of Reference, to ensure it is operating at maximum effectiveness, and recommend changes it considers necessary to the Council for its consideration, and adoption.

5. MEMBERSHIP

- 5.1 The Panel will be comprised of five (5) members as follows:
 - 5.1.1 Deputy Mayor;
 - 5.1.2 Three (3) Council Members (not being the Mayor); and
 - 5.1.3 One (1) Independent Member, who is not an employee or the qualified independent person engaged pursuant to section 102A of the Act.
- 5.2 All members of the Panel will be appointed by the Council.
- 5.3 The Independent Member of the Panel shall have recent and relevant skills and experience in fields related to the role and functions of the Panel, as determined by the Council.
- 5.4 It is desirable for the Council Members appointed to the Panel to have a sound understanding of the role and functions of the Panel.

- 5.5 In considering appointments to the Panel, Council will give consideration to the diversity of its membership.
- 5.6 Appointments to the Panel shall be for a period of up to three (3) years, as determined by the Council.
- 5.7 Members of the Panel are eligible for reappointment at the expiration of any term of office.

6. SITTING FEES

- 6.1 The applicable Determination of the Remuneration Tribunal (or its successor) outlines the applicable allowances for Council Members on the Panel.
- 6.2 The Independent Member is to be paid a sitting fee for attendance at meetings and authorised training sessions, as determined by resolution of the Council.
- 6.3 Council may determine by resolution a higher sitting fee will apply for the Presiding Member.

7. PRESIDING MEMBER

- 7.1 The Council will appoint the Presiding Member of the Panel.
- 7.2 The Mayor is ineligible to be appointed as Presiding Member.
- 7.3 The Council authorises the Panel to determine if there will be a Deputy Presiding Member of the Panel and, if so, authorises the Panel to make the appointment to that position for a term determined by the Panel.
- 7.4 If the Presiding Member of the Panel is absent from a meeting, the Deputy Presiding Member (if such position exists) will preside at that meeting. If no appointment to the position of Deputy Presiding Member has been made, or in the event that both the Presiding Member and the Deputy Presiding Member of the Panel are absent from a meeting of the Panel, then a member of the Panel chosen from those present will preside at the meeting, until the Presiding Member or Deputy Presiding Member, (if relevant) is present.
- 7.5 The role of the Presiding Member includes:
- 7.5.1 overseeing and facilitating the conduct of meetings in accordance with the Act and the Local Government {Procedures at Meetings} Regulations 2013 (the Regulations); and
 - 7.5.2 Ensuring all Panel members have an opportunity to participate in discussions in an open, transparent and informed manner.

8. REPORTING RESPONSIBILITIES

- 8.1 For the purposes of Section 41(8) of the Act, the Panel's reporting and accountability requirements are:
- 8.1.1 The minutes of each Panel meeting will be included in the agenda papers for the next ordinary meeting of the Council;
 - 8.1.2 The Presiding Member will attend a meeting of the Council at least once per annum, to present a report on the activities of the Panel;
 - 8.1.3 The Panel shall make whatever recommendations to the Council it deems appropriate, on any area within its role and functions, as set out under these Terms of Reference; and
 - 8.1.4 The Presiding Member may attend a Council meeting at any time the Presiding Member sees fit, to discuss any issue or concern relating to the Panel's functions. Subject to the nature of the matter, this briefing may be held in confidence in accordance with Section 90 of the Act and staff may be excluded from attendance.

9. MEETING PROCEDURE

- 9.1 Meeting procedures for the Panel are set out under the Act, as well as Parts 1, 3 and 4 of the Regulations. Insofar as the Act, the Regulations, or these Terms of Reference do not prescribe the procedure to be observed in relation to the conduct of a meeting of the Panel, the Panel may determine its own procedure.
- 9.2 In accordance with Section 90(7a), one or more Panel members may participate in the meeting by telephone or other electronic means, provided that members of the public can hear the discussion between all Panel members.
- 9.3 Only members of the Panel are entitled to vote in Panel meetings. Unless otherwise required by the Act not to vote, each member must vote on every matter before the Panel for decision.
- 9.4 A quorum for the Panel shall constitute half the membership, ignoring any fraction from the division, plus one (1).

10. SECRETARIAL RESOURCES

- 10.1 Sufficient administrative resources will be provided by Administration to the Panel for the purposes of coordination and preparation of reports, agendas and minutes, as well as a point of contact for all Panel Members and any external consultants.

11. FREQUENCY OF MEETINGS

- 11.1 The Panel shall meet at appropriate times and places as determined by the Panel. A special meeting of the Panel may be called in accordance with the Act.
- 11.2 If it is determined there is no business to transact for a designated meeting, the Presiding Member of the Panel may cancel the respective Panel meeting.

12. NOTICE OF MEETINGS

- 12.1 Notice of the meetings of the Panel will be given in accordance with Sections 87 and 88 of the Act. Accordingly, notice will be given:
- 12.1.1 To members of the Panel by email or as otherwise agreed by Panel members at least 3 clear days before the date of the meeting; and
- 12.1.2 To the public as soon as practicable after the time that notice of the meeting is given to members, by causing a copy of the notice and agenda to be displayed at the Council's offices and on the Council's website.

13. PUBLIC ACCESS TO MEETINGS & DOCUMENTS

- 13.1 Meetings of the Panel will be conducted in a place open to the public, and members of the public are invited to attend, unless the Panel makes an order under Section 90(2) and (3) of the Act for any particular item of business.
- 13.2 Members of the public have access to minutes and reports presented to the Panel, unless prohibited by section 83(5) of the Act, or by resolution of the Panel under Section 91(7) of the Act.

14. MINUTES OF MEETINGS

- 14.1 All proceedings and resolutions on items of business at all meetings of the Panel, including recording the names of those present are minuted and the minutes will otherwise comply with the requirements of the Regulations.
- 14.2 Minutes of Panel meetings shall be circulated within five days after a meeting to all members of the Panel and will (in accordance with legislative requirements) be available to the public.
- 14.3 The minutes shall be confirmed at the next meeting of the Panel.

**ADELAIDE HILLS COUNCIL
ORDINARY COUNCIL MEETING
Tuesday 10 December 2024
AGENDA BUSINESS ITEM**

Item: 12.5

Responsible Officer: Zoë Gill
Executive Governance Officer
Office of the CEO

Subject: Status Report - Council Resolutions Update

For: Decision

SUMMARY

This report provides an update on the current status of Council Resolutions as at December 2024. In some cases, actions can take months or years to be completed due to the complexity and/or the level of influence Council has in the matter.

RECOMMENDATION

Council resolves:

1. That the report be received and noted.
 2. That the completed items in Appendix 1 be removed from the Action List.
-

1. BACKGROUND

At its meeting of 24 March 2015 Council resolved:

Status Report – Outstanding Council Resolutions

Moved Cr Malcolm Herrmann
S/- Cr Val Hall

54

That the CEO provides a report to the 28 April 2015 Council meeting in relation to outstanding resolutions passed before 31 March 2013 outlining the reasons why the resolutions have not been completed, detailing what actions have been taken and an estimated date of completion.

Carried Unanimously

The intent of the Council's resolution has been carried forward as a prudent accountability mechanism.

Until mid-2023 Administration was reporting the status report on a monthly basis to Council. Due to resourcing constraints, the status report had been reported to Council on an ad hoc basis since that time.

At its meeting of 27 August 2024 Council resolved to report on a quarterly basis:

Council Resolutions Update

**Moved Cr Malcolm Herrmann
S/- Cr Mark Osterstock**

298/24

Council resolves:

- 1. That the report be received and noted.**
- 2. That the completed items in Appendix 1 be removed from the Action List.**
- 3. That from 27 August 2024 until the end of the current Council term the Administration deliver a status update on a quarterly basis.**

Carried Unanimously

As a result of this resolution, the administration will deliver this report to Council on a quarterly basis moving forward.

2. ANALYSIS

➤ **Strategic Management Plan/Functional Strategy/Council Policy Alignment**

Strategic Plan 2024 – Your place, Your space

Goal 4 Organisation
Objective 02 Operate with integrity using best practice governance processes.
Priority 02.1 Demonstrate accountable and transparent decision making.

The timely completion of Council resolutions assists in meeting legislative and good governance responsibilities and obligations.

➤ **Legal Implications**

Not applicable.

➤ **Risk Management Implications**

Regular reporting on outstanding action items will assist in mitigating the risk of:

Actions arising from Council resolutions may not be completed in a timely manner

Inherent Risk	Residual Risk	Target Risk
High (4C)	Medium (4E)	Medium (4E)

➤ **Financial and Resource Implications**

Not applicable.

➤ **Customer Service and Community/Cultural Implications**

Not applicable.

➤ **Sustainability Implications**

Not applicable.

➤ **Engagement/Consultation conducted in the development of the report**

Consultation on the development of this report was as follows:

<i>Council Committees:</i>	Not applicable.
<i>Council Workshops:</i>	Not applicable.
<i>Advisory Groups:</i>	Not applicable.
<i>External Agencies:</i>	Not applicable.
<i>Community:</i>	Not applicable.

➤ **Additional Analysis**

The Action list has been updated to provide Council with information regarding outstanding actions. Completed resolutions are identified in the recommendation for removal from the Action List.

3. OPTIONS

Council has the following options:

- I. Note the status of the outstanding items and the proposed actions.
- II. Resolve that other actions are required.
- III. Not enable the removal of completed items.

4. APPENDICES

- (1) Council Resolutions Action List – Completed items as of 5 December 2024
- (2) Action List as at December 2024

Appendix 1

*Council Resolutions Action List
Completed items as of 5 December 2024*

Council Resolutions Action List – Completed items as of 5 December 2024

Meeting Date	Meeting	Res No.	Item Name	Previously Declared COI	Status
24/01/2017	Ordinary Council	7/17	Cromer Cemetery Revocation of Community Land	Nil	Completed
28/08/2018	Ordinary Council	200/18	Proposal to enter 11 AHC Reserves into Heritage Agreements 2018	Nil	Completed
28/06/2022	Ordinary Council	166/22	Warren Road Birdwood Blackspot - Confidential Item	Nil	Completed
26/07/2022	Ordinary Council	182/22	Policy Review - Festivals and Events	Nil	Completed
13/06/2023	Ordinary Council	147/23	MON Traffic Issues Woodforde & Teringie	General - Cr Pascale	Completed
28/11/2023	Ordinary Council	305/23	MON - 40km/h investigation for Rostrevor Roads (Cr Louise Pascale)	Nil	Completed
19/12/2023	Ordinary Council	327/23	Woodforde Residents Community Meeting	Nil	Completed
19/12/2023	Ordinary Council	330/23	Reaffirmation of Acknowledgement of Country	Nil	Completed
13/02/2024	Ordinary Council	34/24	CEO Performance Review Panel Recommendation (Decision 2) (Deferred Item)	Nil	Completed
19/02/2024	Audit Committee	AC12/24	Risk Management and Audit Review	Nil	Completed
27/02/2024	Ordinary Council	39/24	Provision of fortnightly FOGO kerbside collection to Paracombe	Nil	Completed
26/03/2024	Ordinary Council	83/24	Black Snake Road and Lucky Hit Road Birdwood	Nil	Completed
26/03/2024	Ordinary Council	87/24	Event Proposal – Multi Year Rally Proposal	General – Cr Pascale	Completed
23/04/2024	Ordinary Council	128/24	Investigation of temporary support for Stirling Mainstreet Businesses	Nil	Completed
28/05/2024	Ordinary Council	174/24	Draft Animal Management Plan	Nil	Completed
28/05/2024	Ordinary Council	180/24	2023-24 Budget Review 3	Nil	Completed
11/06/2024	Ordinary Council	202/24	Road Closure Approval – Adelaide Hills Rally (Unsealed Roads)	General – Cr Selwood	Completed
17/06/2024	Special Council	215/24	Onkaparinga Valley Football Club Changerooms	Nil	Completed
1/07/2024	Special Council	240/24	Correspondence from PC Infrastructure	Material Cr Mudge	Completed
9/07/2024	Ordinary Council	248/24	Updated Housing Strategy	Nil	Completed
23/07/2024	Ordinary Council	261/24	Gawler River Floodplain Management Authority Membership Report	General – Cr Herrmann	Completed
23/07/2024	Ordinary Council	270/24	Audit Committee recommendations to Council - 15 April 2024	Nil	Completed
12/08/2024	CEO Performance Review Panel	PRP 33/23	CEO Performance Review Process Recommendations	Nil	Completed
13/08/2024	Ordinary Council	277/24	CEO Report on Official and Community Australia Day Events	Nil	Completed
13/08/2024	Ordinary Council	278/24	Boundary Change Committee Membership - Cr Mark Osterstock	General – Cr Pascale General – Cr Selwood General – Cr Daniell	Completed
13/08/2024	Ordinary Council	279/24	December and January Meeting Schedule	Nil	Completed
13/08/2024	Ordinary Council	280/242	12.2 Adelaide Hills Region Waste Management Authority Audit and Risk Committee – Membership and Terms of Reference	Nil	Completed
13/08/2024	Ordinary Council	286/24	Financial Management - Confidential	Nil	Completed
19/08/2024	Audit Committee	*	Purchase Cards	Nil	Completed
19/08/2024	Audit Committee	AC27/24	Action Report and Workplan Update	Nil	Completed
19/08/2024	Audit Committee	AC31/24	End of Financial Year Update	Nil	Completed
19/08/2024	Audit Committee	*	Interim Audit Management Letter	Nil	Completed
19/08/2024	Audit Committee	*	Debtors Report	Nil	Completed

Council Resolutions Action List – Completed items as of 5 December 2024

19/08/2024	Audit Committee	*	Placement of Councils Insurance Portfolio	Nil	Completed
27/08/2024	Ordinary Council	290/24	Land Management Agreement Waiver Request – 2/133 Main Street Lobethal	General – Cr Mudge	Completed
27/08/2024	Ordinary Council	293/24	Draft Strategic Plan for Community Consultation	Nil	Completed
27/08/2024	Ordinary Council	296/24	Temporary Road Closures – Youth Drivers Awareness Course 2024-25	General – Acting Mayor Selwood	Completed
27/08/2024	Ordinary Council	297/24	CEO Performance Review Panel Recommendations to Council – CEO KPI's	Nil	Completed
27/08/2024	Ordinary Council	298/24	Council Resolutions Update	Nil	Completed
27/08/2024	Ordinary Council	316/24	Work, Health and Safety Matters – Confidential Item	Decision 1 General – Cr Grant General – Cr Selwood Material – Cr Pascale Decision 2 Material – Cr Selwood	Completed
28/08/2024	Boundary Change Committee	BCC10/24	Boundary Change Proposal Project and Governance Arrangements	Nil	Completed
28/08/2024	Boundary Change Committee	BCC12/24	Boundary Change Committee – Terms of Reference Report	Nil	Completed
28/08/2024	Boundary Change Committee	BCC17/24	Motion without Notice - Correspondence for Noting	Nil	Completed
28/08/2024	Boundary Change Committee	BCC19/24	Boundary Change Advocacy Strategy	Nil	Completed
28/08/2024	Boundary Change Committee	BCC22/24	Strategic Communication & Engagement Plan Updates	Nil	Completed
10/09/2024	Ordinary Council	322/24	2023-24 End of Financial Year Results & Carry Forwards	Nil	Completed
10/09/2024	Ordinary Council	323/24	Festival and Events Policy Review	Nil	Completed
10/09/2024	Ordinary Council	324/24	Acknowledgement and Welcome to Country Policy Review	Nil	Completed
10/09/2024	Ordinary Council	325/24	12.5 Appointment of Council Member to the CEO Performance Review Panel	General – Cr Huxter	Completed
24/09/2024	Ordinary Council	341/24	Speed and Traffic Review Longwood Rd, Longwood	Nil	Completed
24/09/2024	Ordinary Council	345/24	12.4 Response to Review of the Single-use and other Plastic Products (Waste Avoidance) Act 2020	Nil	Completed
24/09/2024	Ordinary Council	346/24	12.5 Elections for LGFA Board of Trustees	Nil	Completed
24/09/2024	Ordinary Council	347/24	Representative Review	Nil	Completed
24/09/2024	Ordinary Council	349/24	12.7 Confidential Items Review	Nil	Completed
14/10/2024	Audit Committee	*	Workshops	Nil	Completed
14/10/2024	Audit Committee	*	Elected members expenses	Nil	Completed
15/10/2024	Ordinary Council	367/24	2025 LGA Elections	Nil	Completed
15/10/2024	Ordinary Council	369/24	GRFMA Appointment of Board Members	Nil	Completed
22/10/2024	Ordinary Council	373/24	8.1.1 Access to Woodside Township from Inverbrackie – David Ashton	Nil	Completed
22/10/2024	Ordinary Council	374/24	Support to Reinstate Australia Day Celebrations – Leone Taylor	Nil	Completed
22/10/2024	Ordinary Council	375/24	Support councils moving citizenship ceremonies and civic awards away from Australia Day – Reconciliation Uraidla	Nil	Completed

Council Resolutions Action List – Completed items as of 5 December 2024

22/10/2024	Ordinary Council	379/24	Council Submission to Draft Greater Adelaide Regional Plan	Nil	Completed
22/10/2024	Ordinary Council	381/24	Election of East Regional Grouping Representatives to GAROC	Nil	Completed
22/10/2024	Ordinary Council	382/24	2023/24 Annual Financial Statements and End of Year Report	Nil	Completed
12/11/2024	Ordinary Council	387/24	Draft Strategic Plan for Adoption	Nil	Completed
12/11/2024	Ordinary Council	388/24	Service Review Biannual Report	Nil	Completed
12/11/2024	Ordinary Council	412/24	Work, Health and Safety Update	Material – Mayor Wisdom	Completed
26/11/2024	Ordinary Council	418/24	Nominations to the Dog & Cat Management Board	General – Cr Parkin Material – Cr Osterstock	Completed
26/11/2024	Ordinary Council	422/24	2024-25 Budget Review 1	Nil	Completed
26/11/2024	Ordinary Council	428/24	Behavioural Standards Complaint	General – Deputy Mayor Selwood	Completed

Appendix 2

Action List as at December 2024

Meeting Date	Meeting	Res No.	Item Name	Previously Declared COI	Action Required (Council Resolution)	Responsible Director	Status	Status (for Council reporting)	Confidential
24/01/2017	Ordinary Council	7/17	Cromer Cemetery Revocation of Community Land	None declared	<p>a report be prepared and submitted to the Minister for Local Government seeking approval for the revocation of the community land classification of a portion of the land contained in Certificate of Title Volume 5880 Folio 219 identified in red on the plan attached as Appendix 1.</p> <p>1. That the report be received and noted.</p> <p>2. That the Biodiversity Officer be authorised to enter Doris Coulls Reserve, 152 Old Mt Barker Road, Aldgate/Heathfield Waste Facility, 18 Scott Creek Road, Heathfield/Myfor Reserve, 15 Kiley Road, Aldgate/banks Reserve, 1 Shanks Road, Aldgate/Stock Reserve, Stock Road, Mylor/Lealie Creek Reserve, Leslie Creek Road, Mylor/Mt MI Reserve, 125 Aldgate Valley Road, Mylor/Aldgate Valley 2 Reserve, 114 Aldgate Valley Road, Mylor/Life Road Nature Reserve, Kyle Road, Mylor/Carey Gully Water Reserve, Deviation Road, Carey Gully/Heathfield Stone Reserve, 215 Longwood Road, Heathfield/Myfor Parklands, Mylor all being of significant biodiversity value, into Heritage Agreements.</p> <p>3. That the Heritage Agreements retain the existing dog access arrangements in place for each of those reserves.</p>	David Waters	Completed	Finalisation of the redefinition of revised boundaries for Cromer Cemetery was signed off by DEW on 8/08/2024 and confirmed via correspondence received from DEW on 5/09/2024. This matter has now been finalised.	FALSE
28/08/2018	Ordinary Council	200/18	Proposal to enter 11 AHC Reserves into Heritage Agreements 2018	None declared	<p>In accordance with sections 12 and 15 of the Roads (Opening and Closing) Act 1991, as regards the land within the Adelaide Hills Council area, enter into an Agreement for Exchange with Boral Resources (SA) Ltd and issue a Road Process Order to open or close portions of Section 806 hundred of Adelaide numbered "1", "2" and "3" on Preliminary Plan No. 17/0066 (Appendix 1) and in exchange to close portions of McBeath Drive marked "A", "B", "C" and "D" on Preliminary Plan No. 17/0066, subject to the following Boral Resources (SA) Ltd agreeing to pay all costs associated with the road exchange process including but not limited to all survey, valuation and reasonable legal costs; Boral Resources (SA) Ltd agreeing to pay all costs associated with a Council boundary adjustment between Adelaide Hills Council and the City of Burnside to rectify the resulting Council boundary anomaly from the road exchange process.</p> <p>The closed road is excluded as Community Land pursuant to the Local Government Act 1999.</p> <p>Council approves the sale of the differential between the total area of closed road and the total area of opened road of approximately 1,242m² to Boral Resources (SA) Ltd for the amount of \$6,230 as determined by an independent valuation.</p> <p>Subject to the successful completion of the road exchange process, Council undertakes a process in conjunction with the City of Burnside to realign the local government boundary along the new location of McBeath Drive to the south side of pieces 42, 52 and 62 of the proposed residential allotments in accordance with the provisions of the Local Government (Boundary Adjustment) Amendment Act 2017 (to commence on 1 January 2019) and/or Part 2 of Chapter 3 of the Local Government Act 1999.</p> <p>The Mayor and Chief Executive Officer be authorised to sign all documents necessary, including affixation of the common seal, to give effect to this resolution.</p>	David Waters	Completed	Last HA for Carey Gully MoA completed 26/9/24, HA1721	FALSE
11/09/2018	Special Council	229/18	Road Exchange McBeath Drive, Sike Horsnell Gully	None declared	<p>That the report be received and noted. To approve an increase of \$365k in Council's 2019/20 capital budget to commence the transition of 900 – category public streetlights to LED with the funding source to be recommended to Council at its next budget review. That Council engage SAPN to commence the changeover of P-Category lights to LED public lighting on Council roads and that authority is given to the CEO to finalise a contract with SAPN and sign that agreement. That Council enter into a P&C tariff agreement for public lighting with SAPN until 30 June 2020 and subsequently move to the tariff set by the Australian Energy Regulator from July 2020. That Council continue to liaise with SAPN and DPFI on the changeover of Council public lighting on roads under the care and control of the State Government. That a further report be provided to Council on the outcome of the continued discussions with SAPN and DPFI.</p>	David Waters	In Progress	<p>Dec 24 - Received advice from boundaries commission that the Stage 2 proposal for the McBeath Drive boundary change was tabled at the Boundaries commission meeting on 20/12/2024. The Commission resolved to inquire into the proposal with the inquiry to be undertaken inhouse by the Commission.</p> <p>Item 1 - 4 of the resolution have been complete for some time.</p> <p>Item 5 regarding the change over of Council held public lighting on DIT roads is on-going.&nbsp;The Minister has requested that the Department to establish a working group with LGA representatives to investigate options for long term ownership of Council lighting on DIT maintained roads. Adelaide Hills Council represented on this working group with the group starting in June 2023. Meetings ongoing with the LGA and DIT but unlikely that DIT will take on Council lighting assets on DIT road with upgrades to current standards.&nbsp;This would be a high costs for limited benefit/saving</p> <p>Note that there are only about 100 Council public lights on DIT roads across the Council area and hence the benefits of having this as a priority are minimal in the overall scheme of investment options for energy use reduction. The current status of LED lighting as it relates to Items 1 - 4 • 767 LED 17 were rolled out as a bulk rollout program with a \$35k investment. Council has entered into P&C tariffs for these lights, that is, Council funds the capital investment and receives a lower tariff fee and associated reduced electricity use that provides long term operational costs for providing this service. • A further 29 lights have been upgraded to LED – located in Aldgate Main Street, Summerdown, and Loralia. • 280 have been changed over by SAPN as part of routine maintenance operations – SAPN policy to change public lights with LED equivalents when existing stocks are depleted – 324 remain to be converted – cost in the order of 600k – 700k as these are vertical mounted (technical challenges with existing assemblies) or higher class V Category. The remaining approximately 124 lights are more challenging with higher costs and a lower cost benefit. • We have had 73 additional LED lights transferred to Council by Developers (Crest and Hamilton Hill).</p>	FALSE
23/07/19	Ordinary Council	188/19	LED Street Lighting Upgrade	None declared	<p>That the report be received and noted. To approve an increase of \$365k in Council's 2019/20 capital budget to commence the transition of 900 – category public streetlights to LED with the funding source to be recommended to Council at its next budget review. That Council engage SAPN to commence the changeover of P-Category lights to LED public lighting on Council roads and that authority is given to the CEO to finalise a contract with SAPN and sign that agreement. That Council enter into a P&C tariff agreement for public lighting with SAPN until 30 June 2020 and subsequently move to the tariff set by the Australian Energy Regulator from July 2020. That Council continue to liaise with SAPN and DPFI on the changeover of Council public lighting on roads under the care and control of the State Government. That a further report be provided to Council on the outcome of the continued discussions with SAPN and DPFI.</p>	David Waters	In Progress	<p>Dec 24 - awaiting on Surveyor General to approve the road process.</p> <p>November 24 - road closure plan has been approved by Lands Title Office, approval is now waiting on the Surveyor General to approve the road process.</p>	FALSE
15/12/2020	Ordinary Council	300/20	Road Exchange Pomona Road Stirling	None declared	<p>1. That the report be received and noted.2. In accordance with sections 12 and 15 of the Roads Opening and Closing Act 1991, enter into an Agreement for Exchange with the owner of the land of 21 Pomona Road Stirling and issue a Road Process Order to open as public road the area identified as "Road to be opened 1" on the Preliminary Plan No 20/0038 and in exchange to close a portion of Pomona Road as identified on the Preliminary Plan No 20/0038 as "Public Road A", subject to the owner of the land at 21 Pomona Road Stirling agreeing to pay all costs associated with the road exchange process including but not limited to all survey, valuation and reasonable legal costs</p> <p>3. The closed road be excluded as Community Land pursuant to the Local Government Act 1999.</p> <p>The Mayor and Chief Executive Officer be authorised to sign all documents necessary, including affixation of the common seal, to give effect to this resolution</p> <p>4. That the report be received and noted</p> <p>2. That the consultation report (Appendix 1) be received and noted</p> <p>3. To apply to the Minister for Planning to revoke the Community Land classification of the following parcels of land:-</p> <p>i. CR 5752/186, Lot 32 Fullgrabe Road, Crafers</p> <p>ii. CR 5753/725, Section 1609 Illert Road, Mylor</p> <p>iii. CR 5753/729, Section 1607 Scott Creek Road, Scott Creek</p> <p>iv. CR 5753/741, Sections 53 and 54 Sandy Waterhole Road, Woodside</p> <p>v. CR 5753/742, Section 547 Schuberts Road, Lobethal</p> <p>vi. CR 5753/744, Section 553 Pedare Park Road, Woodside</p> <p>vii. CR 5753/745, Section 556 Ten Road, Woodside</p> <p>viii. CR 5753/746, Section 565 Old Carey Gully Road, Stirling</p> <p>ix. CR 5753/754, Section 511 North East Road, Ingwood</p> <p>x. CR 5763/758, Section 262 Reserve Road, Forrester</p> <p>xi. CR 5763/831, Section 1591 Silver Road, Bridgewater</p> <p>xii. CR 5763/634, Section 71 Magrey Road, Mount Torrens</p> <p>xiii. CR 5763/635, Section 72 Magrey Road, Mount Torrens</p> <p>xiv. CR 5763/636, Section 84 Forrester Road, Forrester</p> <p>xv. CR 6142/129, Lot 501 Greenhill Road, Bahannah</p> <p>xvi. CR 5936/487, Lot 20 Bell Springs Road Charleston (for rededication to the Department of Environment & Water)</p> <p>xvii. CR 5753/728, Section 1548 Reserve Terrace Aldgate (for rededication to Meats on Wheels)</p> <p>xviii. CR 5753/752, Section 495 off Kenbrook Road Kenbrook (for rededication to Forestry SA)</p> <p>4. That a further report be presented to Council once a response from the Minister for Planning is received.</p>	David Waters	In Progress	<p>Dec 24 - report deferred</p> <p>Nov 24 - proposed Council report deferred to late November 2024</p>	FALSE
23/03/2021	Ordinary Council	52/21	Crown Land Revocation	None declared	<p>That the report be received and noted in accordance with sections 12 and 15 of the Roads (Opening and Closing) Act 1991, enter into an Agreement for Exchange with the owner of the land of 35 Pomona Road Stirling and issue a Road Process Order to open as public road the area identified as "Road to be opened 1" on the Preliminary Plan No 21/0011 and in exchange to close a portion of Pomona Road as identified on the Preliminary Plan No 21/0011 as "Public Road A", subject to the owner of the land at 35 Pomona Road Stirling and Council agreeing to share all costs associated with the road exchange process including but not limited to all survey, valuation and reasonable legal costs. The closed road be excluded as Community Land pursuant to the Local Government Act 1999. The Mayor and Chief Executive Officer be authorised to sign all documents necessary, including affixation of the common seal, to give effect to this resolution.</p>	David Waters	In Progress	<p>Dec 24 - waiting on approval from Minister for closure</p> <p>November 24 - road closure plan has been approved by Lands Title Office, approval is now waiting on Ministerial consent</p>	FALSE
24/08/2021	Ordinary Council	170/21	Road Exchange Auld Development Pomona Road Stirling	None declared	<p>1. That the report be received and noted</p> <p>2. That Council take up commercial lease space in Stirling at 85 Mount Barker Road Stirling, and the associated costs for the leasehold premises detailed in Appendix 1 be adjusted in the 2021-22 financial year at Budget Review 1</p> <p>3. Further detailed scoping be undertaken on the proposed renewal and energy efficiency upgrades to the Stirling Office, Heathfield Depot, Guneracha Depot and Woodside Offices (current Development and Building Team offices) and presented to Council for consideration where appropriate within the 2021-22 Budget Review 1 and the next review of the Long Term Financial Plan</p> <p>4. Subject to endorsement of the detailed scoping identified in 3 above, the Development and Building Team be relocated from Woodside to Stirling</p> <p>5. To include budget provision in the draft Annual Business Plan for the 2022-23 financial year to undertake a feasibility study on the medium to long term needs for community and operational sites and where greater efficiencies may be obtained through consolidation of sites.</p>	David Waters	In Progress	<p>Dec 24 - under internal review</p>	FALSE
24/08/2021	Ordinary Council	178/21	Operational Workplace Review	None declared	<p>1. That the report be received and noted</p> <p>2. That Council take up commercial lease space in Stirling at 85 Mount Barker Road Stirling, and the associated costs for the leasehold premises detailed in Appendix 1 be adjusted in the 2021-22 financial year at Budget Review 1</p> <p>3. Further detailed scoping be undertaken on the proposed renewal and energy efficiency upgrades to the Stirling Office, Heathfield Depot, Guneracha Depot and Woodside Offices (current Development and Building Team offices) and presented to Council for consideration where appropriate within the 2021-22 Budget Review 1 and the next review of the Long Term Financial Plan</p> <p>4. Subject to endorsement of the detailed scoping identified in 3 above, the Development and Building Team be relocated from Woodside to Stirling</p> <p>5. To include budget provision in the draft Annual Business Plan for the 2022-23 financial year to undertake a feasibility study on the medium to long term needs for community and operational sites and where greater efficiencies may be obtained through consolidation of sites.</p>	David Waters	In Progress	<p>Dec 24 - under internal review</p>	FALSE

					<ol style="list-style-type: none"> 1. That the report be received and noted. 2. To revoke the resolution of Council of 22 May 2021, 8129. 3. To commence a process to compulsorily acquire, under the Land Acquisition Act 1969, the Charleston Cemetery being the land contained in Certificate of Title Volume 5066 Folio 740 located at 36 Newman Road Charleston from The Charleston Cemetery Trust Inc. To continue to manage the Charleston Cemetery on behalf of The Charleston Cemetery Trust Inc in the interim from the date of this resolution until the completion of the land acquisition process. To authorise the Mayor and Chief Executive Officer to undertake all necessary actions, including execution of documents, including under the common seal of Council, to give effect to this resolution. 	David Waters	In Progress	Dec 24 - compulsory acquisition steps have commenced	FALSE
26/10/2021	Ordinary Council	220/21	Charleston Cemetery Compulsory Acquisition	None declared					
26/10/2021	Ordinary Council	235/21	Ashton Landfill - Confidential Item	None declared	As per Confidential minute	David Waters	In Progress	Matter continues to be progressed. Further updates will be provided when a material change occurs.	TRUE
26/10/2021	Ordinary Council	238/21	Electricity Procurement Legal Matter - Confidential Item	None declared	As per confidential minute	Greg Georgopoulos	In Progress	Still to be retained in confidence	TRUE
14/12/2021	Ordinary Council	274/21	Woodside Recreation Ground Reuse further information	Perceived - Cr Stratford	<ol style="list-style-type: none"> 1. The report be received and noted. 2. That a report be prepared for Council's information on the costs associated with bore water saving initiatives that could be implemented in respect to Council-owned recreational assets that are currently irrigated by bore water. 	David Waters	In Progress	Report has been received and reviewed, currently working through any options.	FALSE
22/03/2022	Ordinary Council	52/22	Response to MON Bore Use	Nil	<ol style="list-style-type: none"> 1. That the report be received and noted. 2. To negotiate an agreement with the Summertown Village Water Company for access to the Council bore located on Anya Crescent Reserve at Summertown for a defined period, being not more than 3 years, on terms and conditions to be agreed whereby by the end of the agreement term, the Summertown Village Water Company has established an independent water supply for its shareholders and current use of the Council bore ceases 3. To negotiate an in principle agreement with the Summertown Community Centre Inc. for a land exchange at Tregarthen Reserve Summertown that would see the public infrastructure located on land owned by the Council and the sport and recreation infrastructure on land owned by the Summertown Community Centre Inc. with the Council being responsible for the provision of water to Tregarthen Reserve 4. To negotiate an agreement with the owner of 30 Stoneherge Avenue Stirling, for access to and use of the bore located on Council land at 28 Stoneherge Avenue Stirling, for a defined reasonable period of time, say 18 – 24 months, on terms and conditions to be agreed whereby by the end of the agreement, the landowner has established an independent water supply for its land and use of the Council bore ceases 5. To undertake further investigations in relation to the Major bore and tanks and to which properties it supplies water 6. The CEO further reports to Council on an annual basis of progress being made on points 2-5. 	David Waters	In Progress	Dec 24 - actions progressing as per resolution - update report to be presented to Council shortly	FALSE
22/03/2022	Ordinary Council	53/22	Removal of Remoteness Sculpture, Stirling	Nil	<ol style="list-style-type: none"> 1. That the report be received and noted. 2. That the sculpture known as The Remoteness, be removed from the area in front of the Coventry Library, Stirling. 3. That best endeavours should be made to retain suitable elements of the sculpture for placement in the surrounding landscape in a manner appropriate to the setting, such as for informal seating. 4. That the Council works with the Stirling Business Association and stakeholders from the former Adelaide Hills International Sculpture Symposium Inc to identify and implement appropriate means of recognising the sculpture and ensuring its legacy is not lost to the precinct in which it is presently situated and the overall Hills Sculpture Trail. 	Jess Charlton	In Progress	Resolution items 1 and 2 have been completed (sculpture removed). Options relating to items 3 and 4 are currently being explored. Hills Tourism have been provided with information and 3D images of the sculpture in order to update the website and maintain its legacy. Options for use of the remaining materials continue to be explored.	FALSE
26/04/2022	Ordinary Council	86/22	MON Property Lobethal Road Lenswood	Nil	See Confidential Minute	Jess Charlton	In Progress	Hills Sculpture Trail website has now been updated	TRUE
28/06/2022	Ordinary Council	166/22	Warren Road Birdwood Blackspot - Confidential Item	Nil	See Confidential Minute	David Waters	Completed	Matter concluded.	TRUE
28/06/2022	Ordinary Council	172/22	Ashton Landfill - Confidential	Nil	See Confidential Minute	David Waters	In Progress	Matter continues to be progressed. Further updates will be provided when a material change occurs.	TRUE
26/07/2022	Ordinary Council	182/22	Policy Review - Festivals and Events	Nil	<p>That the report be received and noted.</p> <p>To undertake public consultation on the Draft July 2022 Festivals and Events Policy and the CEO prepares a report for Council.</p>	Gary Lewis	Completed	The new Festivals and Events Policy was endorsed by Council on 10 September 2024 and came into effect from 24 September 2024.	FALSE
30/12/2022	Ordinary Council	303/22	Surplus Government Land Notification	Nil	See Confidential Minute	David Waters	In Progress	Dec 24 - item in process of being acted upon with further report to be submitted to Council in early 2025.	TRUE
24/01/2023	Ordinary Council	3/23	Questions adjourned - Options to reduce traffic congestion and improve child safety adjacent to Bridgewater f Nil	Nil	<ol style="list-style-type: none"> 1. That the report be received and noted. 2. That following the completion of the Child Care Development, and in liaison with the Department for Education, Council Staff undertake a Traffic Monitoring Study of the local road network in the vicinity of Bridgewater Primary School including Lezary Avenue, Monella Grove, Trenouth Street and Shannon Road. 3. That a report be brought back to Council within 6 months of the opening of the Childcare Centre. 	David Waters	In Progress	Report to be brought back to Council within 6 months of the opening of the Childcare Centre. Staff will progress at the appropriate time once child care centre has been in operation for six months. Planning Consent Valid to September 2025, awaiting lodgement of Building Consent for continued review.	FALSE
14/02/2023	Ordinary Council	26/23	Preserving Randell's Workers Cottages 1 Beavis Ct Gumeracha	Nil	<ol style="list-style-type: none"> 1. That the report be received and noted. 2. That the amount of \$20,000 be considered as part of the 2023/24 budget preparation process to prevent further deterioration of Randell's Cottages at 1 Beavis Court, Gumeracha. 3. That Council explores another submission to the State Government in an attempt to excise this parcel of land from the Environmental Food Production Zone. 	Jess Charlton	In Progress	Funds have been allocated in the draft 23/24FY budget for this project. The State Government reviews the EPA every 4 years, with the last review being undertaken in 2022. The next review will be due in 2026. A request for review will not be considered until the next review in 2026. Works have been undertaken to the building including roof sheets secured, entry points secured, build up of debris and trees/bushes removed from close to the structure, stormwater swales put in to direct water away from the structure and sign created and installed with the assistance of the Gumeracha Historical Society	FALSE
28/02/2023	Ordinary Council	45/23	Parking and Road Safety Wattle Tree Road Bridgewater	Nil	<p>That the report be received and noted to implement the recommended signage addition and vegetation management outlined in the report in addition to the recommended signage, to investigate and implement advisory speed signage in the vicinity of the crest, or other appropriate traffic control mechanisms aimed at reducing vehicle speeds. That Council ensure the road signing of section 2 is maintained through the regular application of appropriate fill/repaint. access and safety considerations on Wattle Tree Road be monitored again once current residential development on the street is complete.</p>	David Waters	In Progress	New advisory signage has been installed, and cement treated shoulder works have been complete, along with other minor maintenance activities as required. The action can not be finalised until a report is returned to Council following completion of residential development within the street, which could be many years away.	FALSE
14/03/2023	Ordinary Council	52/23	Heritage Agreements	Nil	<p>As of 8/10/24 Hs officially in place for:</p> <p>Stone Quarry Reserve, Smith Road/Stone Quarry Road, Kerksbrook CR5754/939 MOA 2024/1009 HA1722</p> <p>The Deanery, Kain Avenue, Aldgate CR5244/743 MOA 2024/1010 HA1723</p> <p>That the report be received and noted. That the Chief Executive Officer further investigate and where feasible and eligible, be authorised to enter: Bridgewater Recreation Reserve, Cave Reserve, Bridle Path & Walking trails at Cave Ave, Ayr Street, Arzac Ridge Road, BridgewaterAAA Tower Reserve at 21 Hillcrest Avenue Crafters Westlons Reserve at 21 Onkaparinga Rd, BridgewaterCharlton Waste Facility (Mk Charles) at Harrison Road, CharlestonThe Deanery, Old Mount Barker Rd, BridgewaterGrassy Reserve at Pye Road, BahannahKilley Reserve at Wright Rd, StirlingRudall Reserve at 7-9 Rudall Ave, CraftersSmith Rd/Stone Quarry Reserve at South Park Rd, KerksbrookKempston Reserve at Hampton Rd, MyloCooper Reserve at Silver Lake Rd, MylorGurr Rd Reserve parcel at Gurr Rd North, BradburyHeathfield/Longwood Reserve, Corner of Heathfield & Longwood Rd, HeathfieldAldgate Tennis Courts at 180 Mt Barker Rd, AldgateChapman Water Reserve at Chapman Road, InghewoodAldgate Valley Wildlife Corridor, aka "Bandicoot Lane" Stock Road to Stevens Rd, MylorSilver Rd Reserve at 34 Silver Rd BridgewaterPitt Road Reserve at Pitt Rd, ParacombeHead Rd Reserve at Head Road North, HoughtonFernwood Reserve at Fernwood Way, Upper StartPound reserve, Marble Hill and Pound Rd, AshtonMt Bold Cutting, Mount Bold Road Cut, Dorset ValeStirling Cemetery, Strathbryn Rd, AldgateAldgate Valley Reserve, 96 Aldgate Valley Rd, AldgateWendell Reserve, 111 Norton Summitt Rd, Woodfordbeing of significant or high potential biodiversity value, into Heritage Agreements. That the Heritage Agreement applications seek to apply to those portions of the aforementioned reserves which are of significant or high potential biodiversity value, which retains any existing dog access and established recreational use arrangements in place for each of those reserves.</p>	David Waters	In Progress	Heathfield/Longwood Reserve, Heathfield/Longwood Roads, Heathfield CR5752/1017 MOA2024/1011 HA1724	FALSE
28/03/2023	Ordinary Council	64/23	Fire Water Tank Upper Hermitage	General - Cr Pauline Gill General - Cr Malcolm Herrmann General - Cr Adrian Cheater	<ol style="list-style-type: none"> 1. The report be received and noted. 2. Council acknowledges the fundraising efforts by Ms Jan Verrall and Ms Denise Elland. 3. In view of advice by letter dated 21 February 2023 received from the CS Regional Commander Region 2, summarised as follows:the whole of the land is needed for CS volunteers to exercise and train the tank would not be used or maintained by the CS, and the Upper Hermitage site is a dangerous location to place a community water tank for use during a time of fire; 4. Council respectfully declines the offer for the donation and placement of a fire water tank at the corner of Range Road North and Warner Road Upper Hermitage. 5. That Council staff continue to work with the CS across the Region to support firefighting, fire prevention and fire educational efforts. 6. That the CEO or his delegate formalises the use of the land described as allotment 5 in Filled Plan 218543 and contained in Certificate of Title 5854 Folio 841, commonly known as the Upper Hermitage tennis courts and CS land, to the SA Country Fire Service (CFS) for its purposes. 	David Waters	In Progress	Dec 24 - public consultation on new lease has now finished with two submissions received supporting the proposal. Nov 24 - In Aug 2024 Council resolved to consult on a new Lease - public consultation has commenced.	FALSE

										Preliminary Engagement undertaken with affected residents through June – results indicate general support for Council to pursue changes to the Code to increase character and amenity protection within the Subzone. Staff have also met with the Executive Director at Planning and Land Use Services to further clarify Council's position on this matter and determine possible pathways forward for a Code Amendment. This discussion was highly constructive and has clarified that a range of options are available for consideration. It is noted that there is crossover with the Regional Planning program and this has added an additional layer to the options available regarding this matter. This item was discussed at 10/10 workshop where the preliminary engagement summary and Code Amendment options were tabled for discussion. Based on the general support to pursue various options, the Proposal to Initiate report continues to be drafted. Additional issues have also been raised in the interim regarding non-residential uses in the Subzone and this issue will also be explored. A recent Council workshop (19 April 2024) confirmed that the current direction is appropriate and this has helped with adjustments to the scope of the Amendment. Next Steps as follows: Inform the Minister of our intention to initiate the Code Amendment detailing intending scope – ASAP Seek Council endorsement for approach and Proposal to Initiate – August Lodge the Proposal to Initiate with the State Planning Commission – September Draft Code Amendment – Back end of 2024 Undertake Community Engagement – Following Strategic Plan Engagement Finalize Code Amendment – First half of 2025
28/03/2023	Ordinary Council	67/23	Adelaide Hills Subzone Code Amendment	General - Cr Nathan Daniell General - Cr Leah Mudge	That the report be received and noted. That the CEO progress preliminary investigations including pre-engagement with affected residents and landowners, to inform Council's position on whether a formal Code Amendment process for the Adelaide Hills Subzone will be initiated, with the CEO to table a report for Council's consideration on the matter by 23 May 2023. To instruct the CEO to inform the State Planning Commission and the Minister of Planning of Council's intention to progress preliminary investigations in preparation for a Code Amendment process for the Adelaide Hills Subzone, including the rationale.	Jess Charlton	In Progress			FALSE
11/04/2023	Ordinary Council	78/23	Illegal Native Vegetation Clearance	Nil	1. Condemns the unapproved and excessive clearance of remnant native vegetation at 104 Mount Lofty Road, Crafers. 2. Reaffirms its unwavering commitment to protecting and restoring the Adelaide Hills natural environment. 3. Requests the Mayor write to the Minister for Climate, Environment and Water, Hon Dr Susan Close MP to request: a. The Native Vegetation Act 1991 be amended to increase penalties associated with the illegal clearance of native vegetation; b. The budget allocated to the Native Vegetation Council be increased to enable appropriate resources to be allocated to compliance and enforcement 4. Requests the CEO review legislative options available to strengthen Council's compliance and enforcement efforts in preventing and addressing illegal clearance of native vegetation. That as part of this review: a. A workshop be conducted with elected members. b. A report be provided to Council by 30 June 2023 including options that would improve Council's ability to ensure prevention, compliance, and enforcement, associated with the illegal clearance of native vegetation. 5. Requests the CEO investigate any scope for the inclusion of additional Council owned properties to be assessed for suitability to be encumbered by a Heritage Agreement for the additional protection of native vegetation on that land. That as part of this investigation: a. A workshop be conducted with elected members (at the same time as 4(a) above).	David Waters	In Progress	Public consultation for Draft Policy open Wednesday 4/12/24 - Tuesday 21/2/25		FALSE
26/04/2023	Ordinary Council	94/23	Development of Behavioural Support Policy for Council Members	Nil	1. That the report be received and noted. 2. To determine not to develop a Behavioural Support Policy at this point in time. 3. To request the Chief Executive Officer to prepare a report on the operation of the Behavioural Management Framework, specifically as it relates to the Adelaide Hills Council, for its April 2024 meeting. 4. That the Chief Executive Officer (or another person delegated by them) may make public comment and/or statements to the media on behalf of the Council relating to the policy of Council, its position on particular issues, and operational matters.	Greg Georgopoulos	In Progress	Part 3 - item will stay open on the action list until report provided to Council. Have postponed item until after the mid-term professional development for elected members. 26 August 24 IOBS on Working Together. 17 Sept - leadership mid-term training workshop held. Administration in discussion with providers regarding further work in 2025, including in terms of developing a behavioural support policy. Will need to seek resources through budget review process. Part 4 - completed - CEO has advised staff that media responses regarding enquiries on policy, political or Council decisions will come from the Principal Spokesperson and comment on operational matters will be from the CEO only.		FALSE
9/05/2023	Ordinary Council	110/23	Building Upgrade Finance	Nil	1. That the report be received and noted. 2. To undertake a two year pilot program of Environmental Upgrade Agreements, nominally commencing 1 July 2023. 3. To appoint Sustainable Australia Fund, trading as Better Building Finance, to work collaboratively with Council to establish, administer and support the delivery of Environmental Upgrade Agreements. 4. To delegate the power to the Chief Executive Officer to finalise the commencement date for the pilot program into an Environmental Upgrade Agreement on behalf of Council and declare and levy an environmental upgrade charge. 5. To report back to Council on the outcomes of the two year pilot by 30 June 2025.	Jess Charlton	In Progress	Service agreement documentation has been finalised and signed by AHC CEO and BBF. There has been some delays from Building Better Finance which may impact implementation.		FALSE
9/05/2023	Ordinary Council	111/23	Revocation of Community Land - Bridgewater Retirement Village	Nil	That a report be provided to Council which includes the outcomes of the 2021 consultation process regarding the Proposed upgrades for Carpool Park b. Provides options for the upgrade of Carpool Park or another Park in Bridgewater.	David Waters	In Progress	Dec 24 - report to come to Council shortly		FALSE
23/05/2023	Ordinary Council	141/23	Electricity Tenders Post 30 June 2023 – Confidential Item	Nil	Refer confidential minutes for full resolution. Council resolved to enter into a number of electricity contracts. Council also resolved that: Prior to entering into any future agreement regarding electricity with the LGAP, Council undertakes a broad and detailed analysis regarding electricity use and alternate options for electricity procurement, with a focus on renewable energy. That Council develop and implement a Tree Strategy. The Tree Strategy should include actions which help Council positively impact on the environment, for example, actions may be established for the following: Plantings to replace trees removed by Council to ensure a net positive impact is achieved (i.e. more trees planted than removed); Increasing the quality and quantity of tree canopy within Council townships and major tourist thoroughfares; Increased species diversity which complements nearby remnant vegetation; Strategies to save existing trees, particularly regulated and significant trees; A strategic and data driven tree planting program. Consideration be given for endemic species to be a priority where appropriate. That a Council workshop be held with elected members to seek their input into the preparation of the draft Tree Strategy. That a draft Tree Strategy be put out to public consultation prior to the final version being endorsed by Council.	Gary Lewis	In Progress	The Administration is reviewing the required work to complete a broad and detailed analysis regarding electricity use and alternate options for electricity procurement, with a focus on renewable energy. A number of Councils have found themselves in similar situations and we aim to learn from their processes where possible. ERA Councils are pursuing a combined approach to this issue and AHC has had some discussions with them. Additionally another group of primarily metro councils (Renew 6) are taking similar path. Following discussion with LGAP, with consideration of the timing of the Iberdrola approach and the possibility for conflict with nascent plans AHC chose not to commit to the LGAP/Iberdrola bid. A procurement process is now underway to engage an appropriate appropriate consultant to assess Councils current and future needs.		FALSE
13/06/2023	Ordinary Council	146/23	MON Establishing a Tree Strategy	Nil	That Council develop and implement a Tree Strategy. The Tree Strategy should include actions which help Council positively impact on the environment, for example, actions may be established for the following: Plantings to replace trees removed by Council to ensure a net positive impact is achieved (i.e. more trees planted than removed); Increasing the quality and quantity of tree canopy within Council townships and major tourist thoroughfares; Increased species diversity which complements nearby remnant vegetation; Strategies to save existing trees, particularly regulated and significant trees; A strategic and data driven tree planting program. Consideration be given for endemic species to be a priority where appropriate. That a Council workshop be held with elected members to seek their input into the preparation of the draft Tree Strategy. That a draft Tree Strategy be put out to public consultation prior to the final version being endorsed by Council.	David Waters	In Progress	Draft Tree Strategy presented to Council Members at Council workshop 23rd September 2024. Various comments received by Council members and to be considered by administration for inclusion. Revised Draft Tree Strategy currently being prepared in feedback received relating to Strategy Actions. Supporting information to be shared with Council members relating to analysis of various delivery modes.		FALSE
13/06/2023	Ordinary Council	147/23	MON Traffic Issues Woodforde & Teringie	General - Cr Pascale	1. Mayor Wisdom writes to the Minister for Transport and Infrastructure, Hon Tom Koutsantonis MP concerning traffic congestion at the intersection of Magill Road and Norton Summit Road and lack of public transport in Woodforde and Teringie areas. In the letter Council requests the Department of Infrastructure and Transport explore the roundabout option as outlined in the Woodforde Land Development Part B: Traffic Management Plan of 2017 and detail its findings back to Council. That the Department revise its traffic modelling to include the additional traffic generated by the Moraitia High School pursuant to an investigation into extending bus routes down Glen Stuart Road, Woodforde and into Teringie and detail its findings back to Council. 2. Council investigate implementing parking restrictions on Glen Stuart Road between Grant Street and Knyve Road on the western side to limited parking of no standing zones between 8am to 4pm, Monday to Friday and 9am to 12pm on Saturdays. That Council write to Campbelltown City Council and request they investigate implementing parking restrictions on Glen Stuart Road between Glen Street and Koongara Ave, and Koongara Ave and Meules Road on the eastern side to limited parking of no standing zones between 8am to 4pm, Monday to Friday and 9am to 12pm on Saturdays.	David Waters	Completed	Letters for items 1 and 2 have been sent. A response has recently been received from CCC indicating they do not support the proposed changes to parking restrictions along Glen Stuart Rd.		FALSE

					<ol style="list-style-type: none"> 1. That the report be received and noted. 2. To commit a portion of the capital funding included in the 2023-24 Annual Business Plan for a New Dog and Cat Facility, to make upgrades to the current facilities at Heathfield to provide immediate additional capacity to hold dogs and cats whilst medium to long term options are further explored. 3. To delegate to the CEO and Mayor to write to both the Local Government Association, the Dog & Cat Management Board and all State Members of Parliament advocating for their leadership to develop a solution to the current issues impacting the whole of the Local Government sector in relation to the housing and rehoming of dogs and cats. 4. To delegate to the CEO (or his delegate) to commence formal discussions with Council's immediate adjoining Councils, or other Councils or stakeholders, to investigate options for a regional solution should there be no solution put forward by either the Local Government Association or the Dog & Cat Management Board. 			<p>Jan 24 - works continue the Heathfield site for the temporary facility</p> <p>December 23 - Preliminary site works have started for cat holding facilities as well as site works to create dog enrichment area to be able to hold dogs for longer periods</p> <p>Letters have been sent per resolution No. 3 which have been acknowledged.</p> <p>March 24 - initial upgrade works at Heathfield Depot holding facility have been completed. Council has commenced trying to rehoming animals direct rather than relying on shelters (where appropriate).</p> <p>June 24 - in discussion with District Council of Mount Barker regarding possible feasibility study for regional facility.</p>	
27/06/2023	Ordinary Council	177/23	Dog & Cat Pound Facilities	Nil		Jess Charlton	In Progress		FALSE
25/07/2023	Ordinary Council	196/23	Road Safety Analysis Lobethal	Nil	<p>The Chief Executive Officer arranges for staff to undertake an in-house road safety assessment into speeding and increased road use on Ridge Road and Mill Road, Lobethal, both of which are becoming used as thoroughfares for road users attempting to avoid traffic on Main Street. If the outcomes of the road safety assessment deem it necessary, that options to discourage road users from choosing these roads instead of the Main Street and combat speeding be explored using an external professional (including but not limited to the installation/construction of chicanes, speed bumps or additional signage). The Chief Executive engages with the Department for Education and Child Development regarding increased road usage and speeding vehicles on Mill Road, which affects all traffic and pedestrians to and from the primary school. A report be prepared detailing the outcomes of this assessment for Council's consideration at the ordinary meeting scheduled for 24 October 2023.</p> <ol style="list-style-type: none"> 1. That AHC recognises that climate change is already having a negative impact on AHC communities and this will continue with increasing severity; 2. That AHC recognises local government has a leadership role to play in reducing greenhouse gas emissions as a matter of urgency, as well as attempting to address the effects of climate change on our community; and, 3. That staff hold workshops with elected members to explore options available to address both the causes and effects of climate change, including: How we can incorporate actions to address the causes and effects of climate change in our Strategic Plan; <p>Present progress in implementing the recommended actions in the Corporate Carbon Management Plan in the time since that plan was adopted;</p> <p>Present planned actions and other feasible options, with timelines and cost benefit analyses, that can reduce the carbon footprint of the AHC and the AHC area;</p> <p>Present planned actions and other feasible options, with timelines and cost benefit analyses, that can reduce the impacts of climate change on our communities; and</p> <p>Discuss the best strategy to continue to progress AHC action on this urgent issue.</p>	David Waters	In Progress	Draft report from the traffic consultant has been received and being reviewed by staff, and finalising Traffic Management Plan.	FALSE
8/08/2023	Ordinary Council	214/23	Corporate Carbon Management Plan	Nil		David Waters	In Progress	Carbon Management Plan is in progress	FALSE
22/08/2023	Ordinary Council	222/23	MON Bringing Community Groups Together	General - G Mudger, C Selwood, O Daniell	<p>Council convenes an inaugural gathering of our local community groups whose primary focus is to assist and promote a vibrant and thriving community for their local area. The inaugural gathering has two key objectives, to provide an opportunity for information sharing between different community groups; to provide both the administration and elected members with insight into how the community groups are supporting their local area, along with current opportunities and challenges they face. Council engages with local community groups to inform the format of the event. Once the event has been held the CEO prepare a report which reviews and reports on the success (or otherwise) of the event. Considers the merits and feasibility of holding semi-regular events such as this into the future.</p>	Jess Charlton	In Progress	<p>The event was held at the Lobethal Bierhaus of 16th November 2023. Representatives of well-established and newly formed Community groups with a broader focus, known to Adelaide Hills Council staff were personally invited to attend. Twenty representatives from the following areas/groups were in attendance: Activating Bridge Water/Gumeracha Community Association/Hamilton Hill Woodfores Community Group/Houghton Oval/Imagme Uralilla/Ansenwood and Forest Range Community Association/Lobethal Community Association/Live Woodside/Marshalls Residents Association/Mount Torrens District Community Association/Woodside Commerce Association/After an introduction from Mayor Jan-Claire Wisdom and Adelaide Hills Council CEO Greg Georgopoulos all groups were allocated two minutes to introduce their group to the wider audience. Groups then had the chance to connect with others over food and participate in the activities around the room. There were five table themes, each hosted by an Adelaide Hills Council staff member. There was overwhelmingly positive feedback that groups would like to continue to connect with other groups across the Adelaide Hills Council area in the new year we will work with groups to establish frequency, content and how meetings will be hosted. All groups consented to their contact details being shared and groups have been encouraged to connect with each other independent of any Council organised forums. Community groups and Council Members have received a report summarising findings. Following further discussions with groups a final report will be prepared for Council.</p> <p>The report to Council has been developed to align with Strategic Plan and Organisational Structure outcomes so that we can advise on a long term approach.</p> <p>New Sub Delegations being scheduled due to new positions approved.</p>	FALSE
12/09/2023	Ordinary Council	239/23	Delegations Review	Nil	Refer to 230912 Delegation Review Report for appropriate information.	Greg Georgopoulos	In Progress		FALSE
26/09/2023	Ordinary Council	250/23	Consideration of bike lockers for personal use	NO	<p>That the report be received and noted.</p> <p>That Council approve a survey of cyclist and public transport users be undertaken in conjunction with Bike SA to understand needs, demand, and final priority sites for consideration in this Public Transport Amenity Program.</p> <p>Subject to the results of the survey, that Council considers a Public Transport Amenity Program, that includes the installation of bike lockers or bike cages as part of the 2024/25 Annual Business Planning process.</p> <ol style="list-style-type: none"> 1. That the report be received and noted. 2. The land marked "A" in Preliminary Plan No. 22/0043 (known as the Road Land) be closed and declared surplus to Council's requirements. 3. That upon deposit of the Road Closure, the land will be excluded from the classification of Community Land and not be included in Council's Community Land Register. 4. That the Chief Executive, or his delegate, be authorised to negotiate with the owners of 205 Pedare Park Road for the sale and transfer of the piece marked "A" in Preliminary Plan No. 22/0043 for nil consideration given the initial construction of Pedare Road on the adjoining property potentially contributed to the encroachment, on the proviso that the owners agree to pay fees associated with the administrative process of the land transfer. 5. That the Chief Executive, or his delegate, be authorised to purchase from the owners of 340 Tiers Road Woodside, the piece marked "1" in Preliminary Plan No. 22/0043 for the sum of \$108,000 plus GST (if applicable). 6. That the net capital cost required to fund the road exchanges be included into the 2023/24 Budget as part of the next available Budget Review. 7. That the Chief Executive Officer is authorised to finalise and sign all necessary documentation pursuant to this resolution. 	David Waters	In Progress	Consultation undertaken from September 2024. Consultation feedback being collated for a report to Council.	FALSE
10/10/2023	Ordinary Council	257/23	Pedare Park Road Woodside - Road Opening and Closure	Nil		David Waters	In Progress	Dec 24 - Actions progressing - documents finalised and will be lodged soon with the Roads Group for Surveyor/Generals approval	FALSE
10/10/2023	Ordinary Council	259/23	37 Yanagin Road Greenhill - Revocation of Community Land Classification	Nil	<ol style="list-style-type: none"> 1. That the report be received and noted. 2. That the Community Land classification over portion of Allotment 7 in File Plan 129661 in Certificate of Title Volume 5636 Folio 762 as hatched in purple in proposed Plan of Division dated 14/10/2022 be revoked 3. The land swap to proceed with the area hatched in green to be amalgamated in Allotment 7 in File Plan 129661 in Certificate of Title Volume 5636 Folio 762, known as Yanagin Reserve. The area hatched in purple to be amalgamated into the adjoining owners land parcel in Certificate of Title Volume 3350 Folio 424 as shown in Appendix 1 of this Report. 4. Council to apply to vary the Heritage Agreement currently over Yanagin Reserve showing the land swap variations accordingly. 	David Waters	In Progress	Dec 24 - progressing as per resolution - waiting on approval of updated Heritage Agreement	FALSE
10/10/2023	Ordinary Council	261/23	Draft Boundary Encroachment Policy	Nil	<p>Council research and develop a draft Boundary Encroachment Policy to bring the chamber for review by 29 February 2024.</p> <ol style="list-style-type: none"> 1. That the report be received and noted. 2. To receive and note the Management Review and Action Plan in response to the Service Review 2022-23 - Development Services, as contained in Appendix 4. 3. To note that that the implementation status of the agreed actions will be reported to Audit Committee and Council on a biannual basis, nominally March and August. 	David Waters	In Progress	Implementation of Action Plan in progress - immediate actions completed.	FALSE
31/10/2023	Audit Committee	AC39/23	Development Services Service Review - Implementation Plan	Nil		Jess Charlton	In Progress	Biannual Report presented to Audit Committee and Council at May meeting.	FALSE
14/11/2023	Ordinary Council	282/23	Integrated Strategy - Electric Vehicles	Nil	<p>1. The CEO develop, for council consideration, an integrated Electric Vehicle Strategy to support the rollout of electric vehicles (EV) and EV charging infrastructure for Adelaide Hills Council including, but not limited to, the following: Detailed analysis of the current and future vehicle fleet, including types of vehicles, usage patterns, and energy requirements; The development of Net Present Value analysis to quantify the financial and environmental impact of the transition to electric vehicles; Assessment of current solar panel infrastructure and its capacity to support the EV fleet considering capacity, efficiency, and potential upgrades; Assessment of battery storage solutions to optimise energy utilisation and charging capabilities, including current market opportunities for such infrastructure outside of the council's existing LGAP energy agreement; and exploration of government and private sector incentives, grants, and subsidies available for transitioning to EVs and renewable energy integration. The required charging infrastructure for a fleet transition to EV, with consideration for public access initiative. Assessment of potential vehicle manufacturers' fleet management, serviceability and availability performance.</p> <p>2. An immediate cessation of internal combustion vehicle acquisition for light fleet vehicles that are primarily used to transport passengers (noting this does not include light commercial vehicles at this time), with discretionary authority of the CEO should an appropriate EV be available.</p> <p>3. That key outcomes captured within the Electric Vehicle Strategy be presented to a workshop of Council concurrently with the Carbon Management Plan.</p> <p>4. That funding of \$20,000 be included as part of 2023/24 Budget Review 1 to undertake the development of the Integrated Electric Vehicle Strategy.</p>	David Waters	In Progress	<p>Considerable work has already been undertaken in relation to this resolution. Key aspects include:</p> <p>Key completed aspects include:</p> <ul style="list-style-type: none"> Engagement of an independent assessment of Councils fleet requirements Completion of detailed NPV and carbon analysis that supported the transition to fully electric vehicles Cessation of purchase on internal combustion vehicles where appropriate to do so. Funding provided within BE1 to undertake the development of an Integrated Electric Vehicle Strategy. All light fleet purchases have been of EV's, and continue to be so. <p>A review of the current fleet, related policies and procedures has also been completed. This is to be reviewed and an action plan developed to progress this.</p>	FALSE

									An application to DIT for a 40 km/hr zone in the subject area has been submitted. 9/4/24 - A request for an update on the status of the assessment has been made to DIT. 6/5/24 - a further request for an update on the status of the assessment has been made to DIT, who advise they will need a minimum of a further 6 weeks to consider the matter. 8/9/24 - Further requests for an update from DIT have gone unanswered. 1/10/24 - DIT have approved 40km/h speed limit in partial suburb of Rostrevor adjacent to Morialta Conservation Park and Bounded by Arcoona and Stradbroke Road	
28/11/2023	Ordinary Council	305/23	MON - 40km/h investigation for Rostrevor Roads (Cr Louise Pascale)	Nil	That the CEO investigates lowering the speed limit on Wandilla Drive, Baroota Avenue, Arcoona Avenue and Spring Gully Road in Rostrevor and provides a report to Council by 1 March 2024 on its outcomes. 1. That the report be received and noted. 2. That Council proceeds with the process for considering landowner consent for the development of a pavilion at Stirling Oval and delegates authority to the Chief Executive Officer, or their delegate, to enter into a Framework Agreement document with the Stirling Pavilion Foundation Inc. 3. That the Framework document include, amongst other matters, the steps required to consider landowner consent for the development of a Pavilion on Stirling Oval, possible terms of any arrangements for the leasing or licensing of the Stirling Oval for the proposed development, statutory requirements that need to be followed, and any cost sharing arrangements. 4. The CEO provides an interim report on progress on the project by the end of 31 May 2024 5. That following the negotiation of a Framework document a report be submitted to Council that provides an update on the terms of the Framework document. 6. That a further report be submitted to Council that considers the Community Land Implications including community consultation on any proposed changes to the Community Land Management Plan for Stirling Oval as required under Section 198 of the Local Government Act 1999. 7. That the further report in (5) above also considers the requirements of Section 202 of the Local Government Act 1999 regarding the alienation of Community Land by lease or license including but not limited to community consultation requirements.	David Waters	Completed		FALSE	
28/11/2023	Ordinary Council	308/23	Stirling Pavilion Proposal	Under section 75B of the Local Government Act 1999 Cr Nathan Daniell disclosed a General (section 74) Conflict of Interest in Item 13.2. Under section 75B of the Local Government Act 1999 Cr Leith Mudge disclosed a General (section 74) Conflict of Interest in Item 13.2. Under section 75B of the Local Government Act 1999 Cr Kirsty Parkin disclosed a General (section 74) Conflict of Interest in Item 13.2.		David Waters	In Progress	Dec 24 - Framework Agreement still under review	FALSE	
19/12/2023	Ordinary Council	327/23	Woodforde Residents Community Meeting	Nil	1. The CEO prepare a report for Council to be presented at a workshop on the 19 February 2024 on what Kite Property had approved by State Commission Assessment Panel (SCAP) and what it is delivering in Hamilton Hills. 2. Subject to the outcomes of the workshop, Council schedules a Woodforde residents community meeting within 4-6 weeks and invite residents of Woodforde and neighbouring suburbs of Terriage and Rostrevor. 3. Council holds the Woodforde community meeting at Rostrevor College on Glen Stuart Road, Woodforde. 4. Council provides residents the opportunity to hear about Council's work undertaken in the area concerning traffic, services and infrastructure with the expansion of Woodforde and receive feedback from residents about the changes they are experiencing. 5. Council provides an online and hard copy summary of the above for residents who cannot make it to the event and include an opportunity for those residents to feedback to the Council either online or via telephone.	Gary Lewis	Completed	The Woodforde Community Forum was held on 30 April 2024. Around 70 people attended the community forum and it was a well received evening involving community, staff and elected members. Report finalised and shared to all who attended via email and those who asked to be kept informed on 4.7.24	FALSE	
19/12/2023	Ordinary Council	330/23	Reaffirmation of Acknowledgement of Country	Nil	1. Reaffirms its policy of making an acknowledgement of the traditional custodians of the Adelaide Hills prior to ALL council meetings and other meetings in accordance with our Acknowledgement and Welcome to Country Policy. 2. Believes that the appropriate delivery of Acknowledgement of Country and Welcome to Country is a fundamental element of respectful recognition of the Traditional Custodians of the Adelaide Hills. 3. Believes that Council has a leadership role in relation to reconciliation and a responsibility to demonstrate best practice in the use and protocols associated with Acknowledgement of Country and Welcome to Country. 4. Encourages other SA Councils to adopt or retain a policy of making a respectful Acknowledgement of Country at council and other meetings through providing correspondence to other regional LGAs, SAROC and GARC.	Jess Charlton	Completed	Revised Acknowledgement and Welcome to Country Policy by Council 10 September 2024	FALSE	
23/01/2024	Ordinary Council	4/24	East Waste Deputy Board Member	Nil	1. That the report on the East Waste Deputy Board Member Appointment be received and noted. Decision 2 1. To appoint Mr David Waters, Director Environment and Infrastructure to the Deputy Board Member position of the Eastern Waste Management Authority Board for a term to commence on 23 January 2024 and conclude on 29 November 2025 (inclusive). 2. To authorise the Chief Executive Officer to lodge all required documentation to give effect to Council's resolutions regarding Eastern Waste Management Authority Board Membership.	Greg Georgopoulos	Not Started		FALSE	
13/02/2024	Ordinary Council	19/24	Adelaide Hills Woodside Memorial Swimming Centre Feasibility Study Outcomes	Nil	1. That the report be received and noted. 2. That Council allocates a further \$350,000 in capital funding towards the Adelaide Hills War Memorial Swimming Centre Splash Park Project in the 2024/2025 financial year, bringing the total budget available for the project to \$750,000, with the nominal funding breakdown as follows: Council general funding \$150,000 Council from Commonwealth LRCP Phase 3 \$200,000 Council from Commonwealth LRCP Phase 4 \$200,000 AHWMSC Inc \$200,000 TOTAL \$750,000 3. That the Commitment of Council's additional \$350,000 in capital funding towards the Splash Park is conditional a contribution of \$200,000 from the Adelaide Hills War Memorial Swimming Centre Committee. 4. That a draft standalone Asset Management Plan be prepared for the Adelaide Hills War Memorial Swimming Centre (AHWMSC). 5. That Council discuss the summary report findings and AHWMSC draft Asset Management Plan at a future workshop and consider allocation of additional funding in the Long Term Financial Plan review process to implement other short, medium and long term recommendations coming out of the Adelaide Hills War Memorial Swimming Centre Feasibility Study. 6. Note that Administration is currently processing the return of the Adelaide Hills War Memorial Swimming Centre Committee's \$200,000 funding allocation to the Splash Pad Project until a successful tenderer has been selected for the larger \$750,000 Splash Park.	David Waters	In Progress	Splash Park contract has been awarded. Tender processes for the Splash Park project are progressing. A draft AMP is scheduled to be presented to a Council Workshop in due course.	FALSE	
13/02/2024	Ordinary Council	20/24	CR81 Community Halls Insurance Grant Guidelines Report	Nil	1. That the report be received and noted. 2. That the Council endorse the Building Insurance Grant Guidelines for Community Owned Halls as contained in Appendix 3. That the Chief Executive Officer be authorized to make changes to the Guidelines, not affecting the substantive intent and direction, as may be required from time to time, to ensure the issuing of grants remains in line with the intent of the Community and Recreation Facilities Framework. 4. That the Building Insurance Grant Guidelines are reviewed in 12 months.	David Waters	In Progress	Dec 24 - Actions in progress. Guidelines to be reviewed in Feb 2025.	FALSE	
13/02/2024	Ordinary Council	34/24	CEO Performance Review Panel Recommendation (Decision 2) (Deferred Item)	Nil	Refer to confidential minute.	Greg Georgopoulos	Completed	refer to confidential minute	TRUE	
19/02/2024	Audit Committee	AC12/24	Risk Management and Audit Review	Nil	1. That the report on Risk Management and Audit Review be received and noted. 2. That Administration will propose a process for reviewing risk management and auditing procedures at the 15 April Audit Committee meeting.	Greg Georgopoulos	Completed	High level process presented to Audit Committee on 20 May 24. First meeting with ELT was 16 July 2024. LGRS have provided draft strategic risk document. New risk officer will lead this work. Commenced 21 Oct 24	FALSE	
27/02/2024	Ordinary Council	39/24	Provision of fortnightly FOGO kerbside collection to Paracombe	Nil	1. Council notes that there is a trial of options regarding FOGO kerbside collection currently in progress; 2. The CEO prepare a report to Council exploring the provision of fortnightly FOGO kerbside collection to Paracombe and other comparable clusters of smaller residential properties outside the current service areas, before the trial is completed; 3. The report include: a. Financial implications; b. Boundary of most populated areas within which FOGO kerbside collection could be achievable; c. Recommendations to Council regarding the implementation of FOGO bins in Paracombe; and other comparable clusters of smaller residential properties outside the current service areas d. Any other relevant matters; 4. The report be returned no later than 30 May 2024.	David Waters	Completed	Matter completed - Investigation into the provision of Food Organic Garden Organic bins to Paracombe has been completed and a report provided to Council at the 28 May 2024 Ordinary Council meeting	FALSE	

									<p>The first community form of the new financial year took place on 19 October at Fabrik art + heritage from 12:30 - 2:30pm. Kids craft and the mobile library plus the beautiful exhibitions at Fabrik gave an extra community flavour. The forum focused on Council supporting community and was a chance to dive into everything that makes our community thrive. From arts and culture to community and library programs, event and access and inclusion. The event brought together passionate locals, creative minds, Council staff and Elected Members to talk through how Council supports communities.</p> <p>The second forum with Community Groups Forum at Balhannah oval was a great success with over 55 registrants from groups across the Hills. Thirty four groups registered to attend (we had some attendees who are not listed and some who didn't attend). The presentations from Council and community groups were well received and the atmosphere of attendees was very positive and engaged.</p> <p>The Grants presentation and review was of special interest to attendees and remained open until 20 December giving plenty of opportunity for those present.</p> <p>The finalised communication board designs have been sent off for manufacture.</p> <p>Administration are working with AMC's Access & Inclusion Advisory group to develop a meaningful way to evaluate the project before reporting back to Council.</p> <p>Play space access and inclusion concepts are expected to be considered in the upcoming review of Council's Play Space Framework. Council Members can expect a workshop to discuss this further.</p> <p>Engagement on this policy will be aligned to the preliminary engagement process associated with the Local Heritage Code Amendment</p>
27/02/2024	Ordinary Council	40/24	Community Meetings	Nil	<p>1. The Adelaide Hills Council organises and runs at least four Community Meetings a year in different locations across Adelaide Hills Council to give community members, Council staff and Elected Members the opportunity to connect, hear the voices of community members on current issues and help ensure community members are aware of Council initiatives. 2. This schedule of quarterly events should commence in the first financial quarter of next financial year – from July 2024 – to give staff time to plan and schedule events.</p> <p>Administration report findings from the play space communication board pilot projects back to Council upon completion.</p> <p>Administration further investigates communication access and physical access for play spaces in the region, in line with the Disability Access and Inclusion Plan review. Findings and costings are reported back to Council upon completion and are included in future iterations of The Play Space Policy and Annual Business Plan and Budgeting processes.</p> <p>Play spaces upgrades continue to consider inclusive and accessible elements in designs.</p> <p>That the report be received and noted.</p> <p>To approve the draft Management of Built Heritage Policy as contained in Appendix J for community consultation.</p> <p>That the report be received and noted.</p> <p>In conjunction with The Synod of the Diocese of Adelaide of the Anglican Church of Australia ("the Church"), undertake a boundary realignment to alter the boundaries between the land located at 2 St John Road Norton Summit owned by Council and the land located at 8 St John Road Norton Summit owned by the Church, with the effect of Council purchasing from the Church an area of approximately 1369m² for the amount of \$94,000 exclusive of GST.</p> <p>To allocate funding in 2024-25 budget for the purchase of the land in the amount of \$94,000 exclusive of GST (if applicable) plus Council's proportion of purchase and land division costs estimated at \$15,000 plus GST, plus fencing costs estimated at \$5,000 plus GST.</p> <p>To update the Council's Community Land Register to reflect the additional area of land vesting in Council and to develop a Community Land Management Plan for the site.</p> <p>To delegate to the CEO to all do things necessary, including sign all documents to give effect to this resolution.</p> <p>The CEO consults the Norton Summit CFS Brigade and/or the Hall Committee in regard to the configuration of any potential carparking spaces.</p> <p>To authorise the Council's CEO to apply the Council's seal, if required, in the execution of any documents related to this resolution.</p>	Gary Lewis	In Progress		FALSE
12/03/2024	Ordinary Council	65/24	Creating more accessible and inclusive play spaces	Nil		David Waters	In Progress		FALSE
12/03/2024	Ordinary Council	70/24	Revised Policy for Community Consultation – Management of Built Heritage	Nil		Jess Charlton	Not Started		FALSE
12/03/2024	Ordinary Council	71/24	Proposed Norton Summit Land Purchase	<p>Under section 75B of the Local Government Act 1999 Cr Leith Mudge disclosed a General (section 74) Conflict of Interest in Item 13.2.General Conflict of Interest, Cr Adrian Cheater – Item 13.2 Proposed Norton Summit Land Purchase</p> <p>Under section 75B of the Local Government Act 1999 Cr Adrian Cheater disclosed a General (section 74) Conflict of Interest in Item 13.2.</p>	<p>Under section 75B of the Local Government Act 1999 Cr Leith Mudge disclosed a General (section 74) Conflict of Interest in Item 13.2.General Conflict of Interest, Cr Adrian Cheater – Item 13.2 Proposed Norton Summit Land Purchase</p> <p>Under section 75B of the Local Government Act 1999 Cr Adrian Cheater disclosed a General (section 74) Conflict of Interest in Item 13.2.</p>	David Waters	In Progress	Dec 24 - Development Approval for land division to be issue shortly.	FALSE
26/03/2024	Ordinary Council	82/24	Road Closure Decision – Unmade public road adjacent 474b Springhead Road Mount Torrens	Nil	<p>1. That the report be received and noted.</p> <p>2. The land marked "B" in Preliminary Plan No. 22/0032 (known as the Road Land) be declared surplus to Council's requirements.</p> <p>3. That the Chief Executive, or his delegate, are authorised to negotiate with the owners of 474b Springhead Road, Mount Torrens for the sale and transfer of the piece marked "B" in Preliminary Plan No. 22/0032 for the sum of \$35,000 plus GST, together with all fees and charges associated with the road closure process.</p> <p>4. That Council's approval of the sale and transfer of the land be subject to the provision for a statutory easement in favour of Telstra as per their interest in the land, together with a Right of Way for foot traffic access in favour of the owner of the adjacent land, being Allotment 2 in Filed Plan 1336.</p> <p>5. Subject to agreement from the owners of 474b Springhead Road, Mount Torrens to purchase the Road Land for the sum of \$35,000 plus GST, to make a Road Process Order pursuant to the Roads (Opening & Closing) Act 1995 to close and merge the pieces of land identified as "B" in the Preliminary Plan No. 22/0032 attached to this report with Allotment 24 Deposited Plan 62438 comprised in Certificate of Title Volume 5911 Folio 138.</p> <p>6. That upon the deposit of the Road Closure, the land will be excluded from the classification of Community Land and not be included in Council's Community Land Register.</p> <p>7. That the Chief Executive Officer, and Mayor, be authorised to finalise and sign, and if necessary, all documentation to close and sell the above portion of closed road pursuant to this resolution.</p>	David Waters	In Progress	Dec 24 - Final Plan and documents have been lodged with the Roads Group for Surveyor Generals approval	FALSE
26/03/2024	Ordinary Council	83/24	Black Snake Road and Lucky Hit Road Birdwood	Nil	<p>1. That the petition signed by 38 signatories requesting Council to undertake a review of the vehicle usage of Black Snake Road Birdwood with the objective of improving road safety be received and noted.</p> <p>2. That a new traffic count be carried out to ascertain the current traffic volumes along Black Snake Road, Birdwood and that staff consider any appropriate road signage or other safety measures in light of the outcome.</p> <p>3. That the tree of concern be assigned for stability with appropriate remedial action taken, if required.</p> <p>4. That the CEO advise the principal signatory of the Council's meeting of the petition and of any resolutions relating to the matter.</p>	David Waters	Completed	25 October 2024 - Letter sent to Mr. Pitman advising him of the outcome.	FALSE
26/03/2024	Ordinary Council	87/24	Event Proposal – Multi Year Rally Proposal	<p>Under section 75B of the Local Government Act 1999 Cr Louise Pascale disclosed a General (section 74) Conflict of Interest in Item 12.1.</p>	<p>1. That the report be received and noted.</p> <p>2. That, in relation to the Multi-Year Agreement Proposal submitted by Massive Events Corp Pty Ltd, Council supports the conduct of the Adelaide Rally within the district for the period of three years 2024 to 2026 and acknowledge that the Chief Executive Officer will use the delegation already provided to him to consider consent for road closures under Section 33(2) of the Road Traffic Act 1967.</p> <p>3. That, recognising this decision is a departure from the usual requirements of the Festival & Events Policy, Council determines that the reasons applying for the usual requirement for road closures associated with motorsport proposals to be brought to the Council for a formal decision on each occasion are outweighed by the expected benefits to be achieved in providing multi-year support.</p> <p>4. That each year, support for the Adelaide Rally road closures, will be contingent on Massive Events Corp Pty Ltd, to the satisfaction of the Chief Executive Officer:</p> <p>Complying with Council's Festival and Events Policy – Guideline No. 2 for Competitive Motoring Events Payment of an Application Fee as per the Council's Fees and Charges Register for Temporary Road Closures Providing confirmation that affected business owners are aware of the proposed road closure providing written confirmation that the organiser has used reasonable endeavours to address concerns raised by affected residents and that arrangements for egress and regress for those properties can be managed within the event where practicable providing evidence of satisfactory procedures for enabling emergency services access to properties on the event route at all times providing evidence of satisfactory insurance to cover any damage to third party property caused by the event Entering into a road repair agreement with Council to cover any rectification works required as a result of damage caused by the event providing written confirmation that advance notice of road closures on the affected roads will be erected at least three weeks prior to the event Hosting at least one significant community event within the Adelaide Hills Council region in conjunction with the rally Hosting the primo tour lunch within the Adelaide Hills Council region Making reasonable endeavours to contract local food and beverage suppliers for event stages within the Adelaide Hills Council district That the event continue to support the At Risk Youth Driver Training Program delivered by the Australian Driving Institute in the Adelaide Hills Council region.</p> <p>5. That, subject to agreeing to the requirements of Item 4 being undertaken, Council provides consent for the organisers to promote the event to sponsors and participants as supported by Adelaide Hills Council for the period 2024 – 2026.</p>	Gary Lewis David Waters	Completed In Progress	The CEO has approved the requested road closures for the 2024 event as all conditions have been met.	FALSE TRUE
26/03/2024	Ordinary Council	93/24	Ashdon Landfill	Nil		David Waters	In Progress		TRUE
9/04/2024	Ordinary Council	107/24	Proposed Disposal of Council Land, Norton Summit	Nil	<p>That the report be received and noted.</p> <p>The land known as Pieces 1 and 2 Filed Plan No. 257220 located off Nicholls Road, Norton Summit and contained in Certificate of Title Volume 6261 Folio 497 be declared surplus to Council's requirements.</p> <p>To dispose of the subject land to the owner of 105 Nicholls Road, Norton Summit for the amount of \$5,000 (plus GST), subject to the owner of 105 Nicholls Road, Norton Summit paying for all costs associated with the settlement and transfer of the land including final survey fees, conveyancing fees, transfer and government changes and any other charges relating to the sale of the land.</p> <p>That upon settlement of the land that Pieces 1 and 2 be merged with the existing Certificate of Title at 105 Nicholls Road, Norton Summit.</p> <p>That the Chief Executive Officer and Mayor be authorised to finalise, sign, and seal (if necessary), all documentation to dispose of the above portion of land pursuant to this resolution.</p>	David Waters	In Progress	Dec 2024 - amalgamation plan has been lodged at the Lands Title Office & given final approval. Final documents completed with conveyancer and settlement to occur soon. Funds received from new owner.	FALSE

23/04/2024	Ordinary Council	127/24	Teringie Residents Association – Traffic hazard of speeding along residential streets in Teringie	Nil	<p>1. That the petition signed by 50 signatories requesting Council to undertake an investigation and provide a solution to the traffic hazard of speeding along Teringie Drive and Woodland Way Teringie be received and noted.</p> <p>2. A traffic count be carried out to ascertain the current traffic volumes and speed of vehicles travelling along Teringie Drive and Woodland Way Teringie.</p> <p>3. That should prevailing speeds be found to be excessive, that further action be taken including, but not limited to consideration of measures to calm traffic and/or increase driver awareness. Referral of the matter to SA Police for speed enforcement.</p> <p>4. Any additional budget allocations associated with the above should be referred to the Council's normal budget processes for consideration.</p> <p>5. That the CEO advise the principal signatory of the Council's noting of the petition and of any resolutions relating to the matter.</p>	David Waters	In Progress	Traffic counters to be deployed to Woodland Way and Teringie Drive the week commencing 20 May 2024 and initial analysis completed by 30 June 2024.	FALSE
23/04/2024	Ordinary Council	128/24	Investigation of temporary support for Stirling Mainstreet Businesses	Nil	<p>That the report be received and noted.</p> <p>2. To fund the Stirling Business Association Levy shortfall resulting from the decreased valuation of the Stirling Mail property at a cost of approximately \$3,000 for three years from 2024-25.</p> <p>3. To develop and implement a targeted marketing campaign to increase customer visitation to Stirling, through engagement of a consultant and with a budget allocation of \$20,000 in 2024-25 to be included in the draft Annual Budget and Business Plan 2024/25 for consultation and consideration by Council, contingent upon the Stirling Business Association making a financial contribution to any targeted marketing campaign.</p> <p>4. That Council staff promote to small business in Stirling the one-on-one assistance available to business owners to improve their business skills and capability and where appropriate facilitate referrals.</p>	Jess Charlton	Completed	ABP adopted by Council on 17/7/24, including \$3000 for levy shortfall and \$20,000 for a marketing campaign.	FALSE
20/05/2024	Audit Committee	AC23/24	Internal Financial Controls Update	Nil	<p>1. That the Internal Financial Controls report be received and noted.</p> <p>2. To note the further developments and improvements that have been made to Council's internal controls environment.</p> <p>3. Request the CEO to prepare a remediation plan for controls rated three (3) or lower by either the reviewer or the assessor.</p>	Gary Lewis	In Progress	Actions pending the appointment of new Manager Financial Services. A review of the internal controls is yet to be initiated and is expected to start in 2025.	FALSE
20/05/2024	Audit Committee	AC24/24	Public Interest Disclosure Arrangements and Compliance	Nil	<p>The Audit Committee resolves that the Public Interest Disclosure Arrangements and Compliance report be received and notes that there have been no Public Interest Disclosures made since May 2023.</p>	Greg Georgopoulos	In Progress	PID training completed by staff PID Policy review to be completed - new Policy Officer commences 21 October 24. They will finalise Organisational Policy framework, with a confirmed review date at this time.	FALSE
28/05/2024	Ordinary Council	170/24	Crafrers Village Pedestrian Connections	Nil	<p>1. Council notes the Crafrers Village Design Guidelines, adopted by Council on 15 December 2020, includes an opportunity to "improve pedestrian connections across the main street and between key destinations" and specifically identifies the potential for raised pedestrian crossings on the main street.</p> <p>2. Council notes that a range of changes impacting traffic and pedestrian movements since that time have occurred, including the addition of a third lane on the South Eastern Freeway between Stirling and Crafrers and the Park and Ride facility currently under construction.</p> <p>3. The CEO engage with the Department for Infrastructure and Transport, to establish the feasibility of, and requirements to deliver a raised pedestrian crossing on the Crafrers Main Street, including at the location conceptualised in Appendix 1.</p> <p>4. The CEO report back on the outcome of the above, including an estimate of cost of any feasible options and an appraisal of potential external sources of funding, by 30 December 2024.</p>	David Waters	In Progress	Draft correspondence to DIT to be prepared. Concept design works have commenced by DIT and in particular the stormwater management for a raised crossing at this location.	FALSE
28/05/2024	Ordinary Council	173/24	Local Heritage Code Amendments – Approach and Preliminary Engagement	Nil	<p>1. That the report on the Local Heritage Code Amendments – Approach and Preliminary Engagement be received and noted.</p> <p>2. That the administration proceed with investigations that explore the opportunities to further strengthen the heritage policy framework within the Planning and Design Code as it applies to the Torrens Valley and the Onkaparinga Valley, including consideration of Local Heritage Places and Historic Area Overlays.</p> <p>3. That the administration proceed with a thematically aligned approach to the Torrens Valley and the Onkaparinga Valley Heritage Code Amendments which will allow for staging.</p> <p>4. That the administration undertake preliminary engagement with property owners directly affected by a proposed Local Heritage Place listing associated with the Torrens Valley or the Onkaparinga Valley Heritage Code Amendment process.</p> <p>5. That the CEO write to the Minister for Planning seeking assistance, where eligible, for grant funding via the Heritage Code Amendment Grant.</p>	Jess Charlton	Not Started		FALSE
28/05/2024	Ordinary Council	174/24	Draft Animal Management Plan	Nil	<p>1. That the report on the Draft Animal Management Plan 2024-2029 be received and noted.</p> <p>2. That the Draft Dog and Cat Animal Management Plan 2024-2029 be adopted</p> <p>3. That the CEO provide the Dog and Cat Animal Management Plan 2024-2029 to the Dog and Cat Management Board for approval.</p> <p>4. That the Chief Executive Officer be authorised to make any formatting, nomenclature or other minor changes to the Draft Animal Management Plan 2024-2029</p>	Jess Charlton	Completed	Animal Management Plan approved by the DCMB on 10-7-2024	FALSE
28/05/2024	Ordinary Council	175/24	Fabrik Business Implementation Plan	Nil	<p>1. That the report on the Fabrik Business and Implementation Plan be received and noted.</p> <p>2. To receive and note the Fabrik Business and Implementation Plan 2024.</p> <p>3. To support the continued operation of Fabrik Arts and Heritage in line with the Fabrik Business and Implementation Plan 2024.</p> <p>4. That regular reporting on Fabrik be provided to Council through the Quarterly Performance Report, including financial, tourism, community and arts support metrics as outlined in the Fabrik Business and Implementation Plan 2024 evaluation and monitoring.</p> <p>5. That the CEO provides a progress report on the implementation of the Fabrik Business and Implementation Plan 2024 within 12 months of the redeveloped Fabrik Arts and Heritage becoming operational.</p>	Jess Charlton	In Progress	Fabrik launched on September 20 opening with a new team and an ongoing program of workshops, studio artists, a museum display and exhibitions.	FALSE
28/05/2024	Ordinary Council	180/24	2023-24 Budget Review 3	Nil	<p>1. That the report be received and noted.</p> <p>2. To adopt the proposed budget adjustments presented in Budget Review 3 for the 2023-24 financial year which result in:</p> <p>a. A decrease in the Operating Surplus from \$572k to \$558k for the 2023-24 financial year.</p> <p>b. A reduction to the capital expenditure budget for 2023-24 of \$3.05m bringing the total budget to \$21.5m</p> <p>c. Proposed financial sustainability indicators as follows:</p> <p>i. Operating Surplus Ratio 1% (Target 1% to 5%)</p> <p>ii. Net Financial Liabilities Ratio 50% (Target 25% to 75%)</p> <p>iii. Asset Renewal Funding Ratio 111% (Target 95% to 105%)</p>	Ashley Curtis	Completed	Adopted May 2024	FALSE
11/06/2024	Ordinary Council	195/24	Grants Policy	Nil	<p>1. Council notes that the Grant Giving Policy is due for renewal.</p> <p>2. The CEO undertakes a review of the Grant Giving Policy and current grant programs;</p> <p>3. The review includes a workshop for Council Members to provide feedback on the current grant offering and suggestions for future opportunities.</p> <p>4. The review consider the following: Eligibility criteria is sufficient for the diversity of potential applicants in our communities;The level of funding provided per grant type;Categories of grants;Alignment with strategic objectives;Assessment processes;Consultation with groups and associations likely to access the grant programs;Opportunities for additional grant provisions when the applicant is successful in securing state and/or Federal grants</p> <p>5. Recommendations be provided to Council by the end of January 2025.</p>	Jess Charlton	In Progress	Workshop for Council members held on 28 October 2024. Community Forum on 28 November will include opportunity to provide feedback on grants.	FALSE

											1. That the report be received and noted. 2. That, in relation to the 2024 Adelaide Hills Rally, Council supports the event contingent on the organisers, to the satisfaction of the Chief Executive Officer: Complying with Council's Festivals and Events Policy – Guideline No. 1 for Competitive Motoring Eventification of an Application Fee as per the Council's Fees and Charges Register for Temporary Road Closures/Providing evidence of satisfactory insurance to cover any damage to third party property caused by the event/Entering into a road repair agreement with Council to cover any rectification works required as a result of damage caused by the event/providing confirmation that the affected business owners are aware of the proposed road closures/Providing written confirmation that the concerns raised by affected residents and businesses have been addressed (noting that not all concerns can necessarily be addressed to the satisfaction of all residents and businesses) and that the event organisers will make their best endeavours to arrange for egress and ingress to those properties within the event where possible where a pressing need has been advised in advance/Written confirmation from the organisers that they will erect effective advance notice of road closures on the affected roads, at least three weeks prior to the event/providing evidence of satisfactory procedures for enabling emergency services access to properties on the event route at all times. 3. That subject to the requirements of Item 2, being undertaken, Council provides consent for road closure orders in relation to the event, to be held on Saturday 14 September 2024 as follows: Kenton Valley Stage (Kenton Valley and Mt. Torrens) Closure 12:00pm – 5:30pm Turner Road, Malmement Road, Lihou Road and Schocroft Road – from Burford's Hill Road to Schuberts Road Charligate Stage (Charleston) Closure 12:30pm – 6:00pm Harrison Road, Kings Road, Burnley Road, Teakles Road, Lewis Road, Bell Springs Road and Warmingington Run closed – from Quarry Road to Hollows Road (then continued into Mount Barker District Council) That the Council confirms that the Chief Executive Officer may use existing powers under delegation to consider, and determine whether or not to provide consent to, any proposals for changes to the road closures in the lead up to the event, so long as the overall scope of the event road closures remains similar to the proposal described above.					All requirements of Council in regards to supporting road closures for the event were met and the event ran in the Adelaide Hills from Friday 8-10 November. A debrief report will be forthcoming in the next few weeks but initial reports show significantly fewer complaints than previous years.	FALSE
11/06/2024	Ordinary Council	202/24	Road Closure Approval – Adelaide Hills Rally (Unsealed Roads)	Under section 75B of the Local Government Act 1999 Cr Melanie Selwood disclosed a General (section 74) Conflict of Interest in Item 12.4.	Nil	Gary Lewis	Completed	1. That the report be received and noted. 2. That the Enforcement Review Fire, Wastewater and Animal Management in Appendix 1 be noted. 3. That the CEO increase the level of service to facilitate year-round education and enforcement relating to fire prevention on private land and make any necessary resourcing changes to enable the provision of this service. 4. To adopt the revised Enforcement Policy in Appendix 2.	Enforcement Policy adopted and implemented. Planning how to implement additional education and enforcement with regards to Fire Prevention.	FALSE							
11/06/2024	Ordinary Council	203/24	Enforcement Review – Fire, Wastewater and Animal Management	Nil	As per confidential minute.	Jess Charlton	In Progress	1. That the report be received and noted. 2. That the Enforcement Review Fire, Wastewater and Animal Management in Appendix 1 be noted. 3. That the CEO increase the level of service to facilitate year-round education and enforcement relating to fire prevention on private land and make any necessary resourcing changes to enable the provision of this service. 4. To adopt the revised Enforcement Policy in Appendix 2.	As per confidential minute.	FALSE							
11/06/2024	Ordinary Council	208/24	Event Opportunity Santos Tour Down Under 2025 – Confidential Item	Nil	As per confidential minute.	Gary Lewis	In Progress	1. That the report be received and noted. 2. That the CEO increase the level of service to facilitate year-round education and enforcement relating to fire prevention on private land and make any necessary resourcing changes to enable the provision of this service. 4. To adopt the revised Enforcement Policy in Appendix 2.	Completion of this item expected by end of September.	FALSE							
11/06/2024	Ordinary Council	210/24	CEO Review Process - Confidential	Nil	As per confidential minute.	Greg Georgopoulos	In Progress	1. That the report be received and noted. 2. That the administration run an information and briefing session on developing a housing strategy before the end of October 2024.	Confidential progress underway.	FALSE							
11/06/2024	Ordinary Council	213/24	Mayor seeking legal advice update	Under section 75C of the Local Government Act 1999 Mayor Jan-Claire Wisdom disclosed a Material (section 75) Conflict of Interest in Item 13.3.	As per confidential minute.	Greg Georgopoulos	In Progress	1. That the report be received and noted. 2. That the administration encourage the club to explore and, if appropriate, apply for the other grant program opportunities outlined in the report. 3. That the project be reconsidered as part of the 2025/26 budget process.	Confidential progress underway.	FALSE							
17/06/2024	Special Council	215/24	Onkaparinga Valley Football Club Changerooms	Nil	As per confidential minute.	David Waters	Completed	1. That the report be received and noted. 2. That the administration encourage the club to explore and, if appropriate, apply for the other grant program opportunities outlined in the report. 3. That the project be reconsidered as part of the 2025/26 budget process.	Administration is continuing to work with the associated clubs to progress their project.	FALSE							
25/06/2024	Ordinary Council	230/24	Electricity Procurement – Legal Matter	Nil	As per confidential minute.	Greg Georgopoulos	In Progress	1. That the report be received and noted. 2. That the administration run an information and briefing session on developing a housing strategy before the end of October 2024.	Administration is continuing to work with the associated clubs to progress their project.	TRUE							
1/07/2024	Special Council	240/24	Correspondence from PC Infrastructure	Under section 75C of the Local Government Act 1999 Cr Leith Mudge disclosed a Material (section 75) Conflict of Interest in Item 8.1.	As per confidential minute.	Jess Charlton	Completed	1. That the report be received and noted. 2. That the administration run an information and briefing session on developing a housing strategy before the end of October 2024.	Partially completed, one element ongoing.	FALSE							
9/07/2024	Ordinary Council	248/24	Updated Housing Strategy	Nil	As per confidential minute.	Jess Charlton	Completed	1. That the report be received and noted. 2. That the administration run an information and briefing session on developing a housing strategy before the end of October 2024.	Workshop on developing a Housing Strategy delivered on Monday 30 September 2024.	FALSE							
23/07/2024	Ordinary Council	257/24	Review of Road Closure Fees	Nil	1. I move that a report be prepared for Council's consideration regarding: 1. The appropriate level at which to set fees for road closures for commercial applicants in the Fees and Charges Register. The report should identify fee levels that are commensurate with: a. The cost to ratepayers in terms of staff time and resources associated with the application and the event itself. b. The amount of disruption, inconvenience and loss road closures cause for affected businesses and the community, and c. The true commercial value of such an exclusive use of a public asset.	Gary Lewis	In Progress	1. I move that a report be prepared for Council's consideration regarding: 1. The appropriate level at which to set fees for road closures for commercial applicants in the Fees and Charges Register. The report should identify fee levels that are commensurate with: a. The cost to ratepayers in terms of staff time and resources associated with the application and the event itself. b. The amount of disruption, inconvenience and loss road closures cause for affected businesses and the community, and c. The true commercial value of such an exclusive use of a public asset.	The administration are exploring how to facilitate the report in relation to the information requested. Due to the wide ranging nature of the query and its atypical approach it is taking more time than originally expected. Work is ongoing and is expected to be complete in Q3 2025. Work has started compiling information to create a framework for the review to be undertaken. This is based on existing data which is relevant but will need to be updated.	FALSE							
23/07/2024	Ordinary Council	258/24	Levels of Service	Nil	1. I move that a report be prepared for Council's consideration in conjunction with the existing services review, detailing the "levels of service" being provided by Council, including, but not restricted to infrastructure asset management in a manner that allows the Chamber to identify the "level of service" being provided in order to assess what is affordable, equitable and appropriate.	Gary Lewis	In Progress	1. I move that a report be prepared for Council's consideration in conjunction with the existing services review, detailing the "levels of service" being provided by Council, including, but not restricted to infrastructure asset management in a manner that allows the Chamber to identify the "level of service" being provided in order to assess what is affordable, equitable and appropriate.	The approach was discussed at a Council workshop and is proceeding with the intention to bring back a map of services to Council by the end of March 2025.	FALSE							
23/07/2024	Ordinary Council	261/24	Gawler River Floodplain Management Authority Membership Report	Under section 75B of the Local Government Act 1999 Cr Malcolm Herrmann disclosed a General (section 74) Conflict of Interest in Item 12.3.	That this report Gawler River Floodplain Management Authority Membership Report be received and noted. In light of the risks and opportunities of continued membership of GRFMA as outlined in this report, the CEO undertake a detailed examination of the implications of leaving the GRFMA, to be brought back to the Council for consideration by October 2024, noting that the CEO will seek additional budget to progress this project based on a cost estimate. That the CEO formally notify the GRFMA Board and Constituent Councils that Adelaide Hills Council is exploring leaving the GRFMA and seek their views of Adelaide Hills Council staying or leaving the GRFMA. That the CEO may, if appropriate, seek the views of the Minister or his office about Adelaide Hills Council staying or leaving the GRFMA.	Greg Georgopoulos	Completed	That the CEO formally notify the GRFMA Board and Constituent Councils that Adelaide Hills Council is exploring leaving the GRFMA and seek their views of Adelaide Hills Council staying or leaving the GRFMA. That the CEO may, if appropriate, seek the views of the Minister or his office about Adelaide Hills Council staying or leaving the GRFMA.	Part 2- report provided to Council Nov 24 Part 3 - Letters sent to GRFMA and Constituent Council and the Minister	FALSE							
23/07/2024	Ordinary Council	263/24	Community Renewables Program	Nil	1. That the report be received and noted. 2. To note the City of Mitcham's Community Renewable Framework and thanks Mr Matt Romaine, Group Manager City of Mitcham, for his presentation on Monday 3 June 2024. 3. That a further report on the Community Renewal Program tailored to the Adelaide Hills Council and Community be provided to Council by no later than 12 November 2024. 4. That this report include: Options for the establishment of an Adelaide Hills 'Community Renewables Program' Options for the development of a Virtual Power Plant. A cost-benefit analysis completed for any options presented to Council.	David Waters	In Progress	1. That the report be received and noted. 2. To note the City of Mitcham's Community Renewable Framework and thanks Mr Matt Romaine, Group Manager City of Mitcham, for his presentation on Monday 3 June 2024. 3. That a further report on the Community Renewal Program tailored to the Adelaide Hills Council and Community be provided to Council by no later than 12 November 2024. 4. That this report include: Options for the establishment of an Adelaide Hills 'Community Renewables Program' Options for the development of a Virtual Power Plant. A cost-benefit analysis completed for any options presented to Council.	A report has been prepared for the Council meeting 12 November 2024.	FALSE							
23/07/2024	Ordinary Council	268/24	MWON - Cr Parkin - Leave of Absence workshop	Nil	As part of the review of the 'Code of Practice for Meeting Procedures' the approval process for leave of absence for elected members be a focus for a workshop. 1. That the report be received and noted. 2. In relation to Appendix 1 of this report (To approve the 2023-24 External Audit Plan by BDO Audit Pty Ltd.) to note the 2023-24 Financial Statement Audit – Engagement Letter (Appendix 2) and the 2023-24 Internal Financial Control Audit – Engagement (Appendix 3). 3. In relation to Appendix 4 of this report, to receive and note the Q3 2023-24 Quarterly Council Performance Report.	Greg Georgopoulos	Not Started	As part of the review of the 'Code of Practice for Meeting Procedures' the approval process for leave of absence for elected members be a focus for a workshop. 1. That the report be received and noted. 2. In relation to Appendix 1 of this report (To approve the 2023-24 External Audit Plan by BDO Audit Pty Ltd.) to note the 2023-24 Financial Statement Audit – Engagement Letter (Appendix 2) and the 2023-24 Internal Financial Control Audit – Engagement (Appendix 3). 3. In relation to Appendix 4 of this report, to receive and note the Q3 2023-24 Quarterly Council Performance Report.	Refer to confidential minute.	FALSE							
23/07/2024	Ordinary Council	270/24	Audit Committee recommendations to Council - 15 April 2024	Nil	As part of the review of the 'Code of Practice for Meeting Procedures' the approval process for leave of absence for elected members be a focus for a workshop. 1. That the report be received and noted. 2. In relation to Appendix 1 of this report (To approve the 2023-24 External Audit Plan by BDO Audit Pty Ltd.) to note the 2023-24 Financial Statement Audit – Engagement Letter (Appendix 2) and the 2023-24 Internal Financial Control Audit – Engagement (Appendix 3). 3. In relation to Appendix 4 of this report, to receive and note the Q3 2023-24 Quarterly Council Performance Report.	Gary Lewis	Completed	As part of the review of the 'Code of Practice for Meeting Procedures' the approval process for leave of absence for elected members be a focus for a workshop. 1. That the report be received and noted. 2. In relation to Appendix 1 of this report (To approve the 2023-24 External Audit Plan by BDO Audit Pty Ltd.) to note the 2023-24 Financial Statement Audit – Engagement Letter (Appendix 2) and the 2023-24 Internal Financial Control Audit – Engagement (Appendix 3). 3. In relation to Appendix 4 of this report, to receive and note the Q3 2023-24 Quarterly Council Performance Report.	Dec 24 - LMA docs in process of being executed by external parties.	FALSE							
23/07/2024	Ordinary Council	272/24	Land Management Agreement - Burial on Private Land - Confidential Item	Nil	As per confidential minute.	David Waters	In Progress	As part of the review of the 'Code of Practice for Meeting Procedures' the approval process for leave of absence for elected members be a focus for a workshop. 1. That the report be received and noted. 2. In relation to Appendix 1 of this report (To approve the 2023-24 External Audit Plan by BDO Audit Pty Ltd.) to note the 2023-24 Financial Statement Audit – Engagement Letter (Appendix 2) and the 2023-24 Internal Financial Control Audit – Engagement (Appendix 3). 3. In relation to Appendix 4 of this report, to receive and note the Q3 2023-24 Quarterly Council Performance Report.	Refer to confidential minute.	FALSE							
13/08/2024	CEO Performance Review Panel	PRP 33/23	CEO Performance Review Process Recommendations	Nil	Refer to confidential minute.	Greg Georgopoulos	Completed	As part of the review of the 'Code of Practice for Meeting Procedures' the approval process for leave of absence for elected members be a focus for a workshop. 1. That the report be received and noted. 2. In relation to Appendix 1 of this report (To approve the 2023-24 External Audit Plan by BDO Audit Pty Ltd.) to note the 2023-24 Financial Statement Audit – Engagement Letter (Appendix 2) and the 2023-24 Internal Financial Control Audit – Engagement (Appendix 3). 3. In relation to Appendix 4 of this report, to receive and note the Q3 2023-24 Quarterly Council Performance Report.	Still to be retained in confidence	TRUE							
13/08/2024	Ordinary Council	277/24	CEO Report on Official and Community Australia Day Events	Nil Under section 75B of the Local Government Act 1999 Cr Louise Pascale disclosed a General (section 74) Conflict of Interest in Item 11.1. Under section 75B of the Local Government Act 1999 Cr Melanie Selwood disclosed a General (section 74) Conflict of Interest in Item 11.1. Under section 75B of the Local Government Act 1999 Mayor Wisdom disclosed a General (section 74) Conflict of Interest in Item 11.1. Under section 75B of the Local Government Act 1999 Cr Nathan Daniell disclosed a General (section 74) Conflict of Interest in Item 11.1.	That the CEO provides a report to Council by the end of October 2024, identifying options including ways to canvas the views of the residents and rate payers of the Adelaide Hills Council on official and community events held on Australia Day in response to the petition with 1044 signatures at Item 8.1.1 and the letter dated 27 July 2024 from Lions Club of Torrens Valley at item 14.	Gary Lewis	Completed	That the CEO provides a report to Council by the end of October 2024, identifying options including ways to canvas the views of the residents and rate payers of the Adelaide Hills Council on official and community events held on Australia Day in response to the petition with 1044 signatures at Item 8.1.1 and the letter dated 27 July 2024 from Lions Club of Torrens Valley at item 14.		FALSE							
13/08/2024	Ordinary Council	278/24	Boundary Change Committee Membership - Cr Mark Osterstock	Under section 75B of the Local Government Act 1999 Cr Louise Pascale disclosed a General (section 74) Conflict of Interest in Item 11.1. Under section 75B of the Local Government Act 1999 Cr Melanie Selwood disclosed a General (section 74) Conflict of Interest in Item 11.1. Under section 75B of the Local Government Act 1999 Mayor Wisdom disclosed a General (section 74) Conflict of Interest in Item 11.1. Under section 75B of the Local Government Act 1999 Cr Nathan Daniell disclosed a General (section 74) Conflict of Interest in Item 11.1.	That notwithstanding the Boundary Change Committee Terms of Reference [Appendix 1], effective forthwith, Council appoints Councillor Nathan Daniell to the committee, in place of the Deputy Mayor Melanie Selwood for the period up to and including 30 November 2025.	Greg Georgopoulos	Completed	That notwithstanding the Boundary Change Committee Terms of Reference [Appendix 1], effective forthwith, Council appoints Councillor Nathan Daniell to the committee, in place of the Deputy Mayor Melanie Selwood for the period up to and including 30 November 2025.		FALSE							

					<p>1. That the report be received and noted.</p> <p>2. That Council notes its decision at the 12 March 2024 Council Meeting to resolve to follow the below schedule: Day Meeting TypeLocationTimeFirst Monday of the Month WorkshopNaime Road, Woodside 6.30pmSecond Tuesday of the MonthOrdinary Council Meeting63 Mount Barker Road, Stirling 6.30pmThird Tuesday of the MonthProfessional Development (or Workshop where necessary)63 Mount Barker Road, Stirling6.30pmFourth Tuesday of the MonthOrdinary Council Meeting63 Mount Barker Road, Stirling6.30pm</p> <p>3. Resolves that commencing from 14 August 2024 and concluding at the end of the current Council term for the months of December and January, to follow the below schedule: DecemberDay Meeting TypeLocationTimeFirst Monday of the Month WorkshopNaime Road, Woodside 6.30pmSecond Tuesday of the MonthOrdinary Council Meeting63 Mount Barker Road, Stirling6.30pmJanuaryDay Meeting TypeLocationTimeFourth Tuesday of the MonthOrdinary Council Meeting63 Mount Barker Road, Stirling6.30pm</p> <p>4. That the Chief Executive Officer has the delegated authority in exceptional circumstances, including but not limited to, catastrophic fire danger days and other emergency situations, after consultation with the Mayor, to move the time and place of these Ordinary Meetings and Workshops.</p>	Greg Georgopoulos	Completed	Invites updated.	FALSE
13/08/2024	Ordinary Council	279/24	December and January Meeting Schedule	Nil					
					<p>1. That the report be received and noted.</p> <p>2. That Council reappoint Rebecca Wilson as an independent member of the AHRWMA Audit and Risk Committee for a further term of two years, expiring 8 August 2026.</p> <p>3. That Council reappoint Alex Oulianoff as a member of the AHRWMA Audit and Risk Committee for a further term of three years, expiring 21 September 2027.</p> <p>4. Notes the changes to the AHRWMA Audit and Risk Committee's Terms of Reference.</p> <p>5. That the Chief Executive Officer advises AHRWMA of Council's decision prior to the AHRWMA Audit and Risk Committee's next meeting scheduled for 10 September 2024.</p>	Greg Georgopoulos	Completed	Letter sent.	FALSE
13/08/2024	Ordinary Council	280/242	12 Adelaide Hills Region Waste Management Authority Audit and Risk Committee – Membership and Terms of Reference						
				Under section 75B and 75C of the Local Government Act 1999 Cr Malcolm Herrmann disclosed a General and Material Conflict of Interest (75A(3)) in Item 12.3 Under section 75B and 75C of the Local Government Act 1999 Cr Adrian Cheater disclosed a General and Material Conflict of Interest (75A(3)) in Item 12.3 Under section 75B and 75C of the Local Government Act 1999 Cr Chris Grant disclosed a General and Material Conflict of Interest (75A(3)) in Item 12.3.					
13/08/2024	Ordinary Council	283/24	Upper Hermitage CFS Site – Lease Proposal		<p>1. That the report be received and noted.</p> <p>2. That Council approves commencement of public consultation on the proposed twenty-one (21) year lease with the CFS for an amount of \$1 per year, if demanded, with a further option to renew for an additional 21 years at the Upper Hermitage CFS site situated at 300 Range Road North, Upper Hermitage. The land is contained within Certificate of Title Volume 1864 Folio 941.</p> <p>3. That this report forms part of the Community Consultation report.</p> <p>4. That the following community consultation in accordance with Council's Community Consultation Policy; that if there are substantive community objections to the proposed Lease, a further report will be submitted to Council providing information on the outcomes of the consultation and proposed process to deal with the proposal moving forward. That if there are no substantive community objections, Council approves the signing of the twenty-one (21) year Lease.</p> <p>5. That in the event that 4(b) applies, the Mayor and/or Chief Executive Officer or his delegate be authorised to sign all documents necessary, including affixation of the common seal if necessary, to give effect to this resolution.</p>	David Waters	In Progress	Dec - Item in process of being actioned with public consultation recently closed.	FALSE
					<p>1. That the report be received and noted.</p> <p>2. To approve the release of the <i>Draft Native Vegetation Protection and Conservation Policy</i> for public consultation, as contained in Appendix 1.</p> <p>3. That the CEO be authorised to: Make any formatting, nomenclature or other minor changes to the draft prior to being released for public consultation and; determine the consultation timings, media and processes while ensuring consistency and compliance with the provisions of Council's Public Consultation Policy</p> <p>4. That a report detailing the outcomes of the consultation and a revised draft Policy be brought back to the Council for consideration and adoption as soon as practicable after consultation closes.</p>	David Waters	Not Started	Responsible Officer has drafted all documentation to go out to public consultation. Comms teams advise at this stage there is no capacity to roll out public consultation until November. Have not been advised of any specific dates as yet, and as such cannot adjust due date accurately. Awaiting further information/instruction from Community Engagement Officer.	FALSE
13/08/2024	Ordinary Council	282/24	Draft Native Vegetation Protection and Conservation Policy	Nil					
13/08/2024	Ordinary Council	286/24	Financial Management - Confidential	Nil	As per confidential minute.	Greg Georgopoulos	Completed	Still to be retained in confidence	FALSE
19/08/2024	Audit Committee	*	Purchase Cards	Nil	How frequently/in frequently are each of the purchase cards used? And what is the amount spent on these infrequently used purchased cards? What fees and charges to maintain each card?	Greg Georgopoulos	Completed	The analysis has been completed and a number of potential reductions have been identified. These are to be considered by the relevant parties.	FALSE
					<p>1. That the 2024 Action Report and Work Plan Update report be received and noted.</p> <p>2. That the 2024 Action Report, August 2024, be noted.</p> <p>3. That the 2024 Work Plan and Reporting Schedule be adopted.</p> <p>ACTION: Administration to colour code the action report and removing approved items.</p>	Gary Lewis	Completed	Colour coding has been actioned for the report for this meeting.	FALSE
19/08/2024	Audit Committee	AC27/24	Action Report and Workplan Update	Nil	<p>1. That Council notes the 2023-24 preliminary financial position as presented which include: 1.1 Total operating income of \$55.289m (budget \$57.021m) 1.2 Total operating expenditure of \$61.152m (budget \$56.462m) 1.3 An operating deficit of \$4.863m (budget \$509k surplus), primarily arising from: a) the receipt of Federal Assistance Grants in July instead of June (\$1.71m) b) reassessment of depreciation assumptions (\$0.86m) c) detailed review of the approach to works in progress (\$0.752m) d) reassessment of the assumptions applied for the capitalisation of payroll expense (1.2 million) 1.3.1 That this represents an operating deficit ratio of 8.8% 1.4 Capital works program expenditure of \$11,988 (budget of \$21,890m)</p> <p>2. Notes the results presented are subject to external audit review and are subject to change.</p> <p>3. Notes the capital works update.</p>	Greg Georgopoulos	Completed	Approved items are removed with Council consist on a quarterly basis.	FALSE
19/08/2024	Audit Committee	AC31/24	End of Financial Year Update	Nil	4. Notes the capital carry forwards.	Greg Georgopoulos	Completed		FALSE
19/08/2024	Audit Committee	*	Financial Management Council Report	Nil	See Confidential Minute	Greg Georgopoulos	In Progress	As per confidential minute	TRUE
19/08/2024	Audit Committee	*	Interim Audit Management Letter	Nil	ACTION: Arrange meeting with BDO in regards to financial management.	Greg Georgopoulos	Completed	This is already scheduled to occur at the next Audit Committee meeting.	FALSE
19/08/2024	Audit Committee	*	Debtors Report	Nil	ACTION: What is included in the misc. other line (pg 53 of the Agenda)	Gary Lewis	Completed	Personal Income Protection reimbursements \$2,952. Initial payment on 7 ipads	FALSE
19/08/2024	Audit Committee	*	Placement of Councils Insurance Portfolio	Nil	ACTION: Have any of the excesses changed. Can we investigate if boat hull and Journey insurance is necessary Can we investigate what (if anything) is covered by the Advisory Group insurance, in particular the new Bushfire committee?	Greg Georgopoulos	Completed	Updated Audit Committee Members by email as requested.	FALSE

					<p>1. That the report be received and noted.</p> <p>2. That Council commits, in principle, \$38,000 towards upgrading and re-surfacing the access road and oval ring road including the Uralda Primary School and Uralda Hills Community Kindy drop-off and pick-up area within the Uralda District Soldiers Memorial Park site as part of the 2025-26 Annual Business Plan and Budget with maintenance patching carried out immediately under existing operational budgets at an approximate cost of \$10,000.</p> <p>3. That Council's in-principle contribution of \$38,000 is contingent on:</p> <p>a. the Department for Education also contributing \$38,000 towards the upgrade and resurfacing project and entering into a tripartite upgrade and maintenance agreement.</p> <p>b. the remaining necessary funds be contributed by or sourced by Uralda District Soldiers Memorial Park Inc.</p> <p>4. That Council authorises the Chief Executive Officer (CEO) to negotiate and enter into a tripartite upgrade and maintenance agreement with The Uralda District Soldiers Memorial Park Inc and Department for Education for the maintenance of the access road and oval ring road including the Uralda Primary School and Uralda Hills Community Kindy drop-off and pick-up area within Uralda District Soldiers Memorial Park site, based on the upgrade contribution specified above (\$38,000 in 2025-26) and a one-third ongoing maintenance cost contribution by the Council (approximately \$1,000 per annum).</p> <p>5. That this decision should not be taken to imply any particular commitment to future upgrade or renewal of the access road and oval ring road, including the Uralda Primary School and Uralda Hills Community Kindy drop-off and pick-up area within Uralda District Soldiers Memorial Park site, and that any future upgrade or renewal work proposal should be considered by the Council at the time it is proposed.</p>	David Waters	In Progress	Nov 24 - have received confirmation from Dept Education that they will contribute towards the Project. Tripartite agreement in process of being finalised.	FALSE
27/08/2024	Ordinary Council	289/24	Uralda Districts Soldiers Memorial Park – Request for Funding	nil					
27/08/2024	Ordinary Council	290/24	Land Management Agreement Waiver Request – 2/133 Main Street Lobethal	Under section 75B of the Local Government Act 1999 Cr Leith Mudge disclosed a General (section 74) Conflict of Interest in Item 12.5.		Jess Charlton	Completed	Written communication of Council's waiver of the Land Management Agreement obligations sent to the landowners.	FALSE
27/08/2024	Ordinary Council	291/24	Lobethal Community Kindergarten "Bush Kindy" Signage – Cr Lucy Huxter	Nil		David Waters	Not Started	Sign content has been provided to Council Biodiversity Officer. Requests for quote for design and printing being coordinated by ABC Comm. team.	FALSE
27/08/2024	Ordinary Council	292/24	Development of a Board of Directors for FABRIK – Cr Kirsty Parkin	Nil		Jess Charlton	In Progress	Report will be provided to Council at the meeting on 10 December.	FALSE
27/08/2024	Ordinary Council	293/24	Draft Strategic Plan for Community Consultation	Nil		Gary Lewis	Completed	Community consultation on the draft Strategic Plan has been completed with requests presented to Council members at the October workshop. The final consultation report will be presented to council for endorsement along with the draft strategic plan at the 12/11 meeting.	FALSE
27/08/2024	Ordinary Council	296/24	Temporary Road Closures – Youth Drivers Awareness Course 2024-25	Under section 75B of the Local Government Act 1999 Acting Mayor Melanie Selwood disclosed a General (section 74) Conflict of Interest in Item 12.6.		Jess Charlton	Completed	Completed.	FALSE
27/08/2024	Ordinary Council	297/24	CEO Performance Review Panel Recommendations to Council – CEO KPV's	Nil		Greg Georgopoulos	Completed		FALSE
27/08/2024	Ordinary Council	298/24	Council Resolutions Update	Nil		Greg Georgopoulos	Completed	Completed items have now been archived.	FALSE
27/08/2024	Ordinary Council	308/24	Mayor's Use of the Mayor Seeking Legal Advice Policy – Confidential Item	Nil		Greg Georgopoulos	In Progress	Still to be retained in confidence	FALSE
27/08/2024	Ordinary Council	316/24	Work, Health and Safety Matters – Confidential Item	Decision 1 Under section 75B of the Local Government Act 1999 Cr Chris Grant disclosed a General (section 74) Conflict of Interest in Item 19.3 Under section 75B of the Local Government Act 1999 Acting Mayor Melanie Selwood disclosed a General (section 74) Conflict of Interest in Item 19.3 Under section 75C of the Local Government Act 1999 Cr Louise Pascale disclosed a Material (section 74) Conflict of Interest in Item 19.3 Decision 2 Under section 75C of the Local Government Act 1999 Acting Mayor Melanie Selwood disclosed a Material (section 74) Conflict of Interest in Item 19.3 Decision Two	As per confidential minute.	Gary Lewis	Completed	Still to be retained in confidence	FALSE
28/08/2024	Boundary Change Committee	BCC10/24	Boundary Change Proposal Project and Governance Arrangements	Nil	As per confidential minute.	Greg Georgopoulos	Completed		TRUE
28/08/2024	Boundary Change Committee	BCC12/24	Boundary Change Committee – Terms of Reference Report	Nil	The Boundary Change Committee resolves: 1. That the report on Boundary Change Committee – Terms of Reference be received and noted. 2. To recommend that Council adopts the amended Boundary Change Committee Terms of Reference in Appendix 1 for the Boundary Change Committee with amendments to wording to clarify Council's responsibility for allocating budget. 3. To recommend to Council that the Chief Executive Officer be authorised to make any formatting, nomenclature or other minor changes to the Boundary Change Committee Terms of Reference as per Appendix 1.	Greg Georgopoulos	Completed	New TOR adopted 28/8.	FALSE
28/08/2024	Boundary Change Committee	BCC17/24	Motion without Notice - Correspondence for Noting	Nil	1. That the Committee requests the CEO on behalf of the Committee to write to the Woodforde Residents Association and the Morialta Residents Association thanking them for providing Council with copies of their correspondence dated August 2024 to the local government boundaries commission. 2. That the Committee invites the Woodforde Residents Association and the Morialta Residents Association should they wish to write to the Committee with any submissions that they wish to make in relation to this matter for the Committee's consideration. The Committee also extends an invitation to the respective associations should they wish to make a presentation to the Committee in support of their submissions.	Greg Georgopoulos	Completed	Residents associations presented to Boundary Change Committee on 3 Dec 24.	FALSE

28/08/2024	Boundary Change Committee	BCC19/24	Boundary Change Advocacy Strategy	Nil	As per confidential minute. As per confidential minute.	Greg Georgopoulos	Completed	Still to be retained in confidence	FALSE
28/08/2024	Boundary Change Committee	BCC22/24	Strategic Communication & Engagement Plan Updates	Nil	That the report be received and noted. Notes the 2023-24 preliminary financial position as presented which include: Total operating income of \$55.289m (budget \$57.021m)/Total operating expenditure of \$61.152m (budget \$64.462m)/operating deficit of \$4.863m (budget \$529k surplus)/That this represents an operating deficit ratio of 8.8%./Capital works program expenditure of \$17.988 (budget of \$21.890m)/Notes the results presented are subject to external audit review and are subject to change./Notes the capital works update. That the 2024-25 capital budget be amended to include the carried forwards amounts set out in Appendix 1 as follows:./Renewal capital \$493,705m./New/upgrade capital \$1,274,354	Gary Lewis	Completed	Still to be retained in confidence	TRUE
10/09/2024	Ordinary Council	322/24	2023-24 End of Financial Year Results & Carry Forwards	Nil	That the report be received and noted. With an effective date of 24 September 2024, to revoke the 10 September 2019 Festivals and Events Policy and adopt the amendments as presented in the Festivals and Events Policy as per Appendix 1.	Gary Lewis	Completed		FALSE
10/09/2024	Ordinary Council	323/24	Festival and Events Policy Review	Nil	That the Chief Executive Officer be authorised to make minor content, grammatical and formatting amendments to the Policy prior to the date of effect.	Gary Lewis	Completed		FALSE
10/09/2024	Ordinary Council	324/24	Acknowledgement and Welcome to Country Policy Review	Nil	That the report be received and noted. To adopt the revised Acknowledgement and Welcome to Country Policy in Appendix 1, with an effective date of 30 September 2024. That the Chief Executive Officer be authorised to make any formatting, nomenclature or other minor changes to the revised Acknowledgement and Welcome to Country Policy prior to the effective date of adoption. Noting 2.4 of the Code of Practice for Council Meeting Procedures, that the Opening Statement of Council meetings include the Acknowledgement of Country and the following statement: "Together we will care for this place for the generations to come and in this context the decisions we make should be guided by the principle that nothing we do should decrease our children's ability to live on this land".	Jess Charlton	Completed	Updated policy published on the website. Acknowledgement and opening statement included on agenda templates, documents and other locations such as the website, as applicable.	FALSE
10/09/2024	Ordinary Council	325/24	12.5 Appointment of Council Member to the CEO Performance Review Panel	Under section 75B of the Local Government Act 1999 Cr Lucy Huxter disclosed a General (section 74) Conflict of Interest in Item 12.5.	Decision 1 Council resolves: 1. That the report on the CEO Performance Review Panel Member Appointment be received and noted. 2. To adjourn the Council meeting for the purposes of seeking nominations for and, if necessary, conducting an indicative vote to determine the preferred persons for the CEO Performance Review Panel Member role and for the meeting to resume once the results of the indicative voting for the role has been declared. Decision 2 Council resolves: To appoint Cr Lucy Huxter to the Committee Member position of the CEO Performance Review Panel for a term to commence on 11 September 2024 and conclude on 30 November 2025 (inclusive). To authorise the Chief Executive Officer to advise the CEO PRR of Council's resolutions.	Greg Georgopoulos	Completed		FALSE
10/09/2024	Ordinary Council	329/24	19.2.1 Boundary Change Committee Recommendations – Boundary Change Advocacy Strategy	Under section 75C of the Local Government Act 1999 Cr Louise Pascale disclosed a Material (section 74) Conflict of Interest in Item 19.2.	As per confidential minute.	Greg Georgopoulos	In Progress	Still to be retained in confidence	FALSE
10/09/2024	Ordinary Council	332/24	19.3 Boundary Change Committee Recommendations – Strategic Communication and Engagement Plan Updates	Under section 75C of the Local Government Act 1999 Cr Louise Pascale disclosed a Material (section 74) Conflict of Interest in Item 19.3.	As per confidential minute	Gary Lewis	In Progress	As per confidential minute - matter is progressing.	TRUE
10/09/2024	Ordinary Council	335/24	19.4 Boundary Change Committee Recommendations - Boundary Change Proposal Project, Terms of Reference and Governance Arrangements	Under section 75B of the Local Government Act 1999 Cr Louise Pascale disclosed a General (section 74) Conflict of Interest in Item 19.4. Under section 75B of the Local Government Act 1999 Cr Mark Osterstock disclosed a General (section 74) Conflict of Interest in Item 19.4. Under section 75B of the Local Government Act 1999 Acting Mayor Melanie Selwood disclosed a General (section 74) Conflict of Interest in Item 19.4.	As per confidential minute.	Greg Georgopoulos	In Progress	Still to be retained in confidence (except Terms of Reference)	TRUE
24/09/2024	Ordinary Council	341/24	Speed and Traffic Review Longwood Rd, Longwood	Nil	That the petition signed by 31 signatories requesting Adelaide Hills Council to conduct a speed and traffic review of the 4-way intersection at Woolcock Road, Wright Way and Longwood Road, Longwood be received and noted. That staff undertake a detailed review of the proposal, and if deemed to have merit, progress the matter for consideration by the Department for Infrastructure and Transport. That the CEO advise the principal signatory of the Council's noting of the petition and of any resolutions relating to the matter. That the report be received and noted.	David Waters	Completed	DIT gave approval for the proposal and the signs have now been installed.	FALSE
24/09/2024	Ordinary Council	342/24	12. Adelaide Hills Council Submission to the Royal Commission into Domestic, Family and Sexual Violence	Nil	To endorse the Adelaide Hills Council's submission to the Royal Commission into Domestic, Family and Sexual Violence in South Australia provided in Appendix 1. That the report be received and noted.	Jess Charlton	In Progress		FALSE
24/09/2024	Ordinary Council	343/24	12.2 Adelaide Hills Council Roadside Vegetation Management Plan	Nil	The Roadside Vegetation Management Plan as contained in Appendix 1 and accompanying documents contained in Appendices 2 – 10 are endorsed for submission to the Native Vegetation Council. That the Chief Executive Officer is authorised to make any minor changes to the Roadside Vegetation Management Plan arising from the review by the Native Vegetation Council in order to ensure it is acceptable for their approval. That the report be received and noted.	David Waters	In Progress	Report has been submitted to Native Vegetation Branch (DEW) to seek Native Vegetation Council (NVC) endorsement on 11/10/2024.	FALSE
24/09/2024	Ordinary Council	344/24	12.3 Proposed Road Widening of Council Road Corridor – Intersection Tiers Road and Vickers Road, Lenswood	Nil	That Council agrees to purchase the piece of land road totalling approximately 268m ² outlined in red and identified as Allotment 101, Tiers Road on the New Land Acquisition Survey Plan attached as Annexure 2, from the adjoining landowner of 447 Tiers Road, Lenswood, for the purchase price of \$6,700 (exclusive of GST). That Council agrees to pay all reasonable costs for the process to vest the subject land as a public road. That the Chief Executive Officer (and Mayor if necessary) be authorised to finalise, sign, and seal (if necessary), all necessary documentation pursuant to this resolution. That the report be received and noted.	David Waters	In Progress	Dec 24 - working with Surveyor to finalise plan, conveyancer appointed	FALSE
24/09/2024	Ordinary Council	345/24	12.4 Response to Review of the Single-use and other Plastic Products (Waste Avoidance) Act 2020	Nil	That the Council make a submission to the Review of the Single-use and Other Plastic Products (Waste Avoidance) Act 2020 in the form of the letter contained in Appendix 1. That the Chief Executive Officer be authorised to finalise the response, including making any minor changes not affecting the substantive nature of the response, and submit it on Council's behalf.	David Waters	Completed	Completed response and sent.	FALSE
24/09/2024	Ordinary Council	346/24	12.5 Elections for LGFA Board of Trustees	Nil	That the report be received and noted. To vote for Michael Sedgeman and Grant Piggot as Representative Members of the Board of Trustees of the Local Government Finance Authority. To authorise the Mayor to mark the ballot paper reflecting Council's determination and authorise the CEO (or their delegate) to lodge the ballot paper in accordance with the process set out in Appendix 1.	Greg Georgopoulos	Completed	Ballot papers mailed on the 27th September 24.	FALSE

					That this report be received and noted.															
					To note that administration, under their delegation for the purposes of 112(5) of the Local Government Act 1999, was satisfied that C.L. Rowe and Associates Pty Ltd are qualified to address the representation and governance issues that may arise with respect to the representation review.															
					That the Representation Review Discussion Paper – August 2024 prepared by C.L. Rowe and Associates Pty Ltd (Appendix 1) be received and noted.															
					That in principle, Council should consult on Option 3 as detailed in Appendix 2 for the future elector representation arrangement to come into effect at the next Local Government elections in 2026.															
					That a draft "Representation Report" be prepared presenting Option 3 as detailed in Appendix 1.															
24/09/2024	Ordinary Council	347/24	Representative Review	Nil	That the draft "Representation Report" be presented to Council, for consideration and endorsement, prior to the initiation of the public consultation process.	Greg Georgopoulos	Completed		FALSE											
					1. Pursuant to Section 91(7) of the Local Government Act 1999, Council orders that the following documents shall be kept confidential, being documents relating to a matter dealt with by the Council on a confidential basis under Sections 90(2) and 90(3)(i) of the Act: The report, related attachments, minutes and other (presentation, documents or similar) of 10 October 2023, Item 28.1, Electricity Procurement – Legal Matter, 263/23, unless previously released, remain confidential until further order and that this order be reviewed every twelve (12) months. On the grounds that the Agenda Item is information relating to actual litigation, or litigation that the Council believes on reasonable grounds will take place, involving the Council. 2. That the document referred to in part 3 of the resolution remain in confidence until further order.															
24/09/2024	Ordinary Council	349/24	12.7Confidential Items Review	Nil	3. Pursuant to section 91(9)(c) of the Local Government Act 1999, the Council delegates the power to revoke the confidentiality order either partially or in full to the Chief Executive Officer.	Greg Georgopoulos	Completed	Confidential Items Register updated on 2/7/9	FALSE											
					Under section 75B of the Local Government Act 1999 Mayor Jan Claire Wisdom declared a general section 74) Conflict of interest in Item 19.1.															
24/09/2024	Ordinary Council	356/24	19.1.1CEO Performance Review Panel Recommendations to Council – CEO Review Process Confidential Item	Nil	As per confidential minute	Greg Georgopoulos	In Progress	Still to be retained in confidence	FALSE											
14/10/2024	Audit Committee	*	Workshops	Nil	Invite members to relevant workshops	Greg Georgopoulos	Completed	Members attended.	FALSE											
14/10/2024	Audit Committee	*	Financial Reporting Risk	Nil	Add risks to financial reporting functionality to the risk register	Gary Lewis	Not Started		FALSE											
14/10/2024	Audit Committee	*	Elected members expenses	Nil	Breakdown of elected members expenses to be sent to all elected members.	Gary Lewis	Completed		FALSE											
					1. That the report be received and noted. 2. To cast its vote for Mayor Heather Holmes-Ross for LGA President. 3. To authorise the Mayor to mark the ballot paper reflecting the Council's determination and authorise the CEO (or their delegate) to lodge Council's nomination in accordance with the process set out in Appendix 1. 1. That the report be received and noted. 2. Notes the success of the Council's Food Organic Garden Organic trial in achieving: (a) Significantly improved landfill diversion rates and reductions in the total amount of waste consigned to landfill (b) Reduced landfill greenhouse gas emissions (c) Reduced exposure to the SA solid waste levy (d) Increased recycling of food waste 3. Acknowledges the participation of Food Organic Garden Organic Trial participants, notes the feedback provided by participants and thanks them for their involvement and contribution. 4. That the properties within the Woodside East and Tern/Swamp Road trial areas return to the pre-trial service of weekly waste collection and fortnightly comingle recycling collection from 1 November 2024. 5. That the properties within the Woodside Township trial area maintain a weekly food organic garden organic collection, fortnightly waste collection and fortnightly comingle recycling collection until 31 July 2025. 6. That subject to funding allocation in the 2025/26 budget, the township and urban areas default kerbside bin collection service change to weekly 240 litre Food Organic Garden Organic and fortnightly 140 litre waste collection commencing in a staged rollout from August 2025. This arrangement be accompanied by suitable arrangements for those property owners who wish to opt out of the new arrangement so as to receive weekly waste collection, as required under law, and those with special circumstances necessitating increased waste collection. 7. Supports the Chief Executive Officer (or delegate) applying for grant funding to support the change to township and urban areas bin collection if available and applicable at time of the proposed rollouts. 8. A review of the Waste and Resource Recovery Services Policy be undertaken prior to August 2025 which includes the necessary changes to ensure the Policy aligns with the new kerbside bin collection model within townships and urban areas. 9. That Council consider the provision of a food organic garden organic collection service to rural areas once the South Australian Government's position on proposed legislative changes regarding the provision of kerbside bin services is known. 10. That the CEO write to the Minister for Climate, Environment and Water, Hon Susan Close MP outlining the current legislative impediments to the roll out of a FOGO service in rural areas of the Council as outlined in the report. Proposing potential regulatory changes that could resolve this issue, and requesting that these changes be implemented prior to or as part of a broader review of the Environmental Protection Council resolves that the report be received and notes that the CEO has appointed Mr David Collins as the Board Member and Mr David Waters as the Deputy Board Member of the Gawler River Floodplain Management Authority. To receive and note the petition signed by 91 signatories requesting safe throughfare behind guard rails along Naine/Woodside Road at army barracks so the residents of Crest Estate can access the Woodside township and public bus stop via walking or bike without the current significant safety risks. That the CEO advise the principal signatory of the Council's noting of the petition and of any resolutions relating to the matter.															
15/10/2024	Ordinary Council	367/24	2025 LGA Elections	Nil	Greg Georgopoulos	Completed	Ballot paper mailed.		FALSE											
					15/10/2024	Ordinary Council	368/24	Kerbside Bin System Results	Nil											
					15/10/2024	Ordinary Council	369/24	GRFMA Appointment of Board Members	Nil											
					22/10/2024	Ordinary Council	373/24	8.1.1Access to Woodside Township from Inverbrackie – David Ashton	Nil											
					22/10/2024	Ordinary Council	374/24	Support to Reinstate Australia Day Celebrations – Leone Taylor	Nil											
					22/10/2024	Ordinary Council	375/24	Support councils moving citizenship ceremonies and civic awards away from Australia Day – Reconciliation Urz Nil	Nil											
					That Council notes the residents of Inverbrackie have concerns around their ability to safely walk or cycle to Woodside; Council acknowledges that connecting Woodside to Inverbrackie with pedestrian and cycling infrastructure would be beneficial for the residents of Inverbrackie; The CEO writes to the Department for Infrastructure and Transport to advocate for improved pedestrian and cycling safety along Naine Road, in particular for safe throughfare behind guard rails along Naine/Woodside Road at army barracks so the residents of Crest estate can access the Woodside township and public bus stop via walking or bike without the current significant safety risks; That the CEO begins preliminary discussions with the Department for Infrastructure and Transport regarding options to improve connectivity with Woodside for pedestrians and cyclists, and That a preliminary report be presented to Council by the end of March 2025, to give Council the opportunity to decide whether budget allocation should be included in the 2025/26 Annual Business Plan for further work into this matter.															
22/10/2024	Ordinary Council	376/24	Pedestrian and cycle access Inverbrackie to Woodside – Cr Melanie Selwood	Nil	David Waters	In Progress	The matter has been raised with DfI and is subject to a further discussion in the new year.		FALSE											

				Under section 75B of the Local Government Act 1999 Cr Melanie Selwood disclosed a General (section 74) Conflict of Interest in Item 12.2. Under section 75B of the Local Government Act 1999 Cr Leith Mudge disclosed a General (section 74) Conflict of Interest in Item 12.2.	That the report be received and noted. To note the previous decision on 25 June 2024 to decline the Stirling Hospital Inc's request for a discretionary rate rebate.							
22/10/2024	Ordinary Council	377/24	Stirling Hospital Inc. Discretionary Rate Rebate			Greg Georgopoulos	In Progress	Hospital notified of resolution			FALSE	
					That the report be received and noted. That the submission (as contained in Appendix 1) on the draft Greater Adelaide Regional Plan, be endorsed and forwarded to Planning and Land Use Services at the Department for Housing and Urban Development. That the Chief Executive Officer be authorised to make any necessary minor amendments to finalise the submission, providing the changes do not affect the intent of the submission.						FALSE	
22/10/2024	Ordinary Council	379/24	Council Submission to Draft Greater Adelaide Regional Plan	Nil		Jess Charlton	Completed	Submission forwarded as resolved on 4 November 2024			FALSE	
					That the report be received and noted. That pursuant to Section 198 of the Local Government Act 1999, Council undertakes public consultation on the proposal to revoke the existing Community Land Management Plan for Johnston Memorial Park, Bahannah, described in Certificate of Title Register Book Volume 5084 Folio 759 (that is to remove it as a site covered by "Community Land Management Plan 12 - Multi Purpose Sites") and replace it with a new standalone Community Land Management Plan as contained in Appendix 2. That following public consultation, a further report be submitted to Council advising of the outcomes of the public consultation process, with a view to revoking the existing Community Land Management Plan and replacing it with the one subject to public consultation.							FALSE
22/10/2024	Ordinary Council	380/24	Proposal for adoption of a new Community Land Management Plan for Johnston Memorial Park, Bahannah	Cr Malcolm Herrmann declared an interest.	That a further report be provided to Council in due course outlining the proposed arrangements for the ongoing occupation of a portion of the Johnston Memorial Park Bahannah site by the CFS.	David Waters	In Progress	Dec 24 - draft CLMP to go to community consultation in Feb 2025.			FALSE	
					That the report be received and noted. To vote for Mayor Michael Hewitson and Mayor Anne Monceaux as GAROC East Regional Grouping representatives.						FALSE	
22/10/2024	Ordinary Council	381/24	Election of East Regional Grouping Representatives to GAROC	Nil	To authorise the Mayor to mark the ballot paper reflecting Council's determination and authorise the CEO (or their delegate) to lodge Council's ballot paper in accordance with the process set out in Appendix 1. That the report be received and noted.	Greg Georgopoulos	Completed	Ballot posted.			FALSE	
					That, in accordance with Section 127 of the Local Government Act 1999 and the Local Government (Financial Management) Regulations 1999, Council adopts the General Purpose Financial Statements for the financial year ended 30 June 2024. To authorise the Mayor and CEO to sign the General Purpose Financial Statements for the financial year ended 30 June 2024.						FALSE	
22/10/2024	Ordinary Council	382/24	2023/24 Annual Financial Statements and End of Year Report	Nil		Gary Lewis	Completed	Certified by CE and Mayor on 22 October 2024			FALSE	
					1. The CEO investigate options for a trial to provide ethically sourced period products at council managed toilets. 2. The investigation includes options to create partnerships with existing social enterprises such as TABOO or Share the Dignity. 3 That a report regarding trial options be returned to Council by 1 May 2025.	David Waters	In Progress	Dec 24 - under investigation			FALSE	
12/11/2024	Ordinary Council	386/24	Period Poverty	Nil	1. That the draft Strategic Plan 2024 for adoption report be received and noted. 2. To receive and note the Draft Strategic Plan 2024 Community Engagement Outcomes Report as contained in Appendix 2. 3. To adopt the Strategic Plan 2024, as contained in Appendix 1, in accordance with Section 122 of the Local Government Act 1999. 4. That the CEO, or delegate, be authorised to: a. Make any necessary formatting, nomenclature or other minor changes to the Plan prior to being published and b. Determine the publishing timings, format, and media processes while ensuring consistency and compliance with the provisions of applicable legislation.						FALSE	
12/11/2024	Ordinary Council	387/24	Draft Strategic Plan for Adoption	Nil		Gary Lewis	Completed				FALSE	
					1. That the Service Review Biannual Report be received and noted. 2. That the Service Review Biannual Report – Civil Services report (Appendix 3) be received and noted 3. That the Service Review Biannual Report – Development Services (Appendix 2) be received and noted 4. To suspend the current schedule of biannual reporting on the 2022 and 2023 service reviews until October 2025, pending the outcomes of the proposed organisation wide service review process which is anticipated to commence in late 2024/early 2025.						FALSE	
12/11/2024	Ordinary Council	388/24	Service Review Biannual Report	Nil		Gary Lewis	Completed				FALSE	
				Under section 75B of the Local Government Act 1999 Cr Melanie Selwood disclosed a General (section 74) Conflict of Interest in Item 12.3. Under section 75B of the Local Government Act 1999 Cr Malcolm Herrmann disclosed a General (section 74) Conflict of Interest in Item 12.3.	Decision 1 That the report be received and noted. 1. To note that the CEO will establish the Community Bushfire Reference Group according to the Terms of Reference as per Appendix 1.	Jess Charlton	Not Started				FALSE	
12/11/2024	Ordinary Council	389/24	Community Bushfire Reference Group				Not Started				FALSE	
12/11/2024	Ordinary Council	390/24	Community Bushfire Reference Group	Under section 75C of the Local Government Act 1999 Cr Chris Grant disclosed a Material (section 75) Conflict of Interest in Item 12.3.	To appoint Cr Chris Grant as the Council's representative on the Community Bushfire Reference Group for a term to commence from 12 November 2024 and conclude in November 2026 at the end of the council term.	Jess Charlton	Not Started	Decision 2 1. To appoint Cr Leith Mudge as the Council Member and Cr Malcolm Herrmann as Deputy Council Member of the Council Assessment Panel for a term to commence on 30 November 2024 and conclude at the end of the Council term.			FALSE	
12/11/2024	Ordinary Council	392/24	CAP Council Member and Deputy Council Member Appointment	Under section 75C of the Local Government Act 1999 Cr Malcolm Herrmann disclosed a Material (section 75) Conflict of Interest in Item 12.4.	Decision 2 To appoint Cr Leith Mudge as the Council Member and Cr Malcolm Herrmann as Deputy Council Member of the Council Assessment Panel for a term to commence on 30 November 2024 and conclude at the end of the Council term. 1. To receive and note the report titled "Grant Representation Review Report" (Agenda Item 12.5, 12 November 2024 Council Meeting). 2. To approve the draft representation report in Appendix 1 of the Draft Representation Review Report (Agenda Item 12.5, 12 November 2024 Council Meeting) for public consultation, in compliance with the provisions of Section 12 (7) of the Local Government Act 1999. 3. To delegate to the Chief Executive Officer the discretion to make any formatting, nomenclature or other minor changes to the draft Representation Review Report for consultation purposes. 4. To delegate to the Chief Executive Officer the discretion to determine the final consultation dates, for a period not less than three (3) weeks.	Jess Charlton	Not Started				FALSE	
12/11/2024	Ordinary Council	393/24	Draft Representation Review Report	Nil			In Progress	Currently scheduled to go out for public consultation on 18 December 2024.			FALSE	
12/11/2024	Ordinary Council	403/24	Community Renewables Program	Nil			Not Started				FALSE	
12/11/2024	Ordinary Council	406/24	Grant Opportunity	Nil	As per confidential minute	David Waters	Not Started				FALSE	
12/11/2024	Ordinary Council	409/24	Proposed CEO Leave Policy	Under section 75B of the Local Government Act 1999 Cr Melanie Selwood disclosed a General (section 74) Conflict of Interest in Item 19.3. Under section 75B of the Local Government Act 1999 Cr Chris Grant disclosed a General (section 74) Conflict of Interest in Item 19.3.	As per confidential minute	Greg Georgopoulos	In Progress				FALSE	
12/11/2024	Ordinary Council	412/24	Work, Health and Safety Update	Under section 75C of the Local Government Act 1999 Mayor Jan-Claire Wisdom disclosed a Material (section 75) Conflict of Interest in Item 19.4.	Refer to confidential minute	Greg Georgopoulos	Completed	Still to be retained in confidence			FALSE	
18/11/2024	Audit Committee	Nil	Audit & Risk Committee ToR	NA	Change review of ToR from every 4 years to more often	Greg Georgopoulos	In Progress				FALSE	
18/11/2024	Audit Committee	Nil	Change committee name	NA	All papers and references to be audit and risk committee, not audit committee	Greg Georgopoulos	Not Started				FALSE	
18/11/2024	Audit Committee	Nil	Tracked changes ToR	Nil	Provide Audit and Risk Committee with tracked changes ToR - LGA and AHC versions	Greg Georgopoulos	In Progress				FALSE	
				Under section 75B of the Local Government Act 1999 Cr Nathan Daniell disclosed a General (section 74) Conflict of Interest in Item 12.1. Under section 75B of the Local Government Act 1999 Cr Malcolm Herrmann disclosed a General (section 74) Conflict of Interest in Item 12.1.	1. That the report be received and noted. 2. That Council approve the awarding of Community Development Grants totalling \$ 43,725.40 as follows:	Jess Charlton	Not Started				FALSE	
26/11/2024	Ordinary Council	415/24	Community Development Grant Recommendations				Not Started				FALSE	
				Under section 75B of the Local Government Act 1999 Cr Malcolm Herrmann disclosed a General (section 74) Conflict of Interest in Item 12.2. Under section 75B of the Local Government Act 1999 Deputy Mayor Melanie Selwood disclosed a General (section 74) Conflict of Interest in Item 12.2. Under section 75B of the Local Government Act 1999 Cr Chris Grant disclosed a General (section 74) Conflict of Interest in Item 12.2.	1. That the report be received and noted. 2. That Council approve the awarding of Community Recreation and Facility Grants for 2024-2025 totalling \$166,923.91 as follows: See minutes						FALSE	
26/11/2024	Ordinary Council	416/24	2024-2025 Community and Recreation Facility Grant Recommendations			David Waters	In Progress	Dec 24 - resolution in process of being actioned.			FALSE	

26/11/2024	Ordinary Council	417/24	Regional Climate Action Plan 2025-2030 and Regional Sector Agreement	Nil	1. That the report be received and noted. 2. To note the achievements of the Resilient Hills and Coasts partnership identified within the RH&C Annual Report 2023-2024 as provided in Appendix 1. 3. To note the outcomes of the stakeholder engagement associated with the development of the Resilient Hills & Coasts 'Regional Climate Action Plan' as provided in Appendix 4. 4. To endorse the Resilient Hills & Coasts Regional Climate Action Plan 2025-2030 as one of the partner organisations of Resilient Hills & Coasts. 5. To recommit to the partnership by authorising the Mayor to sign the revised Resilient Hills & Coasts Climate Change Sector Agreement pursuant to the Climate Change and Greenhouse Emissions Reduction Act 2007, as contained in Appendix 3. 6. To authorise the Administration to make any changes to the Regional Climate Action Plan 2025-2030 or Climate Change Sector Agreement of a minor, technical or formatting nature. 7. To note the Council's ongoing membership of the partnership includes a contribution of \$20,000 per annum to contribute to the engagement of a Coordinator to continue to advocate on climate change adaptation and mitigation for the region, and that this contribution remains subject to annual business planning and budget processes.	David Waters	Not Started	FALSE	
26/11/2024	Ordinary Council	418/24	Nominations to the Dog & Cat Management Board	Under section 75B of the Local Government Act 1999 Cr Kirsty Parkin disclosed a General (section 74) Conflict of Interest in Item 12.4. Under section 75C of the Local Government Act 1999 Cr Mark Osterstock disclosed a Material (section 75) Conflict of Interest in Item 12.4.	1. That the report be received and noted. 2. To endorse the nomination of Cr Mark Osterstock for the Dog & Cat Management Board and authorise the Chief Executive Officer to lodge the completed nomination form to the Local Government Association by COB Friday 29 November 2024.	Greg Georgopoulos	Completed	Nomination sent to LGA.	FALSE
26/11/2024	Ordinary Council	419/24	Gawler River Floodplain Management Authority Membership	Nil	1. That the report be received and noted. 2. That the CEO formally write to the Minister, by 31 December 2024, seeking approval to withdraw from the GRFMA, as required by Clause 19 of the Charter. 3. That the CEO write to the GRFMA and Constituent Councils, by 31 December 2024, to officially advise of its intention to withdraw from the GRFMA, as required by Clause 19 of the Charter. 4. That the Council approve an initial budget allocation of \$20,000 for consultant fees, enabling Council to obtain expert advice and effectively manage the negotiations required to exit the GRFMA.	Greg Georgopoulos	In Progress	Letter will be sent to GRFMA on 5 Dec.	FALSE
26/11/2024	Ordinary Council	420/24	Draft 2023-24 Annual Report	Nil	1. That the report on the Draft 2023-24 Annual Report be received and noted. 2. That the 2023-24 Annual Report, as contained in Appendix 1, be adopted. 3. That the Chief Executive Officer be authorised to make minor content, formatting or design changes necessary for publication purposes.	Gary Lewis	In Progress		FALSE
26/11/2024	Ordinary Council	421/24	Quarterly Council Performance Report – Q1 2024-25	Nil	1. That the report on the Quarterly Council Performance Report – Q1 2024-25 be received and noted. 2. To adopt changes to the Corporate Performance Indicators as follows: a. CPI-002 (Delivery of Capital Works Program) changed to an annual target of at least 90%, with cumulative quarterly reporting b. CPI-001 (Number of lost time injuries) changed to measure Lost Time Injury Frequency Rate (LTIFR) with a target of less than 11.2 c. CPI-011 (Employee turnover) changed to have two targets – 20% new starter turnover and 15% general turnover, with quarterly reporting that provides a 12 month percentage as at the end of the quarter.	Gary Lewis	Not Started		FALSE
26/11/2024	Ordinary Council	422/24	2024-25 Budget Review 1	Nil	1. That the 2024-25 Budget Review report be received and noted. 2. To adopt the proposed budget adjustments presented in Budget Review 1 which result in: a. A decrease in the Operating Surplus from \$0.457m to a deficit of \$1.728m for the 2024-25 financial year. b. Changes to Capital Works increasing capital expenditure by \$2.218 million for the 2024-25 financial year resulting in a revised capital expenditure budget of \$20.548 million. c. An operating deficit ratio of 2.8%, Net Financial Liabilities ratio of 56.2% and an Asset Renewal Funding ratio of 133.2%. 3. That a workshop be held regarding the increased capital expenditure endorsed in Budget Review 1 on 2 December 2024.	Gary Lewis	Completed	Workshop was undertaken on 2 December 2024. Part 4 of Decision 1 to remain to be retained in confidence	FALSE
26/11/2024	Ordinary Council	428/24	Behavioural Standards Complaint	Under section 75B of the Local Government Act 1999 Deputy Mayor Melanie Selwood disclosed a General (section 74) Conflict of Interest in Item 19.1.	As per confidential minute	Gary Lewis	Completed	Remainder of resolution is now public	FALSE
26/11/2024	Ordinary Council	430/24	Behavioural Standards Complaint – Determination of Action	Nil	1. To note that it has received and noted the Final Investigation Report, legal advice and presentation, in Item 19.1. 2. To note that it has adopted the findings that the Mayor breached the following clauses of the Behavioural Standards for Council Members: a) 1.1 Show commitment and discharge duties conscientiously. b) 1.4 Act in a reasonable, just, respectful and non-discriminatory way. c) 2.2 Take all reasonable steps to provide accurate information to the community and the Council. d) 2.3 Take all reasonable steps to ensure that the community and the Council are not knowingly misled. e) 2.5 Act in a manner consistent with their roles, as defined in section 59 of the Act. f) 3.1 Establish and maintain relationships of respect, trust, collaboration, and cooperation with all Council members. g) 4.1 Establish and maintain relationships of respect, trust, collaboration, and cooperation with all Council employees. h) 4.2 Not bully Council employees. 3. That the Mayor's series of inappropriate behaviour and conduct and the findings of multiple breaches warrant the making of the following determinations pursuant to section 262C of the Local Government Act 1999: a) That Council formally censures the Mayor. b) That Council declares it has no confidence in the Mayor and her capacity to continue as Mayor of the Council for the remainder of the Council term. c) That Council calls on the Mayor to resign by close of business Friday, 29 November 2024. d) That the Mayor is required to make an unconditional (and unreserved) public apology to the Council, the CEO, and the Administration at the next ordinary meeting of Council or by 10 December 2024 expressly apologising for the breaches identified in the Final Investigation Report, including explicitly her non-compliance with the Mayor Seeking Legal Advice Policy, and in a form approved by the Deputy Mayor. e) That the Mayor is required to make a private written apology to the identified victim or victims of bullying in a form approved by the Deputy Mayor by the 10 December 2024. f) That the Mayor is required to attend a program of training and education (organised by the Administration) directed towards: i. re-building the working relationship between the Mayor, elected members, the CEO and the Administration,	Gary Lewis	In Progress	Parts 3 (h) (iii) (k) and 4(a) completed.	FALSE
26/11/2024	Ordinary Council	432/24	Amy Gillett Bikeway Tender Approval	Nil	As per confidential minute	David Waters	Not Started		FALSE
26/11/2024	Ordinary Council	435/24	Provision of Unsealed Road Materials	Nil	As per confidential minute.	David Waters	Not Started		FALSE

Minutes of Committees

**ADELAIDE HILLS COUNCIL
BOUNDARY CHANGE COMMITTEE
MINUTES OF MEETING
Tuesday 3 December 2024
THE SUMMIT COMMUNITY CENTRE
4 CRESCENT DRIVE, NORTON SUMMIT**

In Attendance

Presiding Member: Cr Mark Osterstock

Members:

Cr Nathan Daniell	
Cr Leith Mudge	
Cr Chris Grant	

In Attendance:

Greg Georgopoulos	Chief Executive Officer
David Waters	Director Environment and Infrastructure
Zoë Gill	Executive Governance Officer
Lisa Teburea	BRM Advisory
Michael Richardson	BRM Advisory
Georgina McKeon	Minute Secretary

1. COMMENCEMENT

The meeting commenced at 6:30PM

2. OPENING STATMENT

2.1 Acknowledgement of Country

Council acknowledges that we meet on the traditional lands and waters of the Peramangk and Kurna people. We pay our respects to Elders past, present and emerging as the Custodians of this ancient and beautiful land. Together we will care for this country for the generations to come.

3. APOLOGIES/LEAVE OF ABSENCE

3.1 Apology

Cr Kirsty Parkin

3.2 Leave of Absence

**ADELAIDE HILLS COUNCIL
BOUNDARY CHANGE COMMITTEE
MINUTES OF MEETING
Tuesday 3 December 2024
THE SUMMIT COMMUNITY CENTRE
4 CRESCENT DRIVE, NORTON SUMMIT**

Nil

3.3 Absent

Nil

4. MINUTES OF PREVIOUS MEETINGS

4.1 Boundary Change Committee – 28 August 2024

**Moved Cr Daniell
S/- Cr Grant**

BCC24/24

That the minutes of the Boundary Change Committee meeting held on 28 August 2024 as distributed, be confirmed as an accurate record of the proceedings of that meeting

Carried unanimously

5. PRESIDING MEMBER'S OPENING COMMENTS

The Presiding Member acknowledged the Mayor, attending as a member of the public with an interest in the area, and welcomed Ms Mardi Espinoza and Mr Steve Swan from the Morialta Residents' Association, along with Ms Janet Spouse from the Woodforde Residents' Association.

The Presiding Member provided a brief overview of the boundary change proposal, including the appointment of BDO Services Pty Ltd as Investigators, and emphasised the importance of community engagement, thanking the associations for their valuable contributions.

6. DELEGATION OF AUTHORITY

The Boundary Change Committee operates in accordance with the relevant sections of the Local Government Act 1999, and its Terms of Reference.

7. DECLARATION OF CONFLICT OF INTEREST BY MEMBERS OF THE COMMITTEE

**ADELAIDE HILLS COUNCIL
BOUNDARY CHANGE COMMITTEE
MINUTES OF MEETING
Tuesday 3 December 2024
THE SUMMIT COMMUNITY CENTRE
4 CRESCENT DRIVE, NORTON SUMMIT**

Nil

8. PRESENTATION BY LOCAL RESIDENTS

8.1 Woodforde Residents' Association

8.2 Morialta Residents' Association

9. MOTIONS ON NOTICE

Nil

10. OFFICER REPORTS – DECISION ITEMS

Nil

11. MOTIONS WITHOUT NOTICE

Nil

12. QUESTIONS WITHOUT NOTICE

Nil

13. COMMUNICATION FOR NOTING

Nil

14. CONFIDENTIAL ITEMS

14.1 Report: Inquiry into the Campbelltown City Council Boundary Change Proposal – Exclusion of the Public

Moved Cr Grant
S/- Cr Daniell

BCC25 /24

**ADELAIDE HILLS COUNCIL
BOUNDARY CHANGE COMMITTEE
MINUTES OF MEETING
Tuesday 3 December 2024
THE SUMMIT COMMUNITY CENTRE
4 CRESCENT DRIVE, NORTON SUMMIT**

Pursuant to section 90(2) of the *Local Government Act 1999* the Boundary Change Committee (the Committee) orders that all members of the public, except:

- Chief Executive Officer, Greg Georgopoulos
- Director Environment & Infrastructure, David Waters
- BRM Advisory, Michael Richardson
- BRM Advisory, Lisa Teburea
- Executive Governance Officer, Zoë Gill
- Minute Secretary, Georgina McKeon

be excluded from attendance at the meeting for Agenda Item 14.1 (Inquiry into the Campbelltown City Council Boundary Change Proposal) in confidence.

The Council is satisfied that it is necessary that the public, with the exception of Council staff in attendance as specified above, be excluded to enable Council to consider the report at the meeting on the following grounds:

Section 90(3)(b) and 90(3)(i) of the *Local Government Act 1999*, the information to be received, discussed or considered in relation to this Agenda Item is:

- Information the disclosure of which could reasonably be expected to confer a commercial advantage on a person with whom the council is conducting, or proposing to conduct, business, or to prejudice the commercial position of the council; and would, on balance, be contrary to the public interest;
- information relating to actual litigation, or litigation that the council or council committee believes on reasonable grounds will take place, involving the council or an employee of the council;

Accordingly, on this basis the principle that meetings of the Council should be conducted in a place open to the public has been outweighed by the need to keep the information and discussion confidential.

Carried unanimously

**ADELAIDE HILLS COUNCIL
BOUNDARY CHANGE COMMITTEE
MINUTES OF MEETING
Tuesday 3 December 2024
THE SUMMIT COMMUNITY CENTRE
4 CRESCENT DRIVE, NORTON SUMMIT**

14.1.1 Inquiry into the Campbelltown City Council Boundary Change Proposal – Confidential Item

**ADELAIDE HILLS COUNCIL
BOUNDARY CHANGE COMMITTEE
MINUTES OF MEETING
Tuesday 3 December 2024
THE SUMMIT COMMUNITY CENTRE
4 CRESCENT DRIVE, NORTON SUMMIT**

14.1.2 Inquiry into the Campbelltown City Council Boundary Change Proposal - Duration of Confidentiality

Moved Cr Daniell
S/- Cr Grant

BCC27/24

Subject to the CEO, or his delegate, disclosing information or any document (in whole or in part) for the purpose of implementing Council's decision(s) in this matter in the performance of the duties and responsibilities of office, Council, having considered Agenda Item 14.1 in confidence under sections 90(2) and 90(3)(b) and 90(3)(i) of the *Local Government Act 1999*, resolves that an order be made under the provisions of sections 91(7) and (9) of the *Local Government Act 1999* to retain the Items in confidence as detailed in the Duration of Confidentiality Table below:

Item	Duration of Confidentiality NB: Item to be reviewed every 12 months if not released
Report	Until Further Order
Related Attachments	Until released publicly (Appendix 2: the submission) Until Further Order (Appendix 1: the information request)
Minutes	Nil
Other (presentation, documents, or similar)	Until Further Order

Pursuant to section 91(9)(c) of the *Local Government Act 1999*, the Council delegates the power to revoke the confidentiality order either partially or in full to the Chief Executive Officer.

Carried unanimously

**ADELAIDE HILLS COUNCIL
BOUNDARY CHANGE COMMITTEE
MINUTES OF MEETING
Tuesday 3 December 2024
THE SUMMIT COMMUNITY CENTRE
4 CRESCENT DRIVE, NORTON SUMMIT**

15. NEXT MEETING

The next ordinary meeting of the Boundary Change Committee will be held at a time and place to be determined by the Committee.

16. CLOSE MEETING

The meeting closed at 8:01PM

Confidential Items

**ADELAIDE HILLS COUNCIL
ORDINARY COUNCIL MEETING
Tuesday 10 December 2024
CONFIDENTIAL AGENDA BUSINESS ITEM**

Item: 19.1

Responsible Officer: Gary Lewis
Director Corporate Services

Subject: Citizen of the Year 2025 Recommendations

For: Decision

1. Citizen of the Year 2025 Recommendations – Exclusion of the Public

Pursuant to section 90(2) of the *Local Government Act 1999* the Council orders that all members of the public, except:

- Chief Executive Officer, Greg Georgopoulos
- Director Corporate Services, Gary Lewis
- Director Community and Development, Jess Charlton
- Director Environment and Infrastructure, David Waters
- Executive Governance Officer, Zoë Gill
- Minute Secretary

be excluded from attendance at the meeting for Agenda Item 19.2: (Citizen of the Year 2025 Recommendations) in confidence.

The Council is satisfied that it is necessary that the public, with the exception of Council staff in attendance as specified above, be excluded to enable Council to consider the report at the meeting on the following grounds:

Section 90(3)(o) of the *Local Government Act 1999*, the information to be received, discussed or considered in relation to this Agenda Item is information relating to a proposed award recipient before the presentation of the award, the disclosure of which could reasonably be expected to reveal award recipient information before a special event.

Accordingly, on this basis the principle that meetings of the Council should be conducted in a place open to the public has been outweighed by the need to keep the information and discussion confidential.

2. Citizen of the Year Awards 2025 Recommendations – Confidential Item

3. Citizen of the Year Awards 2025 Recommendations – Duration of Confidentiality

Subject to the CEO, or his delegate, disclosing information or any document (in whole or in part) for the purpose of implementing Council’s decision(s) in this matter (which may include disclosure to media outlets to aid in achieving reporting timelines for publication; and disclosure to award recipients and their nominators, families and friends) in the performance of the duties and responsibilities of office, Council, having considered Agenda Item 18.2 in confidence under sections 90(2) and 90(3)(o) of the *Local Government Act 1999*, resolves that an order be made under the provisions of sections 91(7) and (9) of the *Local Government Act 1999* to retain the Items in confidence as detailed in the Duration of Confidentiality Table below:

Item	Duration of Confidentiality NB: Item to be reviewed every 12 months if not released
Report	25 January 2025
Related Attachments	25 January 2025
Minutes	25 January 2025
Other	Nil

The Australia Day Council allows recipient information to be disclosed from 22 January. Pursuant to section 91(9)(c) of the *Local Government Act 1999*, the Council delegates the power to revoke the confidentiality order either partially or in full to the Chief Executive Officer.