



## 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 28 January 2025**

**6.30pm**

**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 positioned above the name of the Chief Executive Officer.

**Greg Georgopoulos**  
**Chief Executive Officer**



## ORDINARY COUNCIL MEETING

**AGENDA FOR MEETING**  
**Tuesday 28 January 2025**  
**6.30pm**  
**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

Cr Louise Pascale - 10 December 2024 to 31 December 2025.

3.3. Absent

**4. MINUTES OF PREVIOUS MEETINGS**

Council Meeting – 10 December 2024

*That the minutes of the ordinary meeting held on 10 December 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)**  
Nil

**10. QUESTIONS ON NOTICE**

Nil

**11. MOTIONS ON NOTICE**

- 11.1. International Women's Day 2025 (Cr Mark Osterstock)
  - 1. *Council notes that International Women's Day [IWD] is a day to focus the world's attention on gender equality and the empowerment of women.*
  - 2. *Council supports IWD noting that it is a global day to reflect on progress, call for change and to celebrate the courage and determination of those who have changed the face of gender equality.*
  - 3. *Council recognises that the aim of the IWD 2025 "March Forward" theme is to commemorate thirty years since the United Nations' Beijing Declaration and Platform for Action while acknowledging that it is time to turn those promises into progress.*
  - 4. *Council requests that the CEO bring IWD 2025 and the March Forward Campaign to the attention of our community through a range of communication channels including the website, e-newsletter and social media with a view to celebrating women's achievements and raising awareness about gender inequality.*
  
- 11.2. Save our Wildlife Foundation Inc Project Proposal (Cr Nathan Daniell)
  - 1. *Provide a report to Council by 11 February 2025 assessing the merits of SOWFI's request for support made in their presentation at the 10 December 2024 meeting for 22 Wright Road, Stirling. The report is to include an assessment of the merits of the project and provide options for Council to consider.*
  - 2. *Consider holding a workshop regarding this item prior to Council considering the report.*

- 11.3. Council Policy – Code of Practice for Council Meeting Procedures (Cr Mark Osterstock)
1. Council receives and notes the Code of Practice for Council Meeting Procedures [the Policy], Appendix 1.
  2. Effective forthwith, Council
    - a) amends clause 3.8.1 [Mayor’s Opening Remarks] of the Policy:

FROM - “At each ordinary Council, the Mayor may present opening remarks which will be generally related to matters regarding the conduct of the meeting (e.g. acknowledging members of the gallery, advising break times, proposals to reorder the agenda) or to acknowledge a significant civic, cultural or other event. A brief summary of these remarks will be minuted.”

TO - “At each ordinary Council, the Mayor may present opening remarks which will be ~~generally related~~ **confined** to matters regarding the conduct of the meeting (e.g. acknowledging members of the gallery, advising break times, proposals to reorder the agenda) or to acknowledge a significant civic, cultural or other event. A brief summary of these remarks will be minuted.”
    - b) Adds clauses 3.8.2-3.8.3 as follows:
      - i) 3.8.2 The Mayor will not use the Mayor’s Opening remarks to make a personal explanation to Council
      - ii) 3.8.3 Should the Mayor wish to make a personal explanation to Council, the Mayor should seek leave of Council in accordance with regulation 15 and section 4.6 of this Code of Practice.
  3. Effective forthwith, Council amends clause 4.6.1 [Addresses by Members] of the Policy:
    - FROM – “A personal explanation should provide the member’s account of the reasons or factors regarding an event or situation in which they had an involvement. The explanation should not: (a) make imputations of improper motives or contain personal opinions on fellow Council Members, the Administration or members of the public; or be used for making statements regarding Council resolutions.”
    - TO – “ A personal explanation should:
      - a) provide the member’s account of the reasons or factors regarding an **event or situation** in which they had an involvement, or

- *b) address a requirement of Council or satisfy a Council resolution*

*The explanation will not, under any circumstances, either directly or indirectly, make imputations of improper motives or conduct, or contain personal opinions on fellow Council Members, the Administration or members of the public; or be used for making statements regarding Council resolutions (except where the personal explanation is to satisfy clause (b) above)."*

## 12. ADMINISTRATION REPORTS – DECISION ITEMS

- 12.1. Funding – Stormwater Upgrade Junction Road, Balhannah
1. *That the Funding – Stormwater Upgrade Junction Road, Balhannah report be received and noted.*
  2. *To accept the State Government's offer to contribute \$390,233 toward the cost of upgrading stormwater drainage on Junction Road, Balhannah.*
  3. *To reaffirm Council's allocation of \$381,152 from the Federal Local Roads and Community Infrastructure Program toward the works.*
  4. *The Chief Executive officer is authorised to finalise negotiations and enter into a suitable funding arrangement with the State Government.*
  5. *That, if necessary, the Mayor and Chief Executive Officer are authorised to apply the Council's common seal to the funding agreement.*
- 12.2. Acceptance of Funding from Stirling Community Shop
1. *That the report be received and noted.*
  2. *That the Stirling Community Shop be thanked for their generous offer to fund up to \$50,000 in accessibility initiatives and be advised that it is gratefully accepted.*
  3. *That the funding be used to undertake the following work which complements work recently undertaken by Council to improve accessibility in the vicinity:*
    - a. *The installation of a standards compliant accessible parking space in the Steamroller Park carpark*
    - b. *The installation of an accessible picnic setting in Steamroller Park*
    - c. *Improvements to accessibility of the bus stop outside the Stirling Community Shop*
  4. *That work proceed in the current financial year if possible and that the Council's budget be amended accordingly to reflect the income and expenditure.*

5. *That the Chief Executive Officer be authorised to finalise the funding arrangements between the Council and the Stirling Community Shop.*
6. *That appropriate recognition of the Stirling Community Shop be made on completion of the works.*

12.3. Nominations for Deputy Mayor

Decision 1 (required if one candidate indicates intention to nominate)

1. *That the report on the Deputy Mayor Appointment be received and noted.*
2. *To appoint Cr \_\_\_\_\_ to the position of Deputy Mayor for a \_\_\_\_\_ month/year term to commence 28 January 2025 and conclude on \_\_ inclusive.*

Decision 2 (required if more than one candidate indicates intention to nominate)

1. *That the report on the Deputy Mayor Appointment be received and noted.*
2. *To determine that the method of selecting the Deputy Mayor be by an indicative vote to determine the preferred person utilising the process as set out within this report and in accordance with the advice contained within Appendix 1.*
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 Deputy Mayor role and for the meeting to resume once the results of the indicative voting has been declared.*

Decision 3 (required if meeting adjourned)

1. *To appoint Cr \_\_\_\_\_ to the position of Deputy Mayor for a \_\_\_\_\_ month/year term to commence 28 January 2025 and conclude on \_\_ inclusive.*

12.4. AHRWMA Reappointment of Audit and Risk Committee Independent Member

1. *That the report be received and noted.*
2. *That Council reappoint Elizabeth Williams as an Independent Member of the Adelaide Hills Region Waste Management Authority Audit and Risk Committee for a further term of three years, expiring on 8 February 2028.*
3. *That the CEO advises the Adelaide Hills Region Waste Management Authority Board of Councils resolution prior to 8 February 2025.*

12.5. AHRWMA Board Nominations

Decision 1 (required if one candidate per position indicates intention to nominate)

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

2. *That in relation to the Adelaide Hills Region Waste Management Authority Board:*
  - a. *To appoint \_\_\_\_\_ to the Board Member position for a term to commence from 29 January 2024 and conclude on 28 January 2026 (inclusive)*
  - b. *To appoint \_\_\_\_\_ to the Deputy Board Member position for a term to commence from 29 January 2024 and conclude on 28 January 2026 (inclusive)*
3. *To authorise the Chief Executive Officer to lodge all required documentation to give effect to Council's resolutions regarding Adelaide Hills Region Waste Management Authority Board Membership.*

*Decision 2 (required if more than one candidate per position indicates intention to nominate)*

1. *That the report be received and noted*
2. *To determine that the method of selecting the Adelaide Hills Region Waste Management Authority Board Member and Deputy Board Member by an indicative vote to determine the preferred person(s) 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 Authority Board Member and Deputy Board Member and for the meeting to resume once the results of the indicative voting has been declared.*

*Decision 3 (required if meeting adjourned)*

1. *That in relation to the Adelaide Hills Region Waste Management Authority Board:*
  - a. *To appoint \_\_\_\_\_ to the Board Member position for a term to commence from 29 January 2024 and conclude on 28 January 2026 (inclusive)*
  - b. *To appoint \_\_\_\_\_ to the Deputy Board Member position for a term to commence from 29 January 2024 and conclude on 28 January 2026 (inclusive)*
2. *To authorise the Chief Executive Officer to lodge all required documentation to give effect to Council's resolutions regarding Adelaide Hills Region Waste Management Authority Board Membership.*

12.6. Nominations for the Libraries Board of SA  
*Decision 1 (required if one candidate indicates intention to nominate)*

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

2. To endorse the nomination(s) of \_\_\_\_\_ for the Libraries Board of South Australia and authorise the Chief Executive Officer to lodge the completed nomination form(s) to the Local Government Association by noon, Friday 31 January 2025.

Decision 2 (required if more than one candidate indicates intention to nominate)

1. That the report be received and noted.
2. To determine that the method of selecting the nominee to the LGA for the Libraries Board of South Australia 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 nomination and for the meeting to resume once the results of the indicative vote have been declared.

Decision 3 (required if meeting adjourned)

1. To endorse the nomination(s) of \_\_\_\_\_ for the Libraries Board of South Australia and authorise the Chief Executive Officer to lodge the completed nomination form(s) to the Local Government Association by noon, Friday 31 January 2025.

12.7. CEO PRP Presiding Member Appointment

Decision 1 (required if one candidate indicates intention to nominate)

1. That the report be received and noted.
2. To appoint \_\_\_\_\_ to the position of CEO Performance Review Panel Presiding Member to commence 29 January 2025 and conclude on 10 December 2025 (inclusive).

Decision 2 (required if more than one candidate indicates intention to nominate)

1. That the report be received and noted.
2. To determine that the method of selecting the CEO Performance Review Panel Presiding Member be by an indicative vote to determine the preferred person for the position 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 Presiding Member role and for the meeting to resume once the results of the indicative vote have been declared.

Decision 3 (required if meeting adjourned)



1. To appoint \_\_\_\_\_ to the position of CEO Performance Review Panel Presiding Member to commence 29 January 2025 and conclude on 10 December 2025 (inclusive).

**13. ADMINISTRATION REPORTS – INFORMATION ITEMS**

13.1. Climate Change Adaptation – Governance and Risk Update

1. That the report on Climate Change Adaptation Governance and Risk Update be received and noted.
2. To note the Administration will undertake a review of the Local Government Association of South Australia’s climate risk and governance approach to consider incorporating into the Council’s Risk Management Framework.

**14. CORRESPONDENCE FOR NOTING**

- 14.1. Letter from the GRFMA Business Case update.
- 14.2. Letter from the GRFMA rejecting AHC membership withdrawal
- 14.3. Letter from CEO to Mr Andrew Excell, Executive Director, Department for Infrastructure and Transport – Junction Road Balhannah
- 14.4. Letter from The Hon Tom Koutsantonis MP to CEO - Junction Road Balhannah

**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 – 4 December 2024, 11 December 2024 and 8 January 2025  
*That the minutes of the CAP meeting held on 4 December 2024, 11 December 2024 and 8 January 2025 as supplied, be received and noted.*
- 18.2. Audit Committee  
Nil
- 18.3. CEO Performance Review Panel – 18 December 2024

*That the minutes of the CEOPRP meeting held on 18 December 2024 as supplied, be received and noted.*

- 18.4. Boundary Change Committee -  
Nil

**19. CONFIDENTIAL ITEMS**

- 19.1. S184 – Recovery of Unpaid Rates  
19.2. Motion on Notice – Cr Nathan Daniel – Behavioural Matter  
19.3. Review into the accuracy of reports  
19.4. Review into the frequency of late reports  
19.5. CEO PRP Recommendations – 2024 CEO Remuneration Review Process  
19.6. CEO PRP Recommendations – CEO Key Performance Indicators

**20. NEXT MEETING**

Tuesday 11 February 2025, 6.30pm, 63 Mt Barker Road, Stirling

**21. CLOSE MEETING**

# Council Meetings, Information and Briefing Sessions, CAP and Committee Meetings for 2025

DATE	TYPE	LOCATION	MINUTE TAKER
<b>JANUARY 2025</b>			
Wednesday 8 January	CAP	Stirling	TBA
Tuesday 28 January	Ordinary Council	Stirling	Skye Ludzay
<b>FEBRUARY 2025</b>			
Monday 3 February	Workshop	Woodside	N/A
Wednesday 5 February	CEO PRP (TBC)	Stirling	Zoë Gill
Tuesday 11 February	Ordinary Council	Stirling	Rebekah Lyons
Wednesday 12 February	CAP	Stirling	TBA
Monday 17 February	Audit Committee	Stirling	Lauren Jak
Tuesday 18 February	Professional Development	Stirling	N/A
Tuesday 25 February	Ordinary Council	Stirling	Skye Ludzay
<b>MARCH 2025</b>			
Monday 3 March	Workshop	Woodside	N/A
Tuesday 11 March	Ordinary Council	Stirling	Rebekah Lyons
Wednesday 12 March	CAP	Stirling	TBA
Tuesday 18 March	Professional Development	Stirling	N/A
Tuesday 25 March	Ordinary Council	Stirling	Skye Ludzay
Wednesday 26 March	CEO PRP	Stirling	Zoë Gill
<b>APRIL 2025</b>			
Wednesday 2 April	CEO PRP (TBC)	Stirling	Zoë Gill
Monday 7 April	Workshop	Woodside	N/A
Tuesday 8 April	Ordinary Council	Stirling	Rebekah Lyons
Wednesday 9 April	CAP	Stirling	TBA
Monday 14 April	Audit Committee	Stirling	Lauren Jak
Tuesday 15 April	Professional Development	Stirling	N/A
Wednesday 16 April	CEO PRP (TBC)	Stirling	Zoë Gill
Tuesday 22 April	Ordinary Council	Stirling	Skye Ludzay
<b>MAY 2025</b>			
Monday 5 May	Workshop	Woodside	N/A
Tuesday 13 May	Ordinary Council	Stirling	Rebekah Lyons
Wednesday 14 May	CAP	Stirling	TBA
Monday 19 May	Audit Committee	Stirling	Lauren Jak
Tuesday 20 May	Professional Development	Stirling	N/A
Tuesday 27 May	Ordinary Council	Stirling	Skye Ludzay
<b>JUNE 2025</b>			
Monday 2 June	Workshop	Woodside	N/A
Tuesday 10 June	Ordinary Council	Stirling	Rebekah Lyons
Wednesday 11 June	CAP	Stirling	TBA
Tuesday 17 June	Professional Development	Stirling	N/A
Tuesday 24 June	Ordinary Council	Stirling	Skye Ludzay
Wednesday 25 June	CEO PRP	Stirling	Zoë Gill
<b>JULY 2025</b>			
Monday 7 July	Workshop	Woodside	N/A
Tuesday 8 July	Ordinary Council	Stirling	Rebekah Lyons
Wednesday 9 July	CAP	Stirling	TBA
Tuesday 15 July	Professional Development	Stirling	N/A

<b>DATE</b>	<b>TYPE</b>	<b>LOCATION</b>	<b>MINUTE TAKER</b>
Tuesday 22 July	Ordinary Council	Stirling	Skye Ludzay
<b>AUGUST 2025</b>			
Monday 4 August	Workshop	Woodside	N/A
Tuesday 12 August	Ordinary Council	Stirling	Rebekah Lyons
Wednesday 13 August	CAP	Stirling	TBA
Monday 18 August	Audit Committee	Stirling	Lauren Jak
Tuesday 19 August	Professional Development	Stirling	N/A
Tuesday 26 August	Ordinary Council	Stirling	Skye Ludzay
<b>SEPTEMBER 2025</b>			
Monday 1 September	Workshop	Woodside	N/A
Tuesday 9 September	Ordinary Council	Stirling	Rebekah Lyons
Wednesday 10 September	CAP	Stirling	TBA
Tuesday 16 September	Professional Development	Stirling	N/A
Tuesday 23 September	Ordinary Council	Stirling	Skye Ludzay
<b>OCTOBER 2025</b>			
Tuesday 7 October (Public Holiday)	Workshop	Woodside	N/A
Wednesday 8 October	CAP	Stirling	TBA
Tuesday 14 October	Ordinary Council	Stirling	Rebekah Lyons
Monday 20 October	Audit Committee	Stirling	Lauren Jak
Tuesday 21 October	Professional Development	Stirling	N/A
Tuesday 28 October	Ordinary Council	Stirling	Skye Ludzay
<b>NOVEMBER 2025</b>			
Monday 3 November	Workshop	Woodside	N/A
Tuesday 11 November	Ordinary Council	Stirling	Rebekah Lyons
Wednesday 12 November	CAP	Stirling	TBA
Monday 17 November	Audit Committee	Stirling	Lauren Jak
Tuesday 18 November	Professional Development	Stirling	N/A
Tuesday 25 November	Ordinary Council	Stirling	Skye Ludzay
<b>DECEMBER 2025</b>			
Monday 1 December	Workshop	Woodside	N/A
Tuesday 9 December	Ordinary Council	Stirling	Rebekah Lyons
Wednesday 10 December	CAP	Stirling	TBA

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

# Community Forums 2025

6.00 for 6.30pm

*(dates and venues to be confirmed)*

DATE	LOCATION

## Council Member Attendance 2025

### 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
3/2/2025													

## Council Member Attendance 2025

### 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
28/01/25													

# 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

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*For full details, see Code of Practice for Meeting Procedures on [www.ahc.sa.gov.au](http://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

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*For full details, see Code of Practice for Meeting Procedures on [www.ahc.sa.gov.au](http://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.

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# **Minutes of Council**

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**ADELAIDE HILLS COUNCIL  
MINUTES OF ORDINARY COUNCIL MEETING  
TUESDAY 10 DECEMBER 2024  
63 MT BARKER ROAD STIRLING**

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In Attendance

**Presiding Member:** Mayor Jan-Claire Wisdom

**Members:**

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 Melanie Selwood

In Attendance:

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

**1. COMMENCEMENT**

The meeting commenced at 6.00pm.

**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.

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Mayor \_\_\_\_\_

28 January 2025

**ADELAIDE HILLS COUNCIL  
MINUTES OF ORDINARY COUNCIL MEETING  
TUESDAY 10 DECEMBER 2024  
63 MT BARKER ROAD STIRLING**

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**3. APOLOGIES/LEAVE OF ABSENCE**

**3.1 Apology**

Nil

**3.2 Leave of Absence**

Moved Cr Adrian Cheater

S/- Cr Kirrilee Boyd

440/24

- 1 That a Leave of Absence from all duties of office be granted to Cr Louise Pascale from 10 December 2024 to 31 January 2025.
- 2 That any committee or panel membership currently held by Cr Louise Pascale be undertaken by the Deputy during the leave of absence.

<b>Carried Unanimously</b>
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**3.3 Absent**

Nil

**4. MINUTES OF PREVIOUS MEETINGS**

**4.1 Council Meeting – 26 November 2024**

Moved Cr Chris Grant

S/- Cr Malcolm Herrmann

441/24

**Council resolves that the minutes of the Ordinary Council meeting held on 26 November 2024 as supplied, be confirmed as an accurate record of the proceedings of that meeting.**

<b>Carried Unanimously</b>
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**5. DECLARATION OF CONFLICT OF INTEREST BY MEMBERS OF COUNCIL**

**5.1 Cr Adrian Cheater, Item 12.4 – CEO Performance Review Panel Membership**

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

**5.2 Cr Kirsty Parkin, Item 12.4 – CEO Performance Review Panel Membership**

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

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Mayor \_\_\_\_\_

28 January 2025

**ADELAIDE HILLS COUNCIL  
MINUTES OF ORDINARY COUNCIL MEETING  
TUESDAY 10 DECEMBER 2024  
63 MT BARKER ROAD STIRLING**

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- 5.3 Cr Malcolm Herrmann, Item 19.1 – Citizen of the Year 2025 Recommendations**  
Under section 75B of the Local Government Act 1999 Cr Malcolm Herrmann disclosed a General (section 74) Conflict of Interest in Item 19.1.
- 5.4 Cr Leith Mudge, Item 19.1 – Citizen of the Year 2025 Recommendations**  
Under section 75B of the Local Government Act 1999 Cr Malcolm Herrmann disclosed a General (section 74) Conflict of Interest in Item 19.1.
- 5.5 Cr Melanie Selwood, Item 19.1 – Citizen of the Year 2025 Recommendations**  
Under section 75B of the Local Government Act 1999 Cr Melanie Selwood disclosed a General (section 74) Conflict of Interest in Item 19.1.
- 5.6 Cr Kirrilee Boyd, Item 19.1 – Citizen of the Year 2025 Recommendations**  
Under section 75B of the Local Government Act 1999 Cr Kirrilee Boyd disclosed a General (section 74) Conflict of Interest in Item 19.1.
- 6. PRESIDING MEMBER’S OPENING REMARKS**  
The Mayor provided a statement regarding council resolution 430/24 at the 26 November 2024 meeting.  
  
6:12pm the Mayor left the meeting room and did not return.  
6:13pm the Deputy Mayor assumed the chair.
- 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
- 8.2 Deputations**  
Nil
- 8.3 Public Forum**  
Leone Taylor of Balhannah – On behalf of Adelaide Hills Action Group in support of Mayor Wisdom.
-

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6:16pm Cr Kirsty Parkin joined the meeting.

Lois Allen of Bradbury – In support of Mayor Wisdom and commending David Waters for leading local disability access projects.

Ian Bailey of Piccadilly – Council not supporting Australia Day events and seeking Council support to repair damage caused by vandalism.

John Tate of Birdwood – Against Council’s decision not to hold events held on Australia Day.

**9. PRESENTATIONS**

Save Our Wildlife Foundation Inc. – Marian MacLucas and Sheree Venter

**10. QUESTIONS ON NOTICE**

**10.1 26 November 2024 Council Resolution 430/24 – Cr Pauline Gill**

- 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 26<sup>th</sup> 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 26<sup>th</sup> 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.

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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.

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6:55pm the Deputy Mayor, with leave of at least two thirds of the members present at the meeting, adjourned the meeting for a short break.

7:06pm The formal meeting proceedings resumed.

**10.2 Our Watch Toolkit for Local Government – Cr Louise Pascale**

**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.

**10.3 Verge Policy and Maintenance – Cr Louise Pascale**

**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.



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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.

**10.4 Hamilton Hill and New Building Inspections – Cr Louise Pascale**

**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

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**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.

**10.5 26 November Council Resolutions – Cr Mark Osterstock**

**1. What was the Behavioural Standards Complaint report and resolution about?**

This matter relates to a complaint made by an Elected Member about a series of behaviours by the Mayor. This complaint has led to a thorough and complex independent investigation which found the Mayor had breached multiple behavioural standards.

Council reviewed the report and made a number of resolutions including the following:

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- 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.
- 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.
- f) That the Mayor is required to attend a program of training and education.
- g) 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.
- h) That the Mayor be removed from any section 41 Council committees.
- i) That Council requests that the Mayor repay Council for the costs of the investigation and report into this behavioural matter.
- j) That the Mayor's access to the Council building is restricted.
- k) Council notes and endorses the Mayor's office having been moved from the Stirling Administration Office Area to the Coventry Library.

The full resolution can be found in the minutes from the 26 November 2026.

**2. What did the Mayor do?**

The independent investigation found that the Mayor had breached multiple behavioural standards.

These breaches related to behaviour that included covert recording of private conversations, sending inappropriate emails to multiple recipients, bullying staff, failing to share information with elected members which hindered their ability to perform their roles and functions, and failing to comply with the Mayor Seeking Legal Advice Policy.

**3. Was the Mayor afforded procedural fairness and natural justice throughout the independent inquiry process?**

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Yes, the Mayor was provided procedural fairness and natural justice throughout the independent inquiry process.

**4. If so, how was this achieved?**

Through the independent inquiry process, the Mayor was provided an opportunity to respond to the allegations, the draft report, and the final report.

The Mayor's responses were taken into account by the independent inquiry when making their findings in the final report.

**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?**

The Deputy Mayor advised the Mayor of Council's resolution immediately after the 26 November 2024 Council meeting.

*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?**

Yes, the Mayor was afforded an opportunity to respond to the draft independent investigation report.

**(c) If so, did the Mayor respond and when did this occur?**

Yes, the Mayor did respond.

The Mayor's submission was received on 8 August 2024.

**(d) Was the Mayor afforded an "opportunity to respond" to the 'final' independent investigation report?**

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Yes, as required by the *Behavioural Complaints Policy*, after the final report was completed the Mayor was provided with an opportunity to agree a path for resolution between the relevant parties to the complaint.

**(e) If so, did the Mayor respond and when did this occur?**

Yes, the Mayor responded on 4 October 2024.

**(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?**

Yes. The Mayor was informed on 28 October 2024 that the matter would go to Council for the 26 November 2024 meeting. As per the legislative requirements, the Mayor also received the Agenda on 22 November 2024.

**(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?**

As indicated above, the Mayor was provided with an opportunity to agree a path for resolution between the relevant parties to the complaint.

Under the *Behavioural Management Policy*, if the parties had agreed to a resolution, the report would not have been presented to Council. Because the parties did not agree, the report had to be presented to Council.

**(i) When did this occur and how was this done?**

On 22 August 2024, the Mayor was invited to agree a path for resolution, with a response due 20 September 2024. The recommendations in the final report were proposed as a starting point for an agreement between the parties.

**(j) What was the Mayor’s response to this opportunity?**

After receiving an extension of time, the Mayor responded on 4 October 2024. Her response is confidential.

**(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?**

It is up to an individual Elected Member to declare a conflict of interest.

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Given the provisions in the *Local Government Act 1999*, an elected member who is the subject of a behavioural complaint is likely to have a material conflict of interest when that complaint is considered by Council and would need to leave the Chamber.

**(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?**

If a member of a council has a material conflict of interest in a matter to be discussed at a meeting of the council, the member must-

- a) Inform the meeting of the member's material conflict of interest in the matter; and
- b) Leave the meeting room (including any area set aside for the public) such that the member cannot view or hear any discussion or voting at the meeting and stay out of the meeting room while the matter is being discussed and voted on.

*"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?**

Yes, the sanctions imposed by Council are commensurate with the Mayor's wrongdoing.

**(n) If so, did the council receive independent legal advice confirming this fact?**

Yes, Council received independent legal advice advising that the sanctions imposed are commensurate with the wrongdoing.

**6. Did the 'independent inquiry report' find that the Mayor 'bullied' staff?**

Yes, one of the findings of the independent investigation report found that the Mayor had bullied staff.

**7. Did the 'independent inquiry report' find that the Mayor interfered with the operations of Council administration?**

The independent investigation report found that the Mayor often failed to accurately comprehend her role as Mayor, and conflated her duties with that of an executive-level staff member.

**8. Did the 'independent inquiry report' find that the Mayor misled Council?**

The independent investigation report found that the Mayor did not take all reasonable steps to ensure that the Council was not knowingly misled.

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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?

The approximate legal costs associated with this matter are \$48,000.

**11. MOTIONS ON NOTICE**

**11.1 Lobethal Primary School Correspondence – Cr Lucy Huxter**

Moved Cr Lucy Huxter  
S/- Cr Pauline Gill

**442/24**

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

<b>Carried Unanimously</b>
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**11.2 Mount Torrens Signs – Cr Melanie Selwood**

Moved Cr Melanie Selwood  
S/- Cr Malcolm Herrmann

**443/24**

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

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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.**

<b>Carried Unanimously</b>
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**12. OFFICER REPORTS – DECISION ITEMS**

**12.1 Fabrik Board Options**

Moved Cr Nathan Daniell  
S/- Cr Pauline Gill

Council resolves:

1. The report be received and noted.
2. After the Fabrik Arts and Heritage Hub has operated for 12 months in the redeveloped building, a report be brought back to Council for consideration regarding advisory bodies including a gap analysis to determine the best approach for such a body.

**VARIATION**

Through the Deputy Mayor, 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 Pauline Gill

Council resolves:

1. The report be received and noted.
2. After the Fabrik Arts and Heritage Hub has operated for 12 months in the redeveloped building, a report be brought back to Council for consideration regarding advisory bodies including a gap analysis to determine the best approach for such a body.



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3. That a workshop be held prior to receiving a report.

**MOTION AS VARIED**

**Moved Cr Nathan Daniell  
S/- Cr Pauline Gill**

**444/24**

**Council resolves:**

1. The report be received and noted.
2. After the Fabrik Arts and Heritage Hub has operated for 12 months in the redeveloped building, a report be brought back to Council for consideration regarding advisory bodies including a gap analysis to determine the best approach for such a body.
3. That a workshop be held prior to receiving a report.

<b>Carried</b>
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Cr Pauline Gill called for a division.

The Deputy Mayor set aside the ruling.

In the affirmative (8)

Councillors Herrmann, Boyd, Gill, Grant, Cheater, Huxter, Daniell, Osterstock

In the negative (2)

Councillors Parkin, Mudge

On the basis of the results of the division, the Deputy Mayor declared the motion carried.

7:44pm the Deputy Mayor, with leave of at least two thirds of the members present at the meeting, adjourned the meeting until 7.50pm.

7:50pm The formal meeting proceedings resumed.

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

**Moved Cr Nathan Daniell  
S/- Cr Mark Osterstock**

**445/24**

**Council resolves:**

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1. That the report be received and noted.
2. That the Mount Lofty District Community Sports Club be thanked for their proposal and be advised that Council wishes to consider the broader aspect of commercial uses of land and facilities on land contained in the Council's community land register (community land) before further considering a detailed proposal by the Club.
3. That the Chief Executive Officer bring back a report to Council by 30 April 2025 that explores:
  - a. A broad overview of existing commercial activities, uses and opportunities of community land.
  - b. A high-level analysis of risks and opportunities associated with further commercial uses.
  - c. An overview of what legislative, policy, framework, by-law or other instruments affect potential commercial uses of community land and what actions Council might need to take in order to contemplate further commercial uses under those instruments.
  - d. Potential approaches to considering further commercial uses, including cost estimates of same and community engagement options.

<b>Carried Unanimously</b>
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12.3 **Response into the Review of the Environment Protection (Waste to Resources) Policy 2010**

Moved Cr Mark Osterstock  
S/- Cr Lucy Huxter

446/24

**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.

<b>Carried Unanimously</b>
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12.4 **CEO Performance Review Panel Membership**

Moved Cr Nathan Daniell  
S/- Cr Mark Osterstock

447/24

**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.

<b>Carried Unanimously</b>
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8:09pm the meeting was adjourned for the purposes of seeking nominations.

8:16pm the formal meeting procedures resumed.

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

- I intend to nominate for the CEO Performance Review Panel. I may receive a benefit if successful in this role.

8:18pm Cr Adrian Cheater left the meeting room.

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

- I intend to nominate for the CEO Performance Review Panel. I may receive a benefit if successful in this role.

8:19pm Cr Kirsty Parkin left the meeting room.

**Decision 2**

Moved Cr Leith Mudge  
S/ Cr Pauline Gill

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1. To appoint Cr Kirsty Parkin and Cr Adrian Cheater 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.

**VARIATION**

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

Moved Cr Malcolm Herrmann

S/

1. To appoint Cr Kirsty Parkin and Cr Adrian Cheater 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.
4. **That the Deputy Mayor writes to Cr Chris Grant expressing Council's gratitude for his role as Presiding Member of the CEO Performance Review Panel from 30 November 2022 to 30 November 2024.**

**AMENDMENT**

Moved Cr Mark Osterstock

S/ Cr Nathan Daniell

1. To appoint Cr Kirsty Parkin and Cr Adrian Cheater as members of the CEO Performance Review Panel Committee to commence 10 December 2024 and conclude **at the end of 12 months.**

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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.
4. That the Deputy Mayor writes to Cr Chris Grant expressing Council's gratitude for his role as Presiding Member of the CEO Performance Review Panel from 30 November 2022 to 30 November 2024.

The amendment was put and carried
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**MOTION AS AMENDED**

**Moved Cr Leith Mudge  
S/ Cr Pauline Gill**

**448/24**

**Council resolves:**

1. **To appoint Cr Kirsty Parkin and Cr Adrian Cheater as members of the CEO Performance Review Panel Committee to commence 10 December 2024 and conclude at the end of 12 months.**
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.**
4. **That the Deputy Mayor writes to Cr Chris Grant expressing Council's gratitude for his role as Presiding Member of the CEO Performance Review Panel from 30 November 2022 to 30 November 2024.**

<b>Carried</b>
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Cr Mark Osterstock called for a division.

The Deputy Mayor set aside the ruling.

In the affirmative (7)

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Councillors Herrmann, Boyd, Grant, Huxter, Mudge, Daniell, Osterstock

In the negative (1)  
Councillor Gill

On the basis of the results of the division, the Deputy Mayor declared the motion carried.

8:29pm Cr Adrian Cheater returned to the meeting room.

8:30pm Cr Kirsty Parkin returned to the meeting room.

**12.5 Council Resolutions Status Update**

**Moved Cr Nathan Daniell  
S/- Cr Mark Osterstock**

**449/24**

**Council resolves:**

- 1. That the report be received and noted.**
- 2. That the completed items in Appendix 1 be removed from the Action List, with the exception of resolution 215/24**

<b>Carried Unanimously</b>
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**13. OFFICER REPORTS - INFORMATION ITEMS**

**Nil**

**14. CORRESPONDENCE FOR NOTING**

**14.1 Nil**

**15. QUESTIONS WITHOUT NOTICE**

Cr Malcolm Herrmann asked whether a response has been received by the Department for Infrastructure and Transport regarding ongoing stormwater issues at Junction Road in Balhannah.

Cr Leith Mudge asked a question about speed limits on Ridge Road at Mylor.

Cr Lucy Huxter asked a question about the outcomes of a road study at Mill and Ridge Roads in Lobethal.

Cr Chris Grant asked a question about traffic management in the vicinity of Verdun Hall and Hills Christian Community School in Verdun.

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Mayor \_\_\_\_\_

28 January 2025

**ADELAIDE HILLS COUNCIL  
MINUTES OF ORDINARY COUNCIL MEETING  
TUESDAY 10 DECEMBER 2024  
63 MT BARKER ROAD STIRLING**

**16. MOTIONS WITHOUT NOTICE**

Having taken into account the Guiding Principles, the Deputy Mayor accepted the following Motion Without Notice.

**16.1 Mayor's Opening Statement**

Moved Cr Pauline Gill  
S/- Cr Malcolm Herrmann

That the Mayor's remarks in her opening statement are included in the meeting minutes in full.

<b>Motion Lost</b>
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Cr Pauline Gill called for a division.

The Deputy Mayor set aside the ruling.

In the affirmative (4)  
Councillors Herrmann, Boyd, Gill, Huxter

In the negative (6)  
Councillors Grant, Parkin, Cheater, Mudge, Daniell, Osterstock

On the basis of the results of the division, the Deputy Mayor declared the motion lost.

**17. REPORTS**

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

**Cr Louise Pascale**

- Monday 28 October – Presentation of award on behalf of Council at Rostrevor College Presentation Night
- Monday 25 November – Woodforde Residents Association Meeting

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

**Cr Melanie Selwood**

- Friday 6 December – Southern and Hills Local Government Association Meeting

**Cr Malcolm Herrmann**

- Friday 4 December – GRFMA Audit Committee Meeting

**ADELAIDE HILLS COUNCIL  
MINUTES OF ORDINARY COUNCIL MEETING  
TUESDAY 10 DECEMBER 2024  
63 MT BARKER ROAD STIRLING**

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**17.3 CEO Report**

Nil

**18. REPORTS OF COMMITTEES**

**18.1 Council Assessment Panel**

Nil

**18.2 Audit Committee**

Nil

**18.3 CEO Performance Review Panel**

Nil

**18.4 Boundary Change Committee – 3 December 2024**

**Moved Cr Leith Mudge**

**S/- Cr Mark Osterstock**

**450/24**

**Council resolves that the minutes of the Boundary Change Committee meeting held on 3 December 2024 as distributed, be received and noted.**

<b>Carried Unanimously</b>
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**ADELAIDE HILLS COUNCIL  
MINUTES OF ORDINARY COUNCIL MEETING  
TUESDAY 10 DECEMBER 2024  
63 MT BARKER ROAD STIRLING**

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**19. CONFIDENTIAL ITEMS**

**19.1 Citizen of the Year 2025 Recommendations – Exclusion of the Public**

Moved Cr Nathan Daniell

S/- Cr Kirsty Parkin

451/24

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
- IT Support, Tom Portas
- Minute Secretary, Rebekah Lyons

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.

<b>Carried Unanimously</b>
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**ADELAIDE HILLS COUNCIL  
MINUTES OF ORDINARY COUNCIL MEETING  
TUESDAY 10 DECEMBER 2024  
63 MT BARKER ROAD STIRLING**

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**19.1.1 Citizen of the Year 2025 Recommendations – Confidential Item**

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Mayor \_\_\_\_\_

28 January 2025

**ADELAIDE HILLS COUNCIL  
MINUTES OF ORDINARY COUNCIL MEETING  
TUESDAY 10 DECEMBER 2024  
63 MT BARKER ROAD STIRLING**

**19.1.2 Citizen of the Year Awards 2025 Recommendations – Duration of Confidentiality**

Moved Cr Malcolm Herrmann

S/- Cr Kirsty Parkin

453/24

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 (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 19.1 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	24 January 2025
Related Attachments	24 January 2025
Minutes	24 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.

Carried Unanimously

**20. NEXT ORDINARY MEETING**

The next ordinary meeting of the Adelaide Hills Council will be held on Tuesday 28 January 2025 from 6.30pm at 63 Mt Barker Road, Stirling.

**21. CLOSE MEETING**

The meeting closed at 9:03pm.

Mayor \_\_\_\_\_

28 January 2025

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# **Motions on Notice**

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**ADELAIDE HILLS COUNCIL  
ORDINARY COUNCIL MEETING  
Tuesday 28 January 2025  
AGENDA BUSINESS ITEM**

**Item:** 11.1 Motion on Notice

**Originating from:** Cr Mark Osterstock

**Subject:** International Women’s Day 2025

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**1. MOTION**

**I move that:**

- 1. Council notes that International Women’s Day [IWD] is a day to focus the world’s attention on gender equality and the empowerment of women.**
- 2. Council supports IWD noting that it is a global day to reflect on progress, call for change and to celebrate the courage and determination of those who have changed the face of gender equality.**
- 3. Council recognises that the aim of the IWD 2025 “March Forward” theme is to commemorate thirty years since the United Nations' Beijing Declaration and Platform for Action while acknowledging that it is time to turn those promises into progress.**
- 4. Council requests that the CEO bring IWD 2025 and the March Forward Campaign to the attention of our community through a range of communication channels including the website, e-newsletter and social media with a view to celebrating women’s achievements and raising awareness about gender inequality.**

**2. BACKGROUND**

International Women’s Day, March 8, is a global day celebrating the social, economic, cultural, and political achievements of women. The day also marks a call to action for accelerating women’s equality.

International Women’s Day has occurred for well over a century, with the first International Women’s Day gathering in the early 1900’s supported by over a million people. Today, International Women’s Day belongs to all groups collectively everywhere. International Women’s Day is not country, group or organisation specific.

The United Nations observes IWD in connection with a particular issue, campaign, or theme in women’s rights. In 2025, the United Nations and the international community will commemorate the 30th anniversary of the Beijing Declaration and Platform for Action, a powerful global policy framework to improve women’s lives agreed by representatives from 189 countries at the Fourth World Conference on Women in 1995. Despite huge strides, no country has fully achieved gender equality yet and the 30<sup>th</sup> anniversary highlights the ongoing need to learn, advocate, and push for policies that empower women.

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

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

*Strategic Plan 2024 – Your Place, Your Space*

Goal Community Wellbeing

Objective CW3 Embrace diversity in our community and build on community strengths

Priority CW3.1 Promote and encourage community-level action for the prevention of domestic and family violence.

Using Council’s communication channels to celebrate women’s achievements and raise awareness about gender inequality aligns with Council’s strategic commitment to embrace diversity and build on community strengths. Acknowledging gender inequality also links to the strategic priority of promoting and encouraging community level action for the prevention of domestic and family violence.

➤ **Legal Implications**

Not applicable.

➤ **Risk Management Implications**

Among many other controls, supporting and promoting International Women’s Day will assist in mitigating the risk of:

*Failure to identify and respond to key community issues, leading to a loss of faith in the Council and community needs being unmet.*

Inherent Risk	Residual Risk	Target Risk
Medium 3C	Low (1E)	Low (1E)

➤ **Financial and Resource Implications**

Supporting and promoting International Women’s Day 2024 through communication channels such as the website, e-newsletter and social media can be accommodated within existing resources and budget allocation.

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

Formally supporting International Women’s Day signals Council’s commitment to educate and raise awareness for women’s equality and call for positive change advancing women.

➤ **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

#### **4. ANALYSIS**

International Women’s Day (IWD) is marked globally on March 8 each year. While the existence of IWD predates the establishment of the United Nations (UN), the UN observes certain designated days to promote awareness and action on a range of issues. IWD is observed by the UN and marked each year with a theme to highlight priorities of the Commission on the Status of Women – an intergovernmental body dedicated to the promotion of gender equality and empowerment of women.

The UN theme for IWD in 2025 is March Forward. This theme is aimed at commemorating the thirty-year anniversary of the United Nations’ Beijing Declaration and Platform for Action while acknowledging that many of those promises remain largely unfulfilled for millions of women around the world. The key message of UN Women Australia is that it is time to turn promises into progress and to #MarchForward for a gender equal future.

Should the Council resolve as proposed, the administration would undertake the following activities to support and promote IWD and the 2025 theme and campaign:

- News item on the Council website
- Story in the Hills Voice e-newsletter
- Posts on the Council’s social media accounts

#### **5. APPENDICES**

Nil

**ADELAIDE HILLS COUNCIL  
ORDINARY COUNCIL MEETING  
Tuesday 28 January 2025  
AGENDA BUSINESS ITEM**

**Item:** 11.2 Motion on Notice

**Originating from:** Cr Nathan Daniell

**Subject:** Save our Wildlife Foundation Inc Project Proposal

---

**1. MOTION**

I move that Council requests the CEO:

1. Provide a report to Council by 11 February 2025 assessing the merits of SOWFI's request for support made in their presentation at the 10 December 2024 meeting for 22 Wright Road, Stirling. The report is to include an assessment of the merits of the project and provide options for Council to consider.
2. Consider holding a workshop regarding this item prior to Council considering the report.

**2. BACKGROUND**

Council received a presentation by Save our Wildlife Foundation Incorporated on 10 December 2024. The presentation detailed a business case assessment for the establishment of a *Wildlife Finishing School at 22 Wright Road, Stirling*. The business case is attached as **Appendix 1** and included the following specific requests to Council:

*SOWFI requests that Adelaide Hills Council:*

1. *Execute a peppercorn lease or licence with SOWFI for SOWFI's exclusive use of the house and land surrounded by the existing garden fence at 22 Wright Road Stirling for the purposes of establishing a Wildlife Finishing School, including access to mains power and water.*
2. *Approve the construction of an aviary complex on the land at 22 Wright Road Stirling, as set out in this Business Case.*
3. *Provide guidance on any improvements and extensions which Council would consider funding, or co-funding, to the house at 22 Wright Road Stirling, with the view of establishing a Wildlife Education Hub in the medium-to-long term. Also that the Council provide guidance on whether it will undertake essential repair work to the biocycle system.*

Wildlife in the Adelaide Hills faces a broad range of pressures such as development, human activity, and climate change. Wildlife rescue organisations help rescue and rehabilitate native species, enabling them to return to the natural environment. These organisations undoubtedly have a positive impact on the Adelaide Hills ecosystems.



In recent years SOWFI has grown as an organisation and is now a leader in the sector. This is evidenced by a five-fold increase in the number of rescues performed by SOWFI in the last four years. As an organisation they responded to 4,835 calls for help and assisted 77 different species.

SOWFI recently secured \$60,000 in grant funding for their proposed wildlife finishing school. The 'Natural Environment' is both a guiding principle and one of the four key goals of our newly endorsed Strategic Plan. It is incumbent upon us to consider the merits of this project and the feasibility of lending our support, where appropriate, to the establishment of the school.

The assessment should include factors such as community land status, planning considerations, lease arrangements, along with the benefit and risks associated with the long-term use of this site as a wildlife finishing school.

### 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 1	Natural Environment
Objective NE3	Protect, improve, expand and connect habitat
Priority NE3.4	Nurture valuable community and stakeholder partnerships and collaborations to care for country.

Community Land is land held by the Council for the general benefit of the community. Community Land is used to provide places for people to interact, connect and enjoy as well as places for the conservation of our native flora and fauna.

#### ➤ Legal Implications

Any legal implications associated with the potential use of the site for a wildlife finishing school will be considered in the proposed report. It is worth noting that the site is subject to a trust which does place some restrictions on ways in which the land can be used.

#### ➤ Risk Management Implications

The property being occupied by a community organisation will assist in mitigating the risk of further break-ins and a community asset being left underutilised.

*The property being unoccupied leading to further vandalism and deterioration.*

Inherent Risk	Residual Risk	Target Risk
Medium (3C)	Low (2D)	Low (1C)

#### ➤ Financial and Resource Implications

The report contemplated in this motion can be developed by existing resources. Any financial and resource implications associated with implementing any options arising from that report, would be addressed in the report itself.

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

There is an expectation that the Council's decision will be in accordance with its Community Land Management Plan (CLMP) for Evelyn Halliday Reserve. Compliance with CLMP's assists in facilitating good customer service and community outcomes.

It is reasonable to suggest that people living nearby may have a view on any proposal to utilise Evelyn Halliday Reserve in a manner different to how it is used now. Options to consult the community on any proposal can be included in the proposed report.

➤ **Sustainability Implications**

Not applicable.

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

Consultation on the development of this report was as follows:

*Council Committees:* Not applicable.

*Council Workshops:* Presentation made to Council by Save our Wildlife Foundation Inc (SOWFI) on 10 December 2024

*Advisory Groups:* Not applicable.

*External Agencies:* Not applicable.

*Community:* Not applicable.

#### **4. ANALYSIS**

The 'finishing school' proposed by SOWFI would be the first of its kind in South Australia and is inspired by the successful Possum Finishing School in Busselton, Western Australia. The project aims to significantly enhance SOWFI's capacity to rehabilitate wildlife, provide a platform for diverse volunteering opportunities and offer critical support for wildlife following bushfires and other emergency events.

The finishing school would nominally comprise five aviaries measuring 3m long x 2m wide and 1.8-2.0m high, each on a concrete base. They would be fitted out with security cameras, shade cloth and misting systems. A fence would surround the aviaries.

Requirements for the site include:

- Good access, but not highly visible to public
- Access to power and water
- Tree shade from afternoon sun
- Space for the facility to grow in future if needed

SOWFI has also raised the potential for a future training facility for public events and to train volunteers.

SOWFI has indicated that it has already secured sufficient funding to construct the facility.

The report contemplated by this motion would address additional details, including:

- The merits of allowing Council land to be used for the purpose of a wildlife finishing school
- A thorough analysis of the proposed site
- Other potential options
- Implications associated with the trust under which the land is held
- Ongoing resource implications for Council.

The report can be developed for the 11 February 2025 meeting.

## **5. APPENDICES**

SOWFI Proposal

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**Appendix 1**  
*SOWFI Proposal*

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19 November 2024

## **Business Case: Wildlife Finishing School at 22 Wright Rd Stirling**

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### **Executive Summary**

Save Our Wildlife Foundation Incorporated (SOWFI) is committed to the protection and preservation of Australian wildlife. Our vision is to be recognised as the leading organisation in the wildlife rescue and rehabilitation sector in South Australia, and we are seeking Council's support to enable a game-changing project, building on our great history of collaboration.

SOWFI is seeking approval to construct South Australia's first "Wildlife Finishing School" on Council land at 22 Wright Road Stirling, with a view to also establishing a Wildlife Education Hub on the site in the medium term.

This Wildlife Finishing School will securely house possums undergoing rehabilitation during their critical pre-release phase. During this phase possums must gain fitness and experience navigating various environments to improve their chances of survival post-release by ensuring they have the strength, speed and agility to avoid predation and navigate the wild environment. Following graduation, possums will be returned to the area where they were found for release. Possums will not be released on the Finishing School site.

This project will address key challenges facing the wildlife rehabilitation sector, including limited aviary capacity, bushfire preparedness, and the need for bespoke education and engagement opportunities. It will be ideally situated in a wildlife rescue hotspot, with the Adelaide Hills accounting for 10% of our total rescues.

We propose constructing an aviary complex of 5 aviaries suitable for pre-release housing of possums at the rear of the site, creating capacity to rehabilitate up to 130 possums annually. The site will be managed in accordance with a detailed operational plan, by our experienced team of volunteers.

This Wildlife Finishing School will provide significant benefits to sick, injured, and orphaned wildlife in their final stages of rehabilitation, provide emergency treatment and rehabilitation capacity for wildlife during bushfire events, and offer diverse volunteering and educational opportunities for the wildlife sector and public.

### **Request to Council**

SOWFI requests that Adelaide Hills Council:

1. Execute a peppercorn lease or licence with SOWFI for SOWFI's exclusive use of the house and land surrounded by the existing garden fence at 22 Wright Road Stirling for the purposes of establishing a Wildlife Finishing School, including access to mains power and water.
2. Approve the construction of an aviary complex on the land at 22 Wright Road Stirling, as set out in this Business Case.
3. Provide guidance on any improvements and extensions which Council would consider funding, or co-funding, to the house at 22 Wright Road Stirling, with the view of establishing a Wildlife Education Hub in the medium-to-long term. Also that the Council provide guidance on whether it will undertake essential repair work to the biocycle system.

## **About SOWFI**

Founded in 2018, South Australian-based Save Our Wildlife Foundation Incorporated (SOWFI) is dedicated to the rescue and rehabilitation of wildlife. As a registered charity and Incorporated Association, SOWFI is governed by a skills-based Board that ensures best practice management and provides support for its network of 130 active volunteers. SOWFI operates a 24/7 wildlife rescue hotline and an animal ambulance service that services metropolitan and regional South Australia. It has members permitted to rehabilitate all common South Australian wildlife species.

In the financial year 2023-24, SOWFI responded to 4,835 calls for help, assisting 77 different species.

SOWFI's strategic objectives take a comprehensive, systems-approach to the protection of wildlife, and include rehabilitating native wildlife, educating the community about wildlife conservation and habitat protection, advocating for local fauna, and funding research that benefits wildlife.

SOWFI values long-term environmental stewardship, such as planting native trees for food sources and rehabilitation purposes, conducting educational courses for wildlife volunteers, vets, and vet nurses, and installing nesting boxes across South Australia.

## **The Case for Change**

### ***Aviary capacity in high demand***

SOWFI carers currently rehabilitate wildlife in their own homes, with aviaries built at their own expense. Demand for aviary capacity over the busy Spring/Summer period continues to increase year on year, and SOWFI's carers are repeatedly finding it difficult to meet demand due to aviaries being at capacity. Furthermore, the cost and time associated with establishing a suitable aviary can be a significant barrier to entry for new carers.

The proposed Wildlife Finishing School will offer a complex of 5 aviaries, with an annual rehabilitation capacity of up to 130 possums. It will also support the onboarding of new carers by reducing the upfront investment in essential equipment.

### ***Bushfire preparedness***

The South Australian wildlife rescue sector is not financially supported by State Government and is under-prepared for rehabilitation capacity in the case of bushfires like those experienced during the Black Summer fires of 2019-2020.

The benefit of a central location during emergencies is that animals in care (generally koalas during bushfires) do not need to be transported daily to a vet clinic for dressing changes, which is extremely stressful for them and detrimental to their recovery. It also allows the more efficient management of resources and skilled personnel during emergency events.

Our initial communication with the new RSPCA Wildlife Hospital suggests they plan to provide a "roving vet" during emergencies, who will have the capability to visit centres such as this.

## Education & engagement

The Wildlife Finishing School will create opportunities for volunteers who are passionate about wildlife conservation but are unable to care for wildlife at home.

There is also need for additional wildlife education opportunities within South Australia, for the veterinary sector, wildlife carers, school-aged students and the public. The school curriculum does not include content on local wildlife, their importance and practical ways to protect and help them – a gap SOWFI believes should be addressed.

## Hills are a wildlife hotspot

The Adelaide Hills is home to a large variety of wildlife, offering a unique attraction to visitors to the area, and resident alike. Our data shows however that the Adelaide Hills is also a wildlife rescue hotspot, making up 10% of all SOWFI rescues, with over 1400 callouts between 2020 and 2024 (Figure 1). Stirling, Aldgate, Bridgewater and Belair constitute 42% of these rescues.

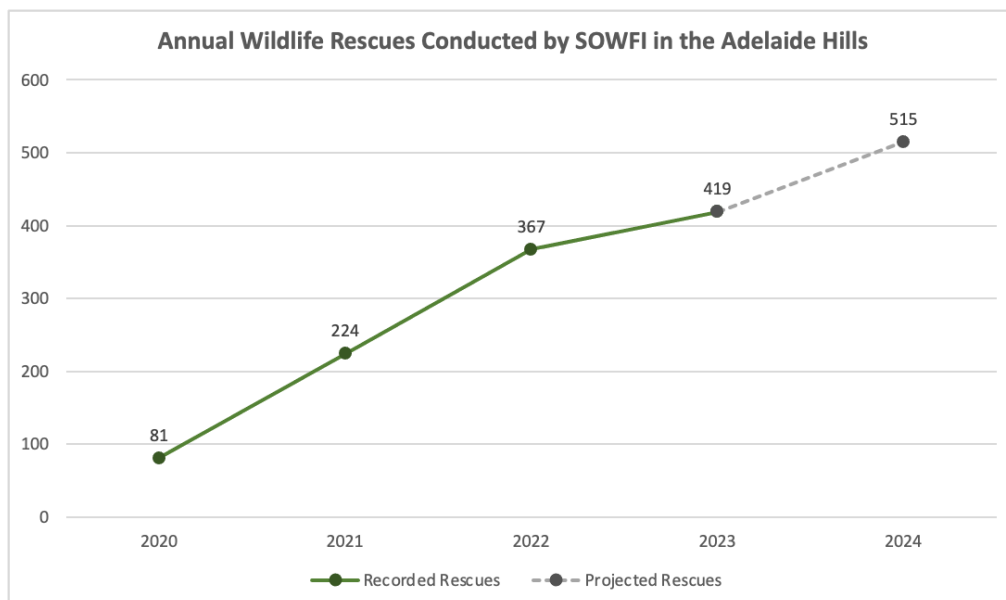


Figure 1 - Annual Wildlife Rescues Conducted by SOWFI in the Adelaide Hills

## Project Overview

SOWFI is seeking approval to construct South Australia's first "Wildlife Finishing School" at 22 Wright Road Stirling. This project is inspired by the successful Possum Finishing School in Busselton, Western Australia, managed by FAWNA.<sup>1</sup>

The Wildlife Finishing School will consist of a custom-designed and built aviary complex:

- Measuring 10.5m in length, 3m deep and 2m high
- Containing 5 aviaries, suitable for the pre-release housing of possums
- Situated on a concrete foundation measuring approximately 12m x 5m
- Constructed from steel and wire mesh
- Aviaries will be installed onsite by the chosen company
- Security cameras

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<sup>1</sup> More details about FAWNA's Possum Finishing School can be found at <https://www.fawna.com.au/projects/#finishingschool>

- All internal aviary structures
- Mist cooling systems in each aviary
- Shade cloth for each aviary

SOWFI has obtained two quotes for the construction and installation of the aviary complex.

Engineering approval and assurance of structural adequacy will be provided by the chosen construction and installation company. One of the quotes under consideration provides a 25-year structural warranty.

Figure 2 shows the proposed aviary complex design.

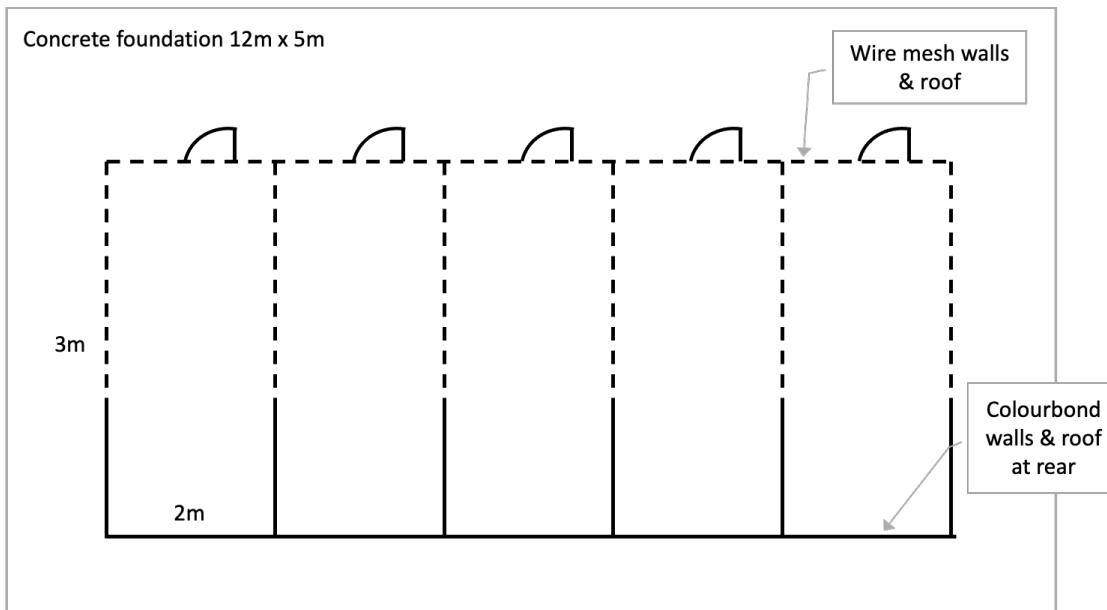


Figure 2 - Proposed aviary complex design

Figure 3 shows the style of aviary for which quotes are being considered.



Figure 3 - Style of aviary being considered



Elevation Drawings for the style of aviary complex being proposed are shown in Figure 4.

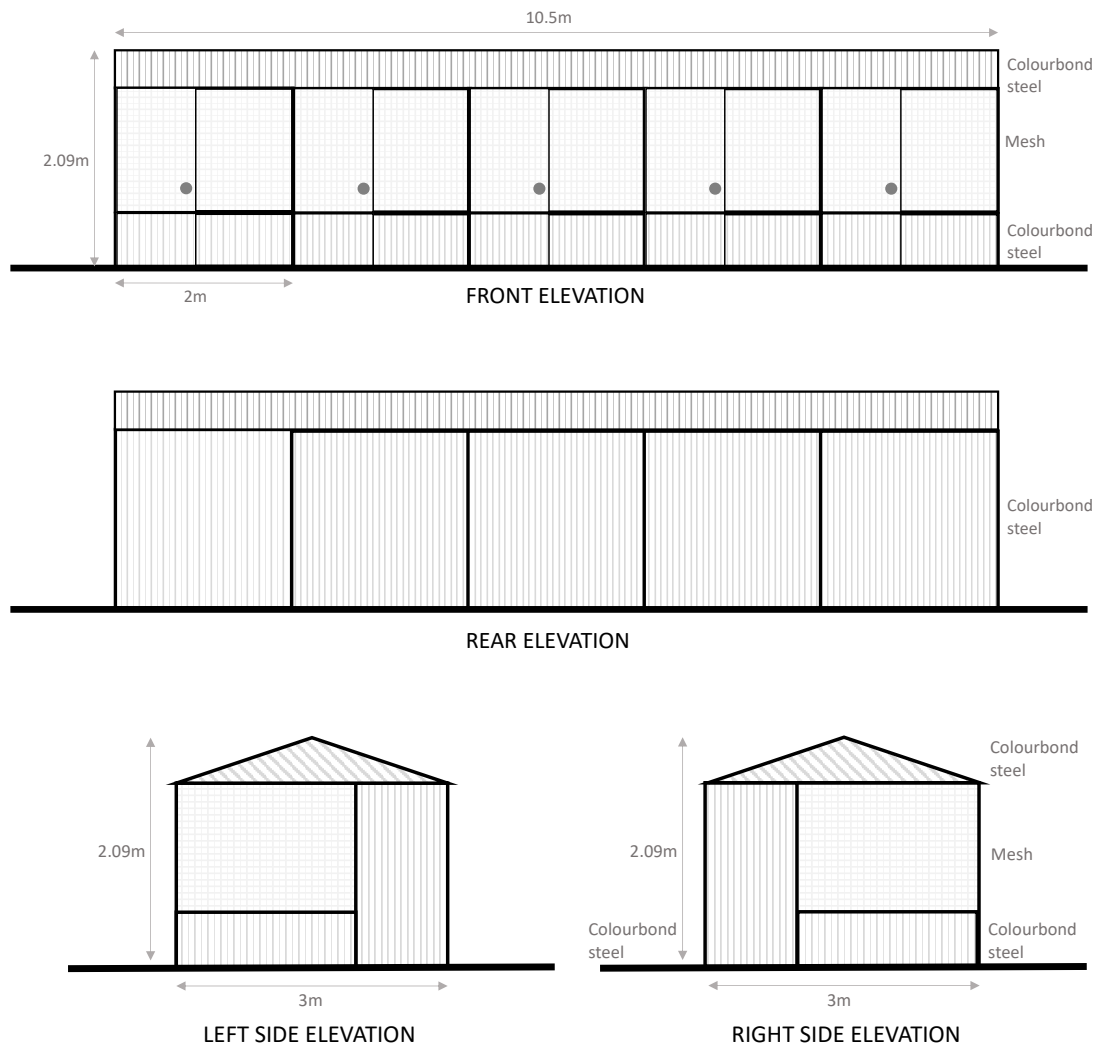


Figure 4 - Elevation Diagrams of proposed aviary complex

Other rehabilitation with facilities similar to this are located in Onkaparinga Hills (SKER), Cherry Gardens (Minton Farm), Adelaide Koala & Wildlife Centre (Plympton), and the RSPCA Wildlife Hospital (O'Halloran Hill).

Facilities in the Adelaide Hills would be hugely beneficial, due to the Hills being a wildlife hotspot, and the larger number of SOWFI wildlife carers in the region.

#### **Wildlife Education Hub – Vision for the medium term**

Following the successful installation and operation of the Wildlife Finishing School, it is our vision to further engage with Council to work towards establishing a Wildlife Education Hub on the site, making use of the existing house. It is envisaged that the house could be set up to host:

- educational sessions for small school groups
- educational sessions for veterinary staff and wildlife carers
- outreach programs for senior citizen and people living with a disability
- engagement activities for the community, such as wildlife art classes

- networking and collaboration opportunities, both within SOWFI and with other wildlife rehabilitation groups
- a central point for essential rehabilitation supplies for SOWFI's volunteers

The Wildlife Education Hub will not only give more people the opportunity to participate in wildlife rehabilitation but would also become the first operational base for SOWFI in the state.

### Suitability Assessment of 22 Wright Rd Stirling

The SOWFI Board and operational management team has assessed the site at 22 Wright Rd Stirling, and is confident it meets all the suitability requirements for a Wildlife Finishing School:

- Sufficient land area to build the Wildlife Finishing School aviary complex
- Tree shade for afternoon sun
- Access to mains power and water
- Surrounding land for wildlife food planting/ shade (particularly eucalypt for bushfire victims – koalas)
- Vehicle access and parking
- Aviary complex site not highly visible to the public
- House is of a sufficient size to potentially host future educational sessions
- Air conditioning in the house will assist with keeping native browse fresh for wildlife during summer
- Space for the facility to grow in the future, subject to council approval

### Site Plan

Figure 5 shows the proposed location of the aviary complex.

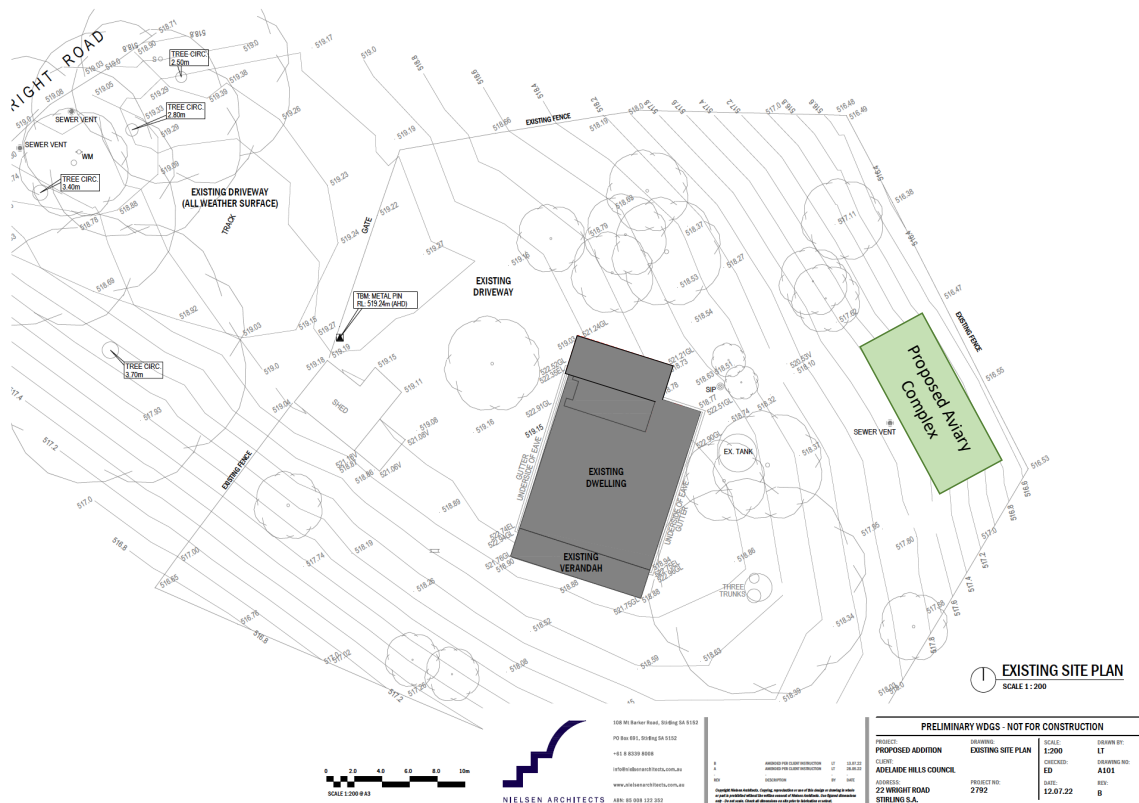


Figure 5 - Site Plan with proposed location of Wildlife Finishing School

Figure 6 shows a satellite image with the proposed location of the aviary complex, at the rear of the property, away from the road and neighbouring houses.



Figure 6 - Satellite image with proposed Wildlife Finishing School location and existing garden fence overlay

## Operational Plan

### Staffing

SOWFI will establish a new team of volunteers within our organisational structure to manage the site and provide daily care for the possums housed in the finishing school. This team will be managed by a Site Manager, reporting to our Operations Sub-Committee.

A roster system will be implemented, with two volunteers attending the aviary complex daily to conduct welfare checks, feed the possums and clean the aviaries.

Volunteers responsible for site maintenance will also be appointed.

It is anticipated that up to three SOWFI volunteers may be on site on a regular basis, with occasional working bees and training sessions.

### Hours of Operation

Regular volunteer attendance will occur between 3pm and 6pm daily, usually for up to 2 hours at a time.

Occasional attendance during daylight hours by other SOWFI volunteers for site maintenance activities and training sessions may also occur.

### Capacity

SOWFI cares for possums in small creches, as this improves social and welfare outcomes for the possums and is more resource efficient.

Each aviary will house up to two brushtail possums, or three ringtail possums, generally for four to six weeks prior to release. The maximum site capacity is thus 10 brushtail possums, or 15 ringtail possums at any one time.

### *Waste Management*

The site already receives regular council bin collection. Waste will be managed as follows:

- Used native browse that has been fed to the possums will be mulched on site using a garden mulcher, as part of daily volunteer tasks. The mulch will be used to mulch the existing gardens.
- Possum excrement will be cleaned daily, and placed in the green bin.
- Any excess green waste will be placed in the green bin. SOWFI will purchase an additional green bin service for the site, if it is found that mulching and the one existing bin is inadequate.

### *Wastewater Management*

It is our understanding that the house requires a new biocycle for the toilet to be functional.

### *Car Parking*

An all-weather driveway already exists on the property and will provide adequate space for the parking of up to three vehicles for SOWFI volunteers attending the site. Ample on-road parking also exists for the occasional instance where more volunteers are attending the site.

### *Light & Noise Pollution*

In most instances, volunteers will attend the site during daylight hours, creating minimal to no light pollution. No lights will be installed on the aviaries, to encourage normal nocturnal behaviour in the possums.

It is our experience that possums tend to be quiet when housed in aviaries, with the sound of possums climbing along the mesh being the most noticeable noise during the night. This does not tend to be loud or significant.

The small number of volunteers attending the site on a regular basis will generate minimal noise. The use of the garden mulcher will likely be the largest contributor to noise pollution. Its use will be limited to prior to 6pm to minimise any impact on neighbours.

### *DEW permit requirements*

Under existing regulations, Wildlife Rehabilitation facilities, such as this, operate under an individual's Wildlife Carer permit. In this case it would be the permit held by Marian MacLucas, a local resident of Mount Barker, founding member and current Board member of SOWFI.

### *Bushfire Plan*

The proposed site falls into a High Bushfire Risk Protection Area (see Figure 7).

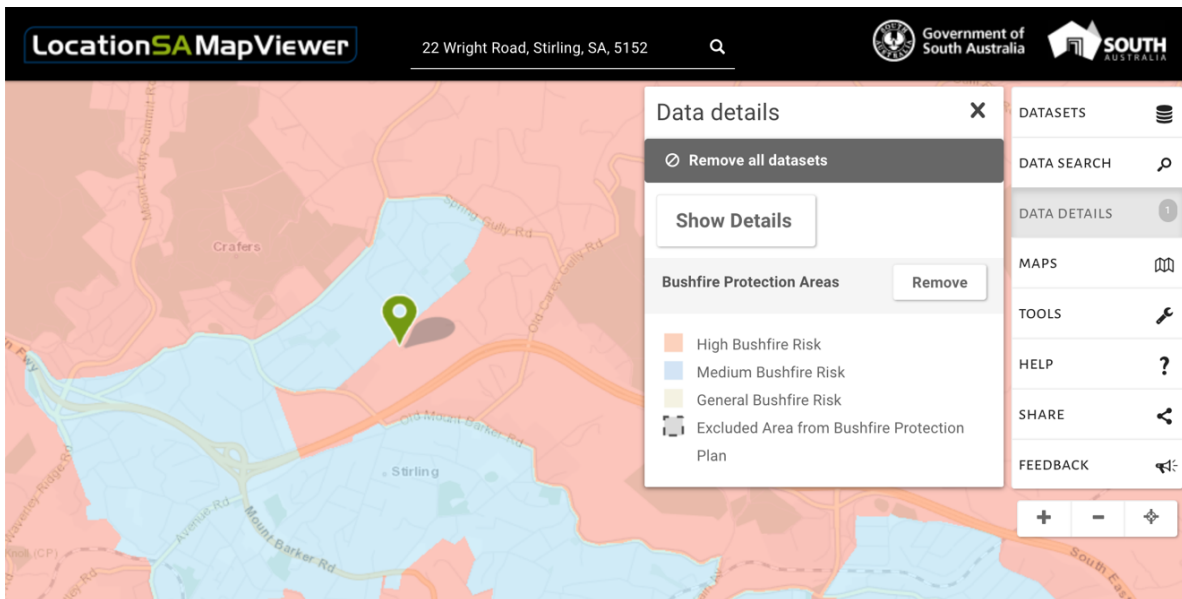


Figure 7 - Bushfire Protection Areas Map (Source: Location SA Map Viewer, Government of South Australia)

The nearest recorded fire occurred in Crafrers in 2019, approximately 900m from the site. Figure 8 shows all recorded fires in the surrounding area in the past 10 years. No fires have been recorded in immediate region around the proposed site in the past 10 years.

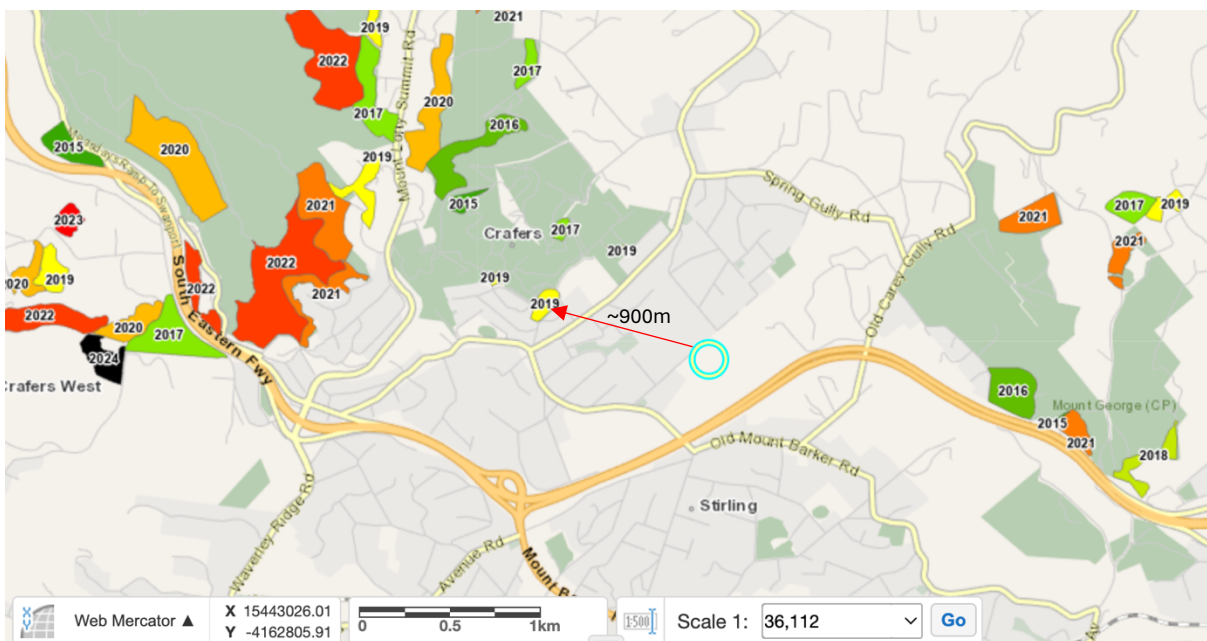


Figure 8 - Recorded fires in the last 10 years (Source: Nature Maps)

SOWFI will consult with Stirling Country Fire Service to develop a Bushfire Readiness Plan for the site. This will include exploring potential on-site fire-fighting options, activities for reducing bushfire risk, and an evacuation plan for the possums.

In the event that possums need to be evacuated from the Wildlife Finishing School, SOWFI Carers will be able to provide temporary care and housing. SOWFI has Carers across a wide geographical area, including Adelaide and its surrounding regional areas, ensuring that Carers unaffected by a major bushfire event will be available.

## **Alignment to Council's 2024 Strategic Plan**

SOWFI is delighted that the Adelaide Hills Council's Strategic Plan 2024 names the Natural Environment and Community Wellbeing as its top two goals. We believe that the establishment of this Wildlife Finishing School, and the potential future development of a Wildlife Education Hub, will materially contribute to these goals.

### ***Natural Environment***

Most of the impact on wildlife in towns and suburbs is human related – cars, power lines, pets, poisons and most importantly habitat destruction, removal, and fragmentation. Wildlife rescue and rehabilitation is at the frontlines of addressing these human-caused impacts, by giving injured, sick and orphaned wildlife a second chance at survival in the wild.

The Wildlife Finishing School directly supports Council's strategic objectives through the rehabilitation of wildlife for their safe return to their natural habitats. The project's focus on bushfire preparedness and emergency wildlife rehabilitation also enhances the region's ability to adapt to climate and environmental challenges.

Low-impact and sustainable practices will be implemented, for example, the on-site mulching of used native browse, aligning with Council's commitment to sustainability and climate change mitigation.

Our Wildlife Food Plantings, of which we now have nine across South Australia, and our first in Woorabinda Bushland Reserve kindly organised and maintained by the Adelaide Hills Council, are an important source of native food for wildlife carers to harvest for their birds and animals in care. They also provide additional biodiversity and food for the local native species. We envisage planting more native species around the Wildlife Finishing School to provide shade and an emergency food source.

There is huge community support for wildlife rescue and rehabilitation, and a physical presence, while not a centre for visitors, will be viewed favourably by the local population as a town that is "doing their bit" to help wildlife.

### ***Community Wellbeing***

The Wildlife Finishing School will provide volunteering opportunities for members of the local community that want to help but cannot make the full-time commitment required to be a licenced Wildlife Carer. Research clearly shows that volunteering is associated with better perceived mental health and quality of life, and increased psychological and social capital<sup>2</sup>.

There will be numerous roles and shifts where people can commit to as little as 2 hours a week to attend to animals - feed, clean and record information. Particularly in times of crisis, such as a major bushfire, people find emotional and mental relief by helping, particularly when it comes to helping other creatures.

Our 24/7 Wildlife Rescue hotline also provides emotional and mental relief when a SOWFI phone operator answers the phone and provides advice and assistance to the member of public who is already invested in helping a creature in distress. Our online reviews are a testament to this: [Google](#), [Facebook](#) and [Trustpilot](#).

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<sup>2</sup> Volunteering Australia, "Evidence Insights: Volunteering and Mental Health", October 2021

## ***Built Form and Economy***

SOWFI are aware of the need to build a sustainable commercial income stream and hope in the medium to longer term to be able to provide a small number of paid operational positions. Our colleagues at Wildlife Welfare Organisation have achieved this in under ten years of operating two Op Shops. The proposed exploration of a future Wildlife Education Hub on the site will offer SOWFI an opportunity to derive an income from specialist wildlife education, particularly to small school groups. It will also create opportunities for eco-tourism and environmental education, supporting creative industries and enhancing the region's reputation as a destination for nature-based learning.

## **Project Plan**

### ***Project planning – commenced***

SOWFI is well progressed with the project planning phase, including the design of the aviary complex, team org structure and roles, assessment of quotes, etc. A Project Coordinator will be recruited to manage the project through to go-live, at which point a Site Manager will be appointed for ongoing management of the Education Hub and Finishing School.

### ***Build & implementation – estimated 10 weeks***

A contractor will be engaged to prepare and lay the concrete foundations. The aviaries will be installed by the fabrication company. The internal aviary fit-out will be done by volunteer working bees.

Simultaneously, SOWFI's membership team will advertise, recruit and commence training the team of volunteers who will operate the site.

Minor updates to the house to a minimum usable standard will be conducted during this time by contractors and volunteers, as appropriate.

### ***Go-live***

The Wildlife Finishing School will start accepting possums, managed by a team of trained volunteers. The Education Hub will commence designing and running education sessions on site. Site and team management will be passed to the Site Manager.

### ***Post implementation review – 3 to 4 months after go-live***

The SOWFI Board will conduct a post implementation review, to assess site effectiveness, any areas for improvement, further areas for investment and growth, and learnings for future projects.

## **Funding**

We are extremely lucky to have partnered with the Terra Artemis Foundation, who have provided us with an unconditional donation of \$60,000 to build the Wildlife Finishing School. They are supportive of the suitability of the site at 22 Wright Rd Stirling.

Future funding from this Foundation is likely to be dependent on our ability to deliver this project, and we hope this is an ongoing long-term relationship to benefit the wildlife of South Australia.

## **Community and Stakeholder Engagement Strategy**

SOWFI values fostering strong community and stakeholder relationships and aims to build a sense of shared ownership and support for the Wildlife Finishing School.

### *Local Community Engagement*

SOWFI will keep the community informed about the project through regular newsletters to local residents, a social media campaign, and the hosting of an annual Open Day. Community feedback and input may be sought through surveys.

New volunteering opportunities will also be made available to the community, including ongoing roles, and working bees.

SOWFI will also explore innovative initiatives such as collaborating with local artists for wildlife-themed art classes, community tree planting days, and citizen science initiatives.

### *Stakeholder Collaboration*

SOWFI has a long-standing relationship with the Adelaide Hills Council, built upon open communication around our aligned values and goals. This project will build on that solid foundation, and we will continue to seek feedback from council, incorporate suggestions into operational plans, and promote the integral role of Council in protecting local habitats and wildlife conservation.

SOWFI will also seek to collaborate with educational institutions and the veterinary sector to promote the integration of wildlife conservation into educational programs. This would be enabled by our vision for the establishment of a Wildlife Education Hub in the medium term.

We will work with local veterinarians to ensure we can mobilise a trained team for emergency responses. Local business will be also invited to participate in events and initiatives, to our mutual benefit.

### *Wider public engagement*

As part of our comprehensive approach to wildlife conservation, SOWFI will continue to conduct wildlife education workshops and tailored community outreach programs. We also utilise our digital presence to educate and inform on the value of biodiversity, conservation, and basic wildlife triage skills.

Thank you for your consideration and we hope to further strengthen the great relationship between SOWFI and the Adelaide Hills Council and community.

Kind regards

*Marian*

Marian MacLucas

**Board Member | Deputy Chair**

Save Our Wildlife Foundation Inc (SOWFI)

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**ADELAIDE HILLS COUNCIL  
ORDINARY COUNCIL MEETING  
Tuesday 28 January 2025  
AGENDA BUSINESS ITEM**

**Item:** 11.3 Motion on Notice

**Originating from:** Cr Mark Osterstock

**Subject:** Council Policy – Code of Practice for Council Meeting Procedures

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**1. MOTION**

I move that:

1. Council receives and notes the Code of Practice for Council Meeting Procedures [the Policy], Appendix 1.
2. Effective forthwith, Council
  - a) amends clause 3.8.1 [Mayor’s Opening Remarks] of the Policy:

**FROM** - “At each ordinary Council, the Mayor may present opening remarks which will be generally related to matters regarding the conduct of the meeting (e.g. acknowledging members of the gallery, advising break times, proposals to reorder the agenda) or to acknowledge a significant civic, cultural or other event. A brief summary of these remarks will be minuted.”

**TO** - “At each ordinary Council, the Mayor may present opening remarks which will be ~~generally related~~ **confined** to matters regarding the conduct of the meeting (e.g. acknowledging members of the gallery, advising break times, proposals to reorder the agenda) or to acknowledge a significant civic, cultural or other event. A brief summary of these remarks will be minuted.”

- b) Adds clauses 3.8.2-3.8.3 as follows:
      - i) 3.8.2 The Mayor will not use the Mayor’s Opening remarks to make a personal explanation to Council
      - ii) 3.8.3 Should the Mayor wish to make a personal explanation to Council, the Mayor should seek leave of Council in accordance with regulation 15 and section 4.6 of this Code of Practice.
3. Effective forthwith, Council amends clause 4.6.1 [Addresses by Members] of the Policy:
  - **FROM** – “A personal explanation should provide the member’s account of the reasons or factors regarding an event or situation in which they had an

**involvement. The explanation should not: (a) make imputations of improper motives or contain personal opinions on fellow Council Members, the Administration or members of the public; or be used for making statements regarding Council resolutions.”**

- **TO – “ A personal explanation should:**
- **a) provide the member’s account of the reasons or factors regarding an event or situation in which they had an involvement, or**
  - **b) address a requirement of Council or satisfy a Council resolution**

**The explanation will not, under any circumstances, either directly or indirectly, make imputations of improper motives or conduct, or contain personal opinions on fellow Council Members, the Administration or members of the public; or be used for making statements regarding Council resolutions (except where the personal explanation is to satisfy clause (b) above).”**

## **2. BACKGROUND**

### **Mayor’s Opening Remarks 3.8**

The current Council policy position regarding Mayor’s Opening Remarks requires, in my opinion, clarity to prevent this agenda item being used for a purpose other than what it has been, or indeed, is intended. This statement is not intended to be a criticism of how this agenda item has been utilised in the past, quite simply, technically, in my view, clause 3.8.1 provides the Mayor with scope to make personal statements and or raise matters of urgency. This, quite clearly, is not what this agenda item is intended for, given the making of personal statements and the raising of matters of urgency are provided for pursuant to the provisions of Section 15 of the *Local Government (Procedures at Meetings) Regulations 2013* and clause 4.6 of the Policy.

### **Addresses by Members 4.6**

The current Council policy position regarding Addresses by Members requires, in my opinion, clarity to prevent this agenda item being used for a purpose or purposes other than what is intended. The wording of the current policy position, “The explanation should not: (a) make imputations of improper motives or contain private opinions on fellow Council Members, the Administration or members of the public; or be used for making statements regarding Council resolutions.”, does not prevent a member making, either directly or indirectly, imputations of improper motives or contain personal opinions on fellow Council Members, the Administration or members of the public; or be used for making statements regarding Council resolutions. The purpose of this amendment is to remove the words ‘should not’ [which, in my view, provides the member with a discretion] and make it crystal clear, and unambiguous, that such contributions by members will not be permitted by Council.

### 3. OFFICER’S RESPONSE – Zoe Gill, Executive Governance Officer

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

*Strategic Plan 2024 – Your place, your space*

Goal	Organisation
Objective O2	Operate with integrity using best practice governance processes.
Priority 02.3	Enhance governance structures and systems to be agile and support our legislative obligations.

This motion aligns with the Strategic Plan 2024 - *Your place, your space*, specifically supporting the goal of fostering an effective and transparent organisation. The proposed amendments to the Code of Practice for Council Meeting Procedures directly contribute to Objective O2 by promoting integrity and ensuring that governance processes are clear, consistent, and reflective of best practices. By refining the Mayor’s Opening Remarks and the section on Addresses by Members, the motion supports Council’s commitment to accountability and clarity.

#### ➤ Legal Implications

The rules and procedures for all meetings of Council and its Committees are outlined in the:

- a. *Local Government Act 1999* (the Act)
- b. *Local Government (Procedures at Meetings) Regulations 2013* (the Regulations)
- c. Council’s Code of Practice for Meeting Procedures

Section 59 of the Act outlines the role and responsibilities of the principal member (Mayor), including providing leadership and ensuring the proper conduct of Council meetings.

Regulation 15 of the Regulations and clause 4.6 of the Code of Practice for Meeting Procedures specify the requirements for members to seek leave of the Council to make personal explanations during meetings.

<b>Legislation – Regulation 15</b>
<i>(1) A member must not speak for longer than 5 minutes at any 1 time without leave of the meeting</i>
<i>(2) A member may, with leave of the meeting, raise a matter of urgency</i>
<i>(3) A member may, with leave of the meeting, make a personal explanation</i>
<i>(4) The subject matter of a personal explanation may not be debated</i>
<i>(5) The contribution of a member must be relevant to the subject matter of the debate</i>
<i>(6) Subregulations (1) and (2) may be varied at the discretion of the council pursuant to regulation 6.</i>

The proposed amendments to the Code of Practice for Council Meeting Procedures have been reviewed and are consistent with the provisions of both the Act and the Regulations. Nothing in the amendments contravenes the legislative requirements.

➤ **Risk Management Implications**

The proposed amendments to the Code of Practice for Council Meeting Procedures aim to mitigate the risk of:

*Poor governance practices leading to a loss of stakeholder confidence and/or legislative breaches.*

Inherent Risk	Residual Risk	Target Risk
Extreme (SC)	Low (3E)	Low

The recommendation involves the creation of a mitigation action, specifically through the clarification and reinforcement of procedural rules in the Code of Practice. This will serve as a control measure to ensure consistency, compliance with legislative requirements, and the maintenance of public trust in Council's governance processes.

➤ **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**

Not applicable.

**4. ANALYSIS**

The proposed amendments to the Code of Practice for Council Meeting Procedures aim to enhance clarity and consistency in the application of meeting procedures. Specifically:

**Mayor's Opening Remarks (Clause 3.8):**

The amendments refine the scope of the Mayor's Opening Remarks to ensure they are limited to meeting conduct and significant civic or cultural events. This change eliminates ambiguity and reinforces the intent of this agenda item, clarifying that personal explanations or urgent matters should be raised in accordance with Regulation 15 of the Regulations.

**Addresses by Members (Clause 4.6):**

The proposed changes clarify the conditions under which personal explanations can be made by members, ensuring these explanations remain professional and focused. By removing the discretionary language ("should not") and replacing it with definitive wording ("will not"), the amendments provide a stronger safeguard against improper use.

**5. APPENDICES**

- (1) Code of Practice for Council Meeting Procedures (with proposed amendments in track changes)

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## **Appendix 1**

*Code of Practice for Council Meeting Procedures (with  
proposed amendments in track changes)*


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# *Council Policy*

Code of Practice for Council Meeting Procedures



# COUNCIL POLICY

 <p><b>Adelaide Hills</b> COUNCIL</p>	<h2>CODE OF PRACTICE FOR COUNCIL MEETING PROCEDURES</h2>
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<b>Policy Number:</b>	<b>GOV-14</b>
<b>Responsible Department(s):</b>	<b>Governance &amp; Performance</b>
<b>Relevant Delegations:</b>	<b>As per the delegations schedule and as included in this Code</b>
<b>Other Relevant Policies:</b>	<i>Acknowledgement and Welcome to Country Policy  Council Member Conduct Policy  Code of Practice for Access to Council and Council Committee and Information or Briefing Sessions Meetings &amp; Documents  Petitions Policy  Information or Briefing Sessions Policy  One Team – Communication Protocols for Council Members and the Administration</i>
<b>Relevant Procedure(s):</b>	<b>None</b>
<b>Relevant Legislation:</b>	<i>Local Government Act 1999  Local Government (Procedures at Meetings) Regulations 2013</i>
<b>Policies and Procedures Superseded by this policy on its Adoption:</b>	<b>Code of Practice for Council Meeting Procedures, 22 March 2022, 65/22</b>
<b>Adoption Authority:</b>	<b>Council</b>
<b>Date of Adoption:</b>	<b>11 July 2023</b>
<b>Effective From:</b>	<b>17 July 2023</b>
<b>Minute Reference for Adoption:</b>	<b>187/23</b>
<b>Next Review:</b>	<b>No later than July 2024 or as required by legislation or changed circumstances</b>



## Version Control

Version No.	Date of Effect	Description of Change(s)	Approval
1.0	28/1/2020	Code adopted	Council – Res 17/20
1.1	25/2/2020	Amendments to clause 3.10 to provide consistency with changes to Council <i>Petitions Policy</i>	Council - Res 47/20
1.2	21/4/2020	Amendments to provide consistency with <i>Electronic Participation in Council Meetings Notice (No 1) 2020</i>	Council - Res 63/20
1.3	22/9/2020	Amendments to provide for the broadcasting of Council meetings	Council – Res 198/20
1.4	31/1/2021	Amendment to provide consistency with the <i>Acknowledgement and Welcome to Country Policy</i>	Council – Res 295/20
1.5	10/11/2021	Consequential amendments from adoption of Information or Briefing Sessions Policy and changes to Local Government Act regarding question and motion notice periods.	Council – Res 226/21
1.6	11/11/2021	Updated legislative references relating to publication of <i>Electronic Participation in Council Meetings Notice (No 5) 2021</i>	N/A
2.0	5/4/2022	Multiple amendment to Sections 3 and 4	Council – Res 65/22
2.1	21/6/22	Provisions relating to Notice No 5 (electronic participation) removed following 28 day elapsed period after Public Health Emergency Declaration cessation	Council – Res 65/22
2.2a	17/7/23	Removed all electronic meetings provisions regarding for Council Members, updated the conflict of interest provision references and the leave of the meeting definition, inserted reference to the Behavioural Standards for Council Members and provisions regarding suspension of Members	Council – Res 187/23

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## CODE OF PRACTICE FOR COUNCIL MEETING PROCEDURES

### 1. INTRODUCTION

- 1.0.1 Adelaide Hills Council (AHC) is committed to the principle of honest, open and transparent governance and encourages community participation in the business of Council. The rules and procedures for all meetings of Council and its Committees are outlined in the:
- a. *Local Government Act 1999* (the Act)
  - b. *Local Government (Procedures at Meetings) Regulations 2013* (the Regulations)
- 1.0.2 These Regulations provide that a council may develop and adopt a Code of Practice for its own meetings of Council and Committees that add to, or vary certain aspects of, these provisions. Committees, in this regard, refer to committees established under section 41 of the Act.
- 1.0.3 The purpose of this Code is to establish a consistent approach and provide clear expectations to Council Members, staff, residents, ratepayers and guests for the order of business, procedures and etiquette of AHC Council meetings.
- 1.0.4 This Code supplements the legislation, with any procedures that are required by legislation inserted into the document with reference to the relevant regulation (provided in boxes, with wording in italics). This enables the Code to be read in conjunction with AHC's meeting procedure requirements. Please note that this only applies to procedures at the meeting, rather than those aspects that relate to frequency, timing, and notice of meetings, where reference has only been made to the relevant section within the Act.

#### 1.1. Application of the Code of Practice

- 1.1.1 This Code applies to all ordinary and special meetings of Council.
- 1.1.2 The section 41 committees of Council will be guided by the Act and Regulations as applicable to those committees and any provisions set out in the committee terms of reference. For clarity, Parts 1, 3 and 4 of the Regulations will apply to the committee but not the provisions of Part 2 of the Regulations.
- 1.1.3 References to the Mayor also include the acting Presiding Member in the Mayor's absence.

#### 1.2. Guiding Principles

- 1.2.1 Regulation 4 of the Regulations prescribes guiding principles that should be applied with respect to the procedures to be observed at a meeting of a council of council committee.
- 1.2.2 In determining a matter of meeting procedure, the Mayor should consider the extent to which the proposed action upholds the following principles:

**Legislation – Regulation 4**

*The following principles (the Guiding Principles) should be applied with respect to the procedures to be observed at a meeting of a Council or Council Committee.*

- a) *procedures should be fair and contribute to open, transparent and informed decision making.*
- b) *procedures should encourage appropriate community participation in the affairs of the Council.*
- c) *procedures should reflect levels of formality appropriate to the nature and scope of responsibilities exercised at the meeting.*
- d) *procedures should be sufficiently certain to give the community and decision makers confidence in the deliberations undertaken at the meeting.*

1.2.3 These Guiding Principles underpin the details documented in this Code of Practice.

## **2. OPERATING PROCEDURES – BEFORE THE MEETING**

### **2.1. Calling Meetings**

#### **Ordinary Meetings**

2.1.1 Section 81 of the Act prescribes the legislative requirements for the frequency and timing of Ordinary Council Meetings.

2.1.2 The schedules for Ordinary Council Meetings are resolved in advance and are maintained on the Council website.

#### **Special Meetings**

2.1.3 Section 82 of the Act prescribes the legislative requirements for the calling of Special Meetings of council.

2.1.4 Details of Special meetings of Council will be placed on the Council website as soon as possible after the decision to call the meeting.

### **2.2. Notice and Agendas for Meetings**

#### **Ordinary Meetings**

2.2.1 Sections 83 and 84 of the Act prescribe the legislative requirements for providing Council Members and the public with notice for Council meetings.

2.2.2 At least three (3) clear days<sup>1</sup> before the Council meeting the Chief Executive Officer (CEO) must give written notice of the meeting to all Council Members setting out the date, time and place of the meeting.

<sup>1</sup> 'clear days' means that the time between the giving of the notice and the day of the meeting, but excluding both the day on which the notice was given and the day of the meeting, (e.g. notice is given on a Thursday for a following Monday meeting, the clear days are Friday, Saturday and Sunday). If a notice is given after 5 p.m. on a day, the notice will be taken to have been given on the next day

- 2.2.3 The notice must contain or be accompanied by the agenda<sup>2</sup> and, as far as practicable, the documents and reports that are to be considered at the meeting. Council's practice, whenever possible, is to provide the notice four (4) clear days before the meeting (i.e. by 5.00pm Thursday for a Tuesday evening meeting).
- 2.2.4 Each Council Member may indicate their preference for delivery of the notice of meeting, agenda and reports for all Council meetings. Any changes to the delivery arrangements must be requested in writing.
- 2.2.5 For members of the public, a copy of the notice of meeting, agenda and reports (with the exception of confidential items) will be displayed for viewing on Council's website [www.ahc.sa.gov.au](http://www.ahc.sa.gov.au) and on public display at the principal office as soon as practicable after the time when the document or report is supplied to members of the Council<sup>3</sup>.
- 2.2.6 The notice will remain on the website and on public display until the completion of the meeting. In practice these notices remain available indefinitely.

### **Special Meetings**

- 2.2.7 For Special Meetings, the CEO must ensure that each Member of the Council is given at least four (4) hours' notice of a special meeting of the Council.
- 2.2.8 Notices of special meetings will be distributed by email to the Council-provided email address for each Member, and will be displayed on Council's website for viewing by members of the public. Where notice of Special Meetings is provided with less than 24 hours' notice, best endeavours will be used to bring the notice to the attention of each Member by making contact by phone, message service or similar.

## **2.3. Public Access to Meetings**

- 2.3.1 Council has adopted a *Code of Practice for Access to Council, Council Committee and Information or Briefing Sessions Meetings & Documents* which outlines the arrangements for public access to Council meetings.

## **2.4. Questions for Clarification Prior to the Meetings**

- 2.4.1 To facilitate efficient and effective meetings, Council Members are encouraged to contact the CEO or nominated delegate prior to Council meetings to clarify matters appearing on the agenda. For Administration Reports, the nominated delegate is the Council Officer whose name is listed as the Responsible Officer.

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<sup>2</sup> 'agenda' under s4(1) of the Act means a list of items of business to be considered in a meeting. For clarity, reports and documents that accompany those business items are not considered to be the 'agenda'.

<sup>3</sup> For more information on public access to the Council agenda, please see the *Code of Practice for Access to Council and Council Committee and Designated Informal Gatherings Meetings & Documents*

### 3. OPERATING PROCEDURES – THE ORDER OF BUSINESS

#### 3.1. Commencement of Meetings and Quorums

##### Legislation – Regulation 7

- (1) *A meeting will commence as soon after the time specified in the notice of meeting as a quorum is present.*
- (2) *If the number of apologies received by the chief executive officer indicates that a quorum will not be present at a meeting, the chief executive officer may adjourn the meeting to a specified day and time.*
- (3) *If at the expiration of 30 minutes from the time specified in the notice of meeting as the time of commencement a quorum is not present, the presiding member or, in the absence of a presiding member, the chief executive officer, will adjourn the meeting to a specified day and time.*
- (4) *If a meeting is adjourned for want of a quorum, the chief executive officer will record in the minute book the reason for the adjournment, the names of any members present, and the date and time to which the meeting is adjourned.*
- (5) *If a meeting is adjourned to another day, the chief executive officer must-*
  - (a) *give notice of the adjourned meeting to each member setting out the date, time and place of the meeting; and*
  - (b) *give notice of the adjourned meeting to the public by causing a notice setting out the date, time and place of the meeting to be published on a website determined by the chief executive officer.*

3.1.1 A quorum for Council is determined under s85(1) of the Act by ‘dividing the total number of members of the council for the time being in office by 2, ignoring any fraction resulting from the division, and adding one’. For the purposes of s85(1) the members of council in office used to calculate the quorum does not include a member of council who is suspended from office or a member of council who has taken a leave of absence under s55 (to contest a state election) – see s85(2).

3.1.2 In the normal course of events, AHC’s quorum is seven (7) Council Members (this includes the Mayor).

#### 3.2. Order of Business

3.2.1 The order of business for Council meetings will generally be in accordance with the attached agenda template – refer **Appendix A**. However the Mayor at their own initiative or at the request of a Member of Council may bring forward items, with the leave of the meeting, for debate and resolution where:

- a. a large contingent of interested parties is present in the gallery
- b. contractors or consultants are present to make presentations; or
- c. it may otherwise be considered expedient or appropriate.

#### 3.3. Length of Council Meetings

3.3.1 Council meetings will commence upon a quorum being present at the time set down in the Notice of Meeting.

- 3.3.2 Council meetings will conclude at or before 10.00pm, or 3.5 hours after the commencement, whichever is the earlier, unless the meeting formally resolves on each specific occasion to continue beyond that time.
- 3.3.3 Where the business of a meeting is unlikely to be completed before 10.00pm, or within 3.5 hours of the commencement, a motion is to be put to the meeting whether to continue or adjourn to another date and time. Extensions of the meeting will normally be in 30 minute blocks.
- 3.3.4 During the course of a Council meeting, a motion may be put to adjourn the meeting for a specified period (e.g. for 10 minutes).

#### **3.4. Opening Statement**

- 3.4.1 After calling a Council meeting to order, the meeting shall be opened with an Acknowledgement of Country consistent with the Council's *Acknowledgement and Welcome to Country Policy*, as amended from time to time.

#### **3.5. Attendees, Apologies and Absences**

- 3.5.1 If a Member expects to be late or unable to attend a meeting, the Governance & Performance Department ([governanceandperformance@ahc.sa.gov.au](mailto:governanceandperformance@ahc.sa.gov.au)) is to be advised prior to the commencement of the meeting or as soon as possible.
- 3.5.2 If a Member intends to seek a leave of absence, the request must be made in writing via the Governance & Performance Department, specifying the period of leave that is being requested, prior to the commencement of the meeting.
- 3.5.3 A leave of absence will only be granted by a resolution of the Council and will involve leave from all Council duties (including roles on council committees, panels and advisory groups).
- 3.5.4 Where a Member is intending to be interstate, overseas or otherwise not able to attend to the full range of duties, they should seek a leave of absence at the preceding meeting.
- 3.5.5 Where a Member recommences duties prior to the expiry of the approved period, the leave of absence will cease. For the sake of clarity, the leave of absence does not recommence without a new resolution of the Council to grant leave.
- 3.5.6 A leave of absence will not be retrospective.
- 3.5.7 All apologies and leaves of absence will be listed in the Minutes for each Council meeting that it relates to.
- 3.5.8 If no apology has been received by the commencement of the meeting and there is no leave of absence and the Member is not present, they will be recorded in the Minutes as being absent.
- 3.5.9 If a Member arrives after the meeting commences, the time of arrival will be included in the Minutes.



- 3.5.10 If a Member has to leave a meeting (for longer than a comfort break), the Member should draw their impending departure to the attention of the Mayor to ensure that the presence of a quorum can be monitored.
- 3.5.11 Council Officers who address the Council meeting will be recorded in the Minutes as being in attendance.
- 3.5.12 The number of members of the public or representation of any other organisations will not be recorded in the minutes, unless presenting on a specific item in the agenda.

### 3.6. Confirmation of Minutes

Legislation – Regulation 8
<p>(1) <i>The minutes of the proceedings at a meeting must be submitted for confirmation at the next meeting or, if that is omitted, at a subsequent meeting</i></p> <p>(2) <i>No discussion on the minutes may occur before confirmation, except as to the accuracy of the minutes as a record of proceedings.</i></p> <p>(3) <i>On the confirmation of the minutes, the presiding member will-</i></p> <p style="padding-left: 40px;"><i>(a) initial each page of the minutes, which pages are to be consecutively numbered; and</i></p> <p style="padding-left: 40px;"><i>(b) place his or her signature and the date of confirmation at the foot of the last page of the minutes.</i></p>



- 3.6.1 The Minutes included in an Ordinary meeting agenda will be those unconfirmed minutes of any previous meetings less any information that is subject to an order under section 90 of the Act.

### 3.7. Declaration of Interest

- 3.7.1 The provisions in relation to a Council Member's interests are set out in sections 73, 74, 75 and 75A-C of the Act and Reg 8AAA in the *Local Government (General) Regulations 2013*.
- 3.7.2 It is a Council Member's responsibility to ensure they are aware of, and understand, the legislative provisions relating to declarations of interest.
- 3.7.3 A Council Member who has an interest in a matter, as defined under sections 74 and 75 of the Act, must disclose the interest to the Council in accordance with the provisions of sections 75B and 75C of the Act. Disclosures will be recorded in the Minutes in accordance with the relevant provisions of the Act and Regulations.
- 3.7.4 Council Members may seek advice about a possible interest before a meeting by contacting the CEO or the Governance & Performance Department. If necessary, the Governance & Performance Department will facilitate the Member to contact the Council's lawyers directly for advice, at Council's expense.

### 3.8. Mayor's Opening Remarks

3.8.1 At each ordinary Council, the Mayor may present opening remarks which will be confined ~~generally related~~ to matters regarding the conduct of the meeting (e.g. acknowledging members of the gallery, advising break times, proposals to reorder the agenda) or to acknowledge a significant civic, cultural or other event. A brief summary of these remarks will be minuted.

3.8.2 The Mayor will not use the Mayor's Opening Remarks to make a personal explanation to Council.

3.8.3 Should the Mayor wish to make a personal explanation to Council, the Mayor should seek leave of Council in accordance with regulation 15 and section 4.6 of this Code of Practice.

### 3.9. Questions Adjourned/Lying on the Table

3.9.1 Sometimes 'questions'<sup>4</sup> being debated in the Chamber may need to be adjourned for reasons such as required information not being available at that time. In these cases a 'formal motion'<sup>5</sup> can be resolved to adjourn the matter for a later time.

#### **Questions Adjourned**

##### **Legislation – Regulation 19**

- (1) *If a formal motion for a substantive motion to be adjourned is carried:*
- (a) *The adjournment may either be to a later hour of the same day, to another day, or to another place; and*
  - (b) *The debate, will, on resumption, continue at the point at which it was adjourned.*
- (2) *If debate was interrupted for want of a quorum and the meeting is then adjourned, the debate will, on resumption, continue from the point at which it was adjourned.*
- (3) *Business adjourned from a previous meeting must be dealt with before any new business at a subsequent meeting*

3.9.2 The resolution to adjourn a question will nominate the time and place that debate on the question will continue and therefore they do not require a resolution for debate to resume (at the point of interruption) however these questions must be considered prior to any new business being dealt with.

#### **Questions Lying on the Table**

3.9.3 Questions Lying on the Table require a resolution for the question to be retrieved (and debate resumed at the point of interruption).

##### **Legislation – Regulation 12**

- (19) *Any question that lies on the table as a result of a successful formal motion under subregulation (14)(c) lapses at the next general election.*
- (20) *The chief executive must report on each question that lapses under subregulation (19) to the council at the first ordinary meeting of the council after the general election.*

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<sup>4</sup> Regulation 12 (14) refers to a motion that has been moved and seconded as a 'question'.

<sup>5</sup> For more information on formal motions see clause 4.3 of this Code.

### 3.10. Petitions

- 3.10.1 Petitions may be submitted to Council in line with Council's *Petition Policy*. If the petition is a compliant petition for the purposes of the Act and the *Petition Policy*, it will be placed on the agenda for the next scheduled meeting of Council.
- 3.10.2 The Council agenda will contain a report regarding petition(s) received. The report will contain the nature of the request or submission, the name and locality of the Principal Signatory, a brief statement as to the nature of the request or submissions, the number of signatories and an Officer's Response providing a brief commentary on the relationship/relevance of the petition topic to Council services/activities/plans/strategies/ resolutions and options available to Council to address the petition request. Further the report will recommend, as a minimum, that:
- a. The report be received and noted; and
  - b. The CEO advise the principal signatory of the Council's noting of the petition and of any resolutions relating to the matter
  - c. The recommendation may also include further actions for the Council to consider taking in relation to the matter
- 3.10.3 A full copy of the petition will not be included in the agenda to protect the privacy of individuals. Council Members may request a copy of the petition and it is the Members' responsibility not to distribute or publish a copy of the full petition.
- 3.10.4 If, in consideration of a petition, a Council Member determines to move a Motion Without Notice, the Council will deal with the motion at that point in the agenda, subject to the compliance with the applicable requirements of legislation/policy.

### 3.11. Deputations

- 3.11.1 A deputation is a formal opportunity to address the Council on a particular matter during a meeting.

<b>Legislation – Regulation 11</b>
<p><i>Deputation means a person or group of persons who wish to appear personally before a council or council committee in order to address the council or committee (as the case may be) on a particular matter.</i></p> <p><i>(1) A person or persons wishing to appear as a deputation at a meeting must deliver) a written request to the council.</i></p> <p><i>(2) The chief executive officer must transmit a request received under subregulation (1) to the presiding member.</i></p>

#### ***Making a Deputation Request***

- 3.11.2 A person or persons wishing to appear as a deputation at a Council meeting must forward a written request to the CEO, indicating the reasons for the deputation. Deputations will be limited ordinarily to a maximum of two (2) per Ordinary Council meeting.
- 3.11.3 In the normal course of events, the deputation request must be received no less than seven (7) clear days prior to the Council meeting, for inclusion in the Agenda. Details of Council meeting dates are contained on the Council website.

- 3.11.4 If however the matter relates to an item of business on the Agenda and there are not two (2) deputations already approved for the meeting, the Deputation Request Form may be lodged up to 5.00pm on the day prior to the Council meeting.
- 3.11.5 A request to make a deputation should be made by submitting a *Deputation Request Form*, which is available on Council's website. The Form, which must be completed in full, includes an acknowledgment of the deputation obligations and procedures to be observed at the meeting.
- 3.11.6 A deputation may comprise one (1) or a number of persons. When a deputation appears at a meeting up to two (2) members of the deputation (e.g. deputees) will be allowed to speak, and to reply to questions from Council Members.
- 3.11.7 Should a deputee be speaking on behalf of an association, organisation or other body, they may be required to provide a copy of the constitution and rules of that organisation, association or other body, and evidence, such as committee meeting minutes, that they are authorised to make a deputation of behalf of the body prior to the deputee's address.

#### ***Processing a Deputation Request***

<b>Legislation – Regulation 11</b>
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<i>(3) The presiding member may refuse to allow the deputation to appear at a meeting.</i>
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- 3.11.8 Whether or not a deputation may appear is to be determined on a case-by-case basis by the Mayor. In determining whether a deputation request is granted the following considerations will be taken into account:
- a. the subject matter of the proposed deputation;
  - b. relevance to the Council agenda nominated – and if not, relevance to the Council's powers or purpose;
  - c. the integrity of the request (i.e. whether it is considered to be frivolous and/or vexatious);
  - d. the size and extent of the agenda for the particular meeting; and
  - e. the number of times the deputee has addressed Council (either in a deputation or public forum) on the subject matter or a similar subject matter.
- 3.11.9 Upon the expiration of seven (7) clear days prior to the Council meeting, the Mayor will consider the Deputation requests received and determine, as per clause 3.11.8, the requests that will be granted.
- 3.11.10 Notwithstanding clause 3.11.2, the Mayor has the delegation to accept one (1) additional deputation if it is determined that the matter of sufficient importance and urgency that it must be heard at that meeting.

<b>Legislation – Regulation 11 (cont.)</b>
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<i>(4) The chief executive officer must take reasonable steps to ensure that the person or persons who requested a deputation are informed of the outcome of the request.</i>
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3.11.11 Written notification will be forwarded to the person who made the request for a deputation notifying them of the outcome of the deputation request. If approved they will be notified of the date and time of the meeting at which the deputation will be heard and the method by which the person or persons are to appear at the meeting. For deputation requests received in accordance with clause 3.11.4, phone/email contact will be made with the depute.

<b>Legislation – Regulation 11 (cont.)</b>
(5) <i>If the presiding member refuses to allow a deputation to appear at a meeting, the presiding member must report the decision to the next meeting of the council or council committee (as the case may be).</i>
(6) <i>The council or council committee may resolve to allow a deputation to appear despite a contrary ruling by the presiding member.</i>
(7) <i>A council may refer the hearing of a deputation to a council committee.</i>

### ***Presenting a Deputation at a Council Meeting***

3.11.12 If the depute wishes for notes or other documents are to be distributed for the deputation, these are to be provided to the Minute Secretary up to 5.00pm on the day prior to the Council meeting to distribute electronically to the Council Members. The depute will remain legally liable for the content of any documents distributed.

3.11.13 The depute(s) microphone will be unmuted and they will be invited by the Mayor to make the deputation on the topic or issue which has been nominated. The depute must state their name and locality, which will be recorded in the minutes to the meeting (which is a public document).

3.11.14 Powerpoint (or similar) presentations are to be lodged up to 5.00pm on the day prior to the Council meeting for the purposes of confirming software compatibility and content suitability. The depute will remain legally liable for the content of any presentation.

3.11.15 Deputies may address questions to the Council. The Mayor will determine if an answer is to be provided.

3.11.16 In the interests of fairness, each deputation is to be no longer than ten (10) minutes in duration. Deputies may address questions to the Council which must be accommodated within the 10 minute allocation. The Mayor will determine if an answer is to be provided to any questions asked.

3.11.17 Following the Deputation, a maximum of five (5) minutes will be allocated for Members to direct questions to the depute(s) if required. Members of Council may ask questions of the depute(s) presenting. Care should be exercised in framing questions to ensure they clearly relate to the subject of the deputation. The Mayor will use their best endeavours to manage this process fairly.

3.11.18 Notes or presentation material provided as part of the deputation will be referenced in the minutes of the meeting.

### ***Deputation Conduct***

3.11.19 All deputations are to be conducted in an orderly manner. Deputations should reflect levels of formality appropriate to the nature and scope of the Council meeting. Any

comments that may amount to a criticism of individual Council Members or Officers must not be made during the deputees' address. If this conduct occurs the Mayor will warn the deputees, if the conduct is repeated the deputation will be ceased. Any such criticism or comments should properly be directed in writing to the CEO outside of the meeting.

3.11.20 Council meetings are also open to the public including being livestreamed/broadcast and there is unlikely to be any legal protection or other privilege attached to any statements made during a deputation in this forum. This means that anything said during the deputees' address is subject to the normal laws of defamation. Consequently all deputees should take care in the statements they make and how they make their address.

3.11.21 An 'Information Sheet – Deputations and Public Forums – How to Address Council or Council Committees on Issues of Concern' provides a summary of the above requirements and is available on the Council website.

### **3.12. Public Forums**

3.12.1 The Public Forum is a less formal opportunity to address Council on a particular matter during the meeting.

3.12.2 The guidelines which apply to Public Forum are:

- a. The total time allocation for the Public Forum will be ten (10) minutes, except with leave from the Council, in which case the time allocation can be increased.
- b. Each speaker in the Public Forum will have no longer than five (5) minutes (including questions), except with leave from the Council.
- c. If a large number of presentations have been requested, with leave from the Council, the time allocation of five (5) minutes per speaker may be reduced.
- d. People wishing to speak in the public forum (speakers) must advise the Mayor of their intention at the beginning of this section of the meeting. Those who do not flag their desire to speak at this time will only be permitted to speak at the discretion of the Mayor.
- e. Where an intending speaker has made a deputation at the same meeting of Council they will not be permitted to speak in the public forum on the same or similar subject matter at that meeting.
- f. Upon being requested to come forward to address the Council, the Mayor will ask the speaker to state their name and locality of residence and the subject matter they wish to speak on.
- g. These details will be recorded in the minutes of the meeting (which is a public document).
- h. The speaker will then wait for the Mayor to invite them to commence their speech.
- i. The speaker may address questions to the Council which must be accommodated within the five (5) minute allocation. The Mayor will determine if an answer is to be provided to any questions asked.
- j. Where a number of speakers are speaking on the same topic, the Mayor may encourage subsequent speakers to avoid repeating previous points and to focus on new points.

- k. Members may ask questions of all speakers appearing relating to the subject of their presentation.

### **Public Forum Conduct**

- 3.12.3 All public forum presentations are to be conducted in an orderly manner. These should reflect levels of formality appropriate to the nature and scope of the Council meeting. Any comments that may amount to a criticism of individual Council Members or Officers must not be made during the presentation. If this conduct occurs, the Mayor will warn the depute, if the conduct is repeated the deputation will be ceased. Any such criticism or comments should properly be directed in writing to the CEO outside of the meeting.
- 3.12.4 Council meetings are also open to the public including being livestreamed/broadcast and there is unlikely to be any legal protection or other privilege attached to any statements made during a presentation in this forum. This means that anything said during the speaker's address is subject to the normal laws of defamation. Consequently all speakers should take care in the statements they make and how they make their address.

### **3.13. Presentations**

- 3.13.1 Presentations are defined as an opportunity for an organisation, community group, Council Officer(s) or member of the public to address Council to provide information relevant to the Council at the invitation of Council.
- 3.13.2 Such presentations do not include deputations or representations under the *Planning, Development and Infrastructure Act 2016*.
- 3.13.3 The duration of each presentation is to be no longer than fifteen (15) minutes plus five (5) minutes for questions, if required. There is to be a limit of two (2) presentations per scheduled meeting, except with the leave of the meeting.
- 3.13.4 If notes or other documents are to be distributed for the presentation, these are to be provided to the Minute Secretary up to 5.00pm on the day prior to the Council meeting to distribute electronically to the Council Members
- 3.13.5 Powerpoint (or similar) presentations are to be lodged up to 5.00pm on the day prior to the Council meeting for the purposes of confirming software compatibility and content suitability. The presenter will remain legally liable for the content of any presentation.
- 3.13.6 Notes or presentation material referred to as part of the presentation will be referenced in the minutes of the meeting.

### **3.14. Questions on Notice**

<b>Legislation – Regulation 9</b>
(1) A member may ask a question on notice by giving the chief executive officer written notice of the question at least 7 clear days before the date of the meeting at which the question is to be asked.
(2) If notice of a question is given under subregulation (1) -



- (a) *the chief executive officer must ensure that the question is placed on the agenda for the meeting at which the question is to be asked; and*
- (b) *the question and the reply must be entered in the minutes of the relevant meeting.*
- (6) *The presiding member may rule that a question with or without notice not be answered if the presiding member considers that the question is vague, irrelevant, insulting or improper.*

3.14.1 When sending the questions to the CEO, the Member asking the question should provide a brief history, context, or reason why the question is being asked. This preamble will be included in the agenda with the question(s). Subject to the provisions of the Act, the Member submitting the information is legally liable for its content

3.14.2 On receipt of the questions the CEO will forward the questions to Mayor. The Mayor will inform the CEO on one of the following processes:

- Request that the CEO (or delegate) respond to the questions; or
- Respond to the questions themselves; or
- Make a determination at the nominated meeting regarding the response.

**Process 1**

3.14.3 If the Mayor opts that the CEO (or delegate) responds to the questions and there is sufficient time to consider and respond to the questions, the questions and answers will appear in the Agenda and would then be replicated in the minutes in accordance with Regulation 9.

3.14.4 If the referral to the CEO (or delegate) does not allow for sufficient time to consider and respond to the questions and include the answers in the agenda, the CEO (or delegate) will arrange for answers to be tabled at the relevant meeting. The questions and answers will be included in the minutes in accordance with Regulation 9.

OR

**Process 2**

3.14.5 If the Mayor opts to respond to the questions they can either:

- Provide the response to the CEO and, if these answers are provided in sufficient time, the questions and answers will be included in the Agenda and would be replicated in the minutes in accordance with Regulation 9.
- Table at the meeting the written responses to the questions on the night of the nominated meeting and the questions and answers will be included in the minutes in accordance with Regulation 9.

OR

**Process 3**

3.14.6 If the Mayor opts to make a determination at the nominated meeting regarding a response, the questions will appear in the Agenda and these questions and the answers will be included in the minutes in accordance with Regulation 9.

- 3.14.7 This could include the Mayor answering the questions, referring it to the CEO (or delegate) for a response on the night or rule not to accept the questions in accordance with Regulation 9(6).
- 3.14.8 If a Mayor makes a determination that a question shall not be answered as per Regulation 9(6) the question and the reason for the determination shall be stated and recorded in the minutes.

### 3.15. Motions on Notice

<b>Legislation – Regulation 12</b>
(1) <i>A member may bring forward any business in the form of a written notice of motion.</i>
(2) <i>The notice of motion must be given to the chief executive officer at least 7 clear days before the date of the meeting at which the motion is to be moved.</i>
(3) <i>A motion the effect of which, if carried, would be to revoke or amend a resolution passed since the last general election of the council must be brought by written notice of motion.</i>
(4) <i>If a motion under subregulation (3) is lost, a motion to the same effect cannot be brought-</i> <i>(a) until after the expiration of 12 months; or</i> <i>(b) until after the next general election, whichever is sooner</i>

- 3.15.1 Prior to lodging a motion, Members should liaise with the CEO (or nominated delegates) and may consult with the Mayor on the content of the proposed motion to explore options and implications.
- 3.15.2 In circumstances where a Motion on Notice has been placed on the Agenda and the Member who placed the Motion on Notice is not in attendance at the meeting, another Member may move the motion in their stead.
- 3.15.3 The following are desirable characteristics when framing a motion<sup>6</sup>:
- a. *Form* – a motion should be in a positive, affirmative form. It should not be in a negative form, unless it achieves some specific advantage or value;
  - b. *Content* – a motion should be complete and plain, so that a resultant resolution when read in the future, identifies with certainty its object and substance;
  - c. *Wording* – It should be in precise and definite language. Its intention and import should be clear; and
  - d. *Drafting* – a motion should be framed and phrased in a way to enable persons to vote in favour of or against the proposal, and thus facilitate the ability of the meeting to make a decision,
- 3.15.4 The attached proforma should be used when framing Notices of Motion – refer **Appendix B**.

### 3.16. Administration Reports

- 3.16.1 Each Council agenda includes report items prepared by the Council Administration, which may include recommendations. These recommendations are not a motion, and have no status until moved by a Member. Alternatively Members may move a completely different motion.

<sup>6</sup> A. D. Lang (2015) *Horsley's Meetings procedure, Law and Practice* (7<sup>th</sup> ed.), 119.

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- 3.16.2 Administration Reports to Council will be prepared using the standard format – refer **Appendix C**.
- 3.16.3 Administration Reports in the Order of Business will be grouped into the following categories:
- a. **Decision Items** – these are agenda items that are seeking the Council’s resolution in relation to a course of action in relation to the matter; and
  - b. **Information Items** – these are agenda items that are informing the Council of the status of the matter. Generally, the recommendation in these reports will be for the receiving and noting of the item.
- 3.16.4 Where additional information is required this may be included as attachments to the report which will be inserted in the agenda papers immediately following the report.
- 3.16.5 In order to contain the number of reports going before Council, report writers should consider any subsequent steps and, wherever practical, include them in the initial report and set of recommendations. Examples of these subsequent steps that should be included in the initial report include:
- a. the authorisation for the Mayor and/or CEO to sign and seal documents
  - b. authorising the Chief Executive Officer or relevant Director to make minor amendments to an associated document
  - c. if a working party or sub-committee is required, to indicate that in the report and include a recommendation seeking nominations for Membership of the working party, etc.
  - d. indicating a price or value range within which a delegated staff member can negotiate rather than a single fixed price.
- 3.16.6 Reports are to be prepared so as to communicate the required information in a clear and succinct way. The information presented should be impartial, balanced and evidence-based (where reasonably possible).
- 3.16.7 As per clause 2.4, to facilitate efficient and effective meetings, Council Members are encouraged to contact the CEO or nominated delegate as early as possible prior to Council meetings to clarify matters appearing on the agenda. The nominated delegate is the Council Officer whose name is listed as the Responsible Officer.
- 3.16.8 In the normal course of business, report authors will not introduce their report unless requested by the Mayor. However the Mayor will ask the author whether there are any updates to be provided based on queries received or recent events since agenda distribution.
- 3.16.9 Where practicable, Council Officers may utilise online meeting functionality to provide information to the Council meeting rather than physically attending the meeting.
- Status Report – Council and Committee Resolutions Update**
- 3.16.10 A report will be provided monthly for noting, setting out the status of each resolution from Council meetings until the item is completed.

### 3.17. Questions Without Notice

Legislation – Regulation 9
(3) <i>A member may ask a question without notice at a meeting.</i>
(4) <i>The presiding member may allow the reply to a question without notice to be given at the next meeting.</i>
(5) <i>A question without notice and the reply will not be entered in the minutes of the relevant meeting unless the members present at the meeting resolve that an entry should be made.</i>
(6) <i>The presiding member may rule that a question with or without notice not be answered if the presiding member considers that the question is vague, irrelevant, insulting or improper.</i>

3.17.1 To facilitate the efficiency of meetings, Members are encouraged to use the availability of the CEO or nominated delegates prior to the meetings to clarify issues of concern.

3.17.2 Questions Without Notice can be asked at a meeting and the Mayor has the discretion to accept the questions in accordance with Regulation 9(6).

3.17.3 If the question is accepted, the Mayor will make the determination to choose to answer the questions or refer them to the CEO (or delegate) for a response. Where an answer is not possible at the meeting, the questions may be taken “on notice” and a response provided by email to all Council Members within 14 days.

3.17.4 In accordance with Regulation 9(5) Questions Without Notice and the reply will not be included in the minutes unless the Council meeting resolves to do so.

### 3.18. Motions Without Notice

Legislation – Regulation 12
(5) <i>Subject to the Act and these regulations, a Member may also bring forward any business by way of a motion without notice.</i>
(6) <i>The presiding member may refuse to accept a motion without notice if, after taking into account the Guiding Principles, he or she considers that the motion should be dealt with by way of a written notice of motion.</i>
(7) <i>The presiding member may refuse to accept a motion if the subject matter is, in his or her opinion, beyond the power of the council or council committee (as the case may be)</i>

3.18.1 As they have not been foreshadowed to Members or the broader community and do not have an accompanying analysis (as do Motions On Notice and Administration Reports), it is not considered to be in the interests of good governance practice, and is a denial of natural justice, to consider Motions Without Notice other than those that meet the criteria set out in clause 3.18.2.

- 3.18.2 In general, Motions Without Notice should be restricted to:
- a. A request that a report on a particular topic be presented at a future meeting;
  - b. A simple matter, requiring little information to be considered, and the impact of which on Council is deemed to be minor;
  - c. A matter arising from an item before Council that has been considered in detail at that meeting, and where a Motion Without Notice is seen as the best way to resolve or progress the matter in a timely manner; and/or
  - d. A matter of such urgency and importance that failure to consider it at the meeting would be likely to result in detriment to the Council or community.
- 3.18.3 Wherever practicable, Members wishing to move a Motion Without Notice (including a motion different from a report recommendation) are encouraged to make available a written copy of their motion to assist the Mayor in the conduct of the meeting and in the subsequent preparation of the minutes of the meeting.
- 3.18.4 Following the moving of a Motion Without Notice and prior to the seeking of a seconder, the Mayor will seek advice from the CEO or nominated delegate regarding the perceived implications of the motion.
- 3.18.5 The Mayor may refuse to accept the Motion Without Notice if, after taking into account the Guiding Principles (Regulation 4 and clause 1.2 of this Code), it is considered that the motion should be dealt with by way of a written Motion On Notice.
- 3.18.6 Any Motions Without Notice which, in the opinion of the Mayor, require action involving the expenditure of unbudgeted resources should be on the basis of a Motion On Notice.

### **3.19. Council Member Reports**

- 3.19.1 At each ordinary Council meeting, Council Members may present a written or verbal report detailing those functions or activities on the business of Council.
- 3.19.2 Council Members are encouraged to submit their written reports seven (7) clear business days before the date of the meeting to enable the report to be incorporated into the Agenda.
- 3.19.3 Reports will be recorded in the minutes in summary form and will not include commentary on the activities or functions reported or the attendance of other Council Members or the personal details of residents/ratepayers.

### **3.20. Reports of Members/Officers as Council Representatives on External Organisations**

- 3.20.1 At each Ordinary Council meeting, Members or Officers who are appointed as Council representatives on external organisations (e.g. regional subsidiaries) may provide a verbal or written report on their involvement in activities associated with that organisation.
- 3.20.2 Members and Officers are encouraged to submit their written reports seven (7) clear days before the date of the meeting to enable the report to be incorporated into the Agenda.

### **3.21. CEO Report**

- 3.21.1 At each ordinary Council meeting, the CEO will present a verbal report detailing the status of key activities and initiatives and/or other items of importance which the CEO determines should be brought to the Council's attention. A brief record of the items raised will be noted in the minutes.

### **3.22. Reports of Committees**

- 3.22.1 Committees will report to Council in accordance with the reporting requirements detailed in their respective terms of reference.
- 3.22.2 Council Committees will report to Council at the next Council meeting following the Committee meeting. The form of report will be by way of a verbal report from the Presiding Member (or other Member of the Committee should the Presiding Member not being present) in support of the minutes of the Committee meeting.
- 3.22.3 A copy of these minutes will be included in the Agenda of the next Council meeting. All recommendations from the Committee will be considered by Council in the form of an Administration Report.
- 3.22.3 Recommendations to Council arising from a Committee meeting will either be the subject of a separate Administration Report or consolidated in a report under this section accompanying the Committee minutes.

### **3.23. Confidential Items**

- 3.23.1 Before Council orders that the public be excluded to enable the receipt, discussion and consideration of a particular matter, the meeting must, in public, formally determine if this is necessary and appropriate, and then pass a resolution to exclude the public while dealing with that particular matter.
- 3.23.2 This means that all members of the public (including staff), unless exempted by being named in the resolution as entitled to remain, will not be able to view or listen to the meeting proceedings. For the operation of section 90(2) of the Act a member of the public does not include a Member of Council.
- 3.23.3 Once discussion on that particular matter is concluded, the public will be permitted to re-enter the meeting. If there is a further matter that needs to be considered in confidence it is necessary to again undertake the formal determination process and to resolve to exclude the public as above.
- 3.23.4 Additional information of the use of the confidentiality provisions of the Act are contained in Council's *Code of Practice for Access to Council, Council Committee and Information or Briefing Sessions Meetings & Documents*.

## 4. OPERATING PROCEDURES – CONDUCT AT THE MEETING

### 4.1. Leave of the Meeting

#### Legislation – Regulation 3

*(4) For the purposes of these regulations, a vote on whether leave of the meeting is granted may be conducted by a show of hands (but nothing in this subregulation prevents a division from being called in relation to the vote)*

### 4.2. Motions in General, Speaking to Motions and Rights of Reply

#### Legislation – Regulation 12

- (5) Subject to the Act and these regulations, a Member may also bring forward any business by way of a motion without notice.*
- (6) The presiding member may refuse to accept a motion without notice if, after taking into account the Guiding Principles, he or she considers that the motion should be dealt with by way of a written notice of motion.*
- (7) The presiding member may refuse to accept a motion if the subject matter is, in his or her opinion, beyond the power of the council or council committee (as the case may be)*
- (8) A motion will lapse if it is not seconded at the appropriate time.*
- (9) A member moving or seconding a motion will speak to the motion at the time of moving or seconding the motion.*
- (10) A member may only speak once to a motion except-*
- (a) to provide an explanation in regard to a material part of his or her speech, but not so as to introduce any new matter; or*
  - (b) with leave of the meeting; or*
  - (c) as the mover in reply.*
- (11) A member who has spoken to a motion may not at a later stage of the debate move or second an amendment to the motion*
- (21) Subregulations (9), (10) and (11) may be varied at the discretion of the council pursuant to regulation 6.*

#### ***Secunder Speaking to a Motion***

4.2.1 Regulation 12(9) is able to be varied at the discretion of Council and therefore Council has determined that the seconder has the option of reserving their right to speak to the motion at the time of seconding but if they choose to exercise this right it must be done prior to the mover in reply.

4.2.2 For clarity, where a Member seconds a motion and reserves their right to speak to it, they will not be considered to have spoken to the motion until they have exercised that right.

#### ***Questions Regarding a Motion***

4.2.3 Council Members may ask questions of the Administration and/or other Members and answer questions directed to them regarding a motion for the purpose of clarification (but not debate) and this will not be considered as speaking to the motion. Members should ensure that it is clearly a question and not used as an opportunity to contribute to the debate.

### ***Contributing to the debate***

- 4.2.4 There is no legislative requirement for any or all Members to contribute to the debate (only to vote as per clause 4.7). In considering whether to contribute, particularly where there is a large agenda to be transacted, Members may wish to evaluate whether their contribution will facilitate a more informed and/or progressive debate. Further, Members are not required to advise whether they will/not support the motion as the voting process will reveal their intentions.

### ***Prevention of inaccurate or misleading information during debates***

- 4.2.5 If during the course of debate a Council Member or Officer becomes aware that the debate is predicated on incorrect/misleading information and could lead to any erroneous outcome (and may be a breach of the Behavioural Standards for Council Members), they may signal to the Mayor that they wish to advise the meeting to correct the record. It will be at the Mayor's discretion as to whether the Officer is to be heard.
- 4.2.6 If an opportunity to advise the meeting is granted, the Officer will limit their comments, to the best of their knowledge, the factual information related to the matter. For clarity, the Officer will take due care to ensure that they do not enter the debate.

### ***Rights of Reply***

- 4.2.7 Only the mover of the original motion will be granted the right to reply (this shall close the debate). This will occur after any or all amendments have been dealt with and immediately prior to the original motion or substantive motion being put to the meeting (i.e. immediately prior to the final vote).
- 4.2.8 The right of reply should be utilised to reinforce the rationale for moving the motion and to respond to issues raised in debate. Where possible, it should not be used to introduce new material into the debate.

## **4.3. Formal Motions**

<b>Legislation – Regulation 12</b>
<i>(12) A member who has not spoken in the debate on a question may move a formal motion.</i>
<i>(13) A formal motion must be in the form of a motion set out in subregulation (14) (and no other formal motion to a different effect will be recognised).</i>
<i>(14) If the formal motion is:-</i>
<i>(a) that <b>the meeting proceed to the next business</b>, then the effect of the motion, if successful, is, in the case of an amendment, that the amendment lapses and the meeting proceeds with the consideration of the motion before the meeting without further reference to the amendment and, in the case of a motion, that the motion lapses and the meeting proceeds to the next item of business; or</i>
<i>(b) that <b>the question be put</b>, then the effect of the motion, if successful, is that debate is terminated and the question put to the vote by the presiding member without further debate; or</i>
<i>(c) that <b>the question lie on the table</b>, then the effect of the motion, if successful, is that the meeting immediately moves to the next item of business and the question can then only be retrieved at a later time by</i>



- resolution (and, if so retrieved, debate is then resumed at the point of interruption); or*
- (d) that **the question be adjourned**, then the effect of the motion, if successful, is that the question is disposed of for the time being but debate can be resumed at the later time (at the point of interruption); or*
- (e) that **the meeting be adjourned**, then the effect of the motion, if successful, is that the meeting is brought to an end immediately without the consideration of further business.*
- (15) If seconded, a formal motion takes precedence and will be put by the presiding member without discussion unless the motion is for an adjournment (in which case discussion may occur (but only occur) on the details for resumption).*
- (16) A formal motion does not constitute an amendment to a substantive motion.*
- (17) If a formal motion is lost-*
- (a) the meeting will be resumed at the point at which it was interrupted ; and*
- (b) if the formal motion was put during debate (and not at the end of debate) on a question, then a similar formal motion (i.e., a motion to the same effect) cannot be put until at least 1 member has spoken on the question.*
- (18) A formal motion for adjournment must include the reason for the adjournment and the details for resumption.*
- (19) Any question that lies on the table as a result of a successful formal motion under subregulation (14)(c) lapses at the next general election.*

- 4.3.1 For clarity, a ‘question’ as referred to Regulation 12 (14)(b-d) is a motion that has been moved and seconded.
- 4.3.2 A formal motion “the question be adjourned” must include the reasons for the adjournment and the details of time and place for the resumption of the debate.
- 4.3.3 If a formal motion that “the question lie on the table” or “the question or meeting be adjourned” as per Regulation 14(c), (d) and (e) is carried, the minutes shall record those that have spoken in the debate. This will ensure that the debate can recommence at the point of the interruption.

#### 4.4. Amendments to Motions

<b>Legislation – Regulation 12</b>
<i>(11) A member who has spoken to a motion may not at a later stage of the debate move or second an amendment to the motion.</i>

<b>Legislation – Regulation 13</b>
<i>(1) A member who has not spoken to a motion at an earlier stage of the debate may move or second an amendment to the motion.</i>
<i>(2) An amendment will lapse if it is not seconded at the appropriate time.</i>
<i>(3) A person who moves or seconds an amendment (and, if he or she chooses to do so, speaks to the amendment) will, in so doing, be taken to have spoken to the motion to which the amendment relates.</i>
<i>(4) If an amendment is lost, only 1 further amendment may be moved to the original motion.</i>
<i>(5) If an amendment is carried, only 1 further amendment may be moved to the original motion.</i>

*(6) Subregulations (1), (3), (4) and (5) may be varied at the discretion of the council pursuant to regulation 6.*

- 4.4.1 The purpose of an amendment is to refine or modify the substantive motion but not to substantially change the intent of the motion or contradict it. The Mayor will not accept a proposed amendment that is direct negative of the motion.
- 4.4.2 For the avoidance of doubt, any Member (including the mover and seconder of the original motion and any other person who has spoken to the original motion at an earlier stage) is entitled to speak to the amendment and, in doing so, is not taken to have spoken to the original motion.
- 4.4.3 Members speaking in a debate on an amendment must confine their remarks to the amendment and not debate the substantive motion.
- 4.4.4 There is no right of reply to an amendment because it is not a motion. Likewise, no division can be called on an amendment because it is not a motion.

#### 4.5. Variations

**Legislation – Regulation 14**

- (1) The mover of a motion or amendment may, with the consent of the seconder, request leave of the meeting to vary, alter or withdraw the motion or amendment.*
- (2) The presiding member must immediately put the question for leave to be granted and no debate will be allowed on that question.*

- 4.5.1 The withdrawal of a motion does not preclude another motion on the same matter being moved. Variations, alterations or withdrawal of a motion will be minuted in accordance with Regulation 8(4)(d).

#### 4.6. Addresses by Members

**Legislation – Regulation 15**

- (1) A member must not speak for longer than 5 minutes at any 1 time without leave of the meeting*
- (2) A member may, with leave of the meeting, raise a matter of urgency*
- (3) A member may, with leave of the meeting, make a personal explanation*
- (4) The subject matter of a personal explanation may not be debated*
- (5) The contribution of a member must be relevant to the subject matter of the debate*
- (6) Subregulations (1) and (2) may be varied at the discretion of the council pursuant to regulation 6.*

4.6.1 A personal explanation should:

- a) provide the Member's account of the reasons or factors regarding an event or situation in which they had an involvement, or
- b) address a requirement of Council or satisfy a Council resolution.

4.6.2 The explanation will should not, under any circumstances, either directly or indirectly, :- (a) make imputations of improper motives or contain personal opinions

on fellow Council Members, the Administration or members of the public; or ~~(b)~~ be used for making statements regarding Council resolutions (except where the personal explanation is to satisfy clause (b) above).

~~4.6-14.6.3~~ If a Member making a personal explanation wishes that the full text of that Personal Explanation be included in the minutes, it may be included by resolution of the Council, if not, only a brief account shall be included.

## 4.7. Voting

### **Council Meetings**

4.7.1 Voting in Council meetings is applied as follows:

<b>Legislation – Regulation 16</b>
<i>(1) The presiding member, or any other member, may ask the chief executive officer to read out a motion before a vote is taken.</i>
<i>(2) The presiding member will, in taking a vote, ask for the votes of those members in favour of the question and then for the votes of those members against the question (and may do so as often as is necessary to enable him or her to determine the result of the voting), and will then declare the outcome.</i>
<i>3) A person who is not in his or her seat is not permitted to vote.</i>
<i>4) Subregulation (3)–</i>
<i>a) may be varied at the discretion of the council pursuant to regulation 6; and</i>
<i>b) does not apply in relation to a member participating in a council committee meeting by telephone or electronic means approved in accordance with procedures determined by the council or council committee for the purposes of section 89 of the Act.</i>

4.7.2 Each Member present at the meeting of council, must, subject to the provisions of the Act to the contrary, vote on a question arising from that meeting [section 86(4)].

4.7.3 The Mayor, or another member presiding in the absence of the Mayor, at a meeting of council, does not have a deliberative vote on a question arising but has, in the event of an equality of votes, a casting vote [section 86(6)].

4.7.4 In most cases the requirement is a simple majority of the Members present and entitled to vote however there are provisions in both the Act and the Regulations that require either a two-thirds or an absolute majority of the Members of Council for resolutions on specified matters [section 84(5)].

4.7.5 A vote in relation to a question for decision before the Council may be taken a show of hands.

4.7.6 The Mayor, or any other Member, may ask the CEO to read out a motion or amendment before a vote is taken.

4.7.7 In relation to a Member participating in a Council meeting by electronic means, a member is not permitted to vote in circumstances where there has been a disconnection of the electronic means.

### **Appointments to Positions**

4.7.8 Due to the potential implications of the Conflict of Interest provisions under s74 and s75 regarding the appointment of Council Members to positions (particularly those

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with potential personal or pecuniary benefits), the Council should 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 the positions.

4.7.9 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, it is an Information or Briefing Session that is required to be open to the public under s90A(3) (see the *Information or Briefing Sessions Policy* (the Policy)). As an Information or Briefing Session that is required to be open to the public, the Chief Executive will conduct the meeting in accordance with the Policy.

4.7.10 The Indicative Voting Process is:

- a. The Mayor seeks a motion to adjourn the meeting for the purpose of conducting an Indicative Voting Process.
- b. Once the meeting is adjourned (and the Information or Briefing Session has commenced), the Chief Executive Officer calls for self-nominations for the position(s). If Council Officers or Independent Committee Members are eligible for appointment to the position, they can also self-nominate. If Council Officers are being put forward for consideration by the CEO this will be included in the report.
- c. 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.
- d. The CEO will appoint a Council Officer as the Returning Officer and may enlist other Council Officers to assist with the conduct of the vote and the count.
- e. The method of voting will be by secret ballot utilising the preferential counting system
- f. Each Council Member (including the Mayor) shall have one vote.
- g. Ballot papers will be provided to each Council Member
- h. The nominee's names will be drawn by the Returning Officer to determine the order on the ballot paper.
- i. Each Member will write the nominee's names on the ballot paper in the order they are drawn.
- j. Each nominee will have two (2) minutes to speak to the Information or Briefing Session in support of their candidacy. The speaking order will be as listed on the ballot paper.
- k. 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.
- l. 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.
- m. After all votes have been counted, the Returning Officer shall return to the Gathering and publicly declare the result of the election (i.e. the preferred person).
- n. The ballot papers will be shredded.
- o. With the conclusion of the Indicative Voting Process, the Council meeting will resume in accordance with the adjournment resolution.

- p. Upon resumption, any Council Members who nominated for the positions would be advised to consider their obligations under s75B or s75C of the Act (as applicable).
- q. Council can then consider a motion for the preferred person to be appointed to the position(s)

#### 4.8. Divisions

<b>Legislation – Regulation 17</b>
<p>(1) <i>A division will be taken at the request of a member.</i></p> <p>(2) <i>If a division is called for, it must be taken immediately and the previous decision of the presiding member as to whether the motion was carried or lost is set aside.</i></p> <p>(3) <i>The division will be taken as follows:</i></p> <ul style="list-style-type: none"> <li>(a) <i>subject to subregulation (3a), the members voting in the affirmative will, until the vote is recorded, stand in their places;</i></li> <li>(b) <i>subject to subregulation (3a), the members voting in the negative will, until the vote is recorded, sit in their seats;</i></li> <li>(c) <i>the presiding member will count the number of votes and then declare the outcome.</i></li> </ul> <p>(3a) <i>Where a member is participating in a meeting by electronic means which has audio only, the member will provide a verbal indication of voting in the affirmative or voting in the negative.</i></p> <p>(4) <i>The chief executive officer will record in the minutes the names of members who voted in the affirmative and the names of the members who voted in the negative (in addition to the result of the vote).</i></p> <p>(5) <i>Subregulation (3) may be varied at the discretion of the council pursuant to regulation 6</i></p>

#### 4.9. Tabling of Information

<b>Legislation – Regulation 18</b>
<p>(1) <i>A member may require the chief executive officer to table any documents of the council relating to a motion that is before a meeting (and the chief executive officer must then table the documents within a reasonable time, or at a time determined by the presiding member after taking into account the wishes of the meeting, and if the member who has required the tabling indicates that he or she is unwilling to vote on the motion until the documents are tabled, then the matter must not be put to the vote until the documents are tabled).</i></p> <p>(2) <i>The chief executive officer may, in tabling a document, indicate that in his or her opinion consideration should be given to dealing with the document on a confidential basis under section 90 or 91 of the Act.</i></p>

- 4.9.1 A record of any request for documents tabled at the meeting and a record of any documents tabled at the meeting must be made in the minutes of the meeting.
- 4.9.2 If the tabling of documents is crucial to the consideration of the matter and the documents are not able to be tabled in an expeditious manner, the meeting may consider a formal motion to adjourn the question.

#### 4.10. Short-Term Suspension of Proceedings

##### Legislation – Regulation 20

- (1) *If the presiding member considers that the conduct of a meeting would benefit from suspending the operation of all or some of the provisions of this Division for a period of time in order to allow or facilitate informal discussions, the presiding member may, with the approval of at least two-thirds of the members present at the meeting, suspend the operation of this Division (or any part of this Division) for a period determined by the presiding member.*
- (2) *The Guiding Principles must be taken into account when considering whether to act under subregulation (1).*
- (3) *If a suspension occurs under subregulation (1)—*
- (a) *a note of the suspension, including the reasons for and period of suspension, must be entered in the minutes; and*
- (b) *the meeting may proceed provided that a quorum is maintained but, during the period of suspension—*
- (i) *the provisions of the Act must continue to be observed; and*
- (ii) *no act or discussion will have any status or significance under the provisions which have been suspended; and*
- (iii) *no motion may be moved, seconded, amended or voted on, other than a motion that the period of suspension should be brought to an end; and*
- (c) *the period of suspension should be limited to achieving the purpose for which it was declared; and*
- (d) *the period of suspension will come to an end if—*
- (i) *the presiding member determines that the period should be brought to an end; or*
- (ii) *at least two-thirds of the members present at the meeting resolve that the period should be brought to an end.*

4.10.1 Use of a short term suspension can be useful when Members could benefit from some informal sharing of ideas, opinions without the constraints of speaking to motions.

#### 4.11. Points of Order

##### Legislation – Regulation 28

- (1) *The presiding member may call to order a member who is in breach of the Act or these regulations*
- (2) *A member may draw to the attention of the presiding member a breach of the Act or these regulations, and must state briefly the nature of the alleged breach*
- (3) *A point of order takes precedence over all other business until determined*
- (4) *The presiding member will rule on a point of order*
- (5) *If an objection is taken to the ruling of the presiding member, a motion that the ruling not be agreed with must be moved immediately*
- (6) *The presiding member is entitled to make a statement in support of the ruling before a motion under subregulation (5) is put*

- (7) *A resolution under subregulation (5) binds the meeting and, if a ruling is not agreed with –*
- (a) *the ruling has no effect; and*
  - (b) *the point of order is annulled*

4.11.1 Points of order are not recorded in the minutes. The only entry in the minutes in relation to a point of order would be to record the process of a motion to disagree with a ruling by the Mayor.

#### 4.12. Exclusion of member from meeting by Presiding Member

<b>Legislation – Regulation 28A</b>
<p>(1) <i>For the purposes of section 86(6b) of the Act, before giving a direction under that subsection, the presiding member must allow the member to make a personal explanation.</i></p> <p>(2) <i>If a member is excluded from a meeting for a contravention of section 86(6a) of the Act, action cannot be taken under regulation 29 in respect of the contravention.</i></p> <p>(3) <i>A member will not be taken to contravene section 86(6a) of the Act merely because the member is—</i></p> <ul style="list-style-type: none"> <li>(a) <i>objecting to words used by a member who is speaking; or</i></li> <li>(b) <i>calling attention to a point of order; or</i></li> <li>(c) <i>calling attention to want of a quorum.</i></li> </ul> <p>(4) <i>For the purposes of section 86(6e) of the Act, if a member the subject of a direction excluding them from a meeting under section 86(6b) of the Act refuses to comply with the direction or enters the meeting in contravention of the direction, the remaining members at the meeting may, by resolution—</i></p> <ul style="list-style-type: none"> <li>(a) <i>censure the member; or</i></li> <li>(b) <i>suspend the member for a part, or for the remainder, of the meeting.</i></li> </ul>

4.12.1 For clarity regulation 28A (1) is entirely at the Presiding Members discretion.

4.12.2 Section 86(6b) provides that any suspension resolved by the Council in accordance with Regulation 28A will be for a period not exceeding 15 minutes as determined by the presiding member. Further, a matter must not be put to the vote while a member is suspended [section 68(6d)].

4.12.3 The suspended member must for the duration of the suspension, leave the meeting room (including any area set aside for the public) such that the member cannot view or hear and discussion at the meeting [section 86(6b)].



#### 4.13. Interruption of Meetings by Members

<b>Legislation – Regulation 29</b>	
(1)	<i>A member of a council or council committee must not, while at a meeting</i>
	<i>(a) behave in an improper or disorderly manner or</i>
	<i>(b) cause an interruption or interrupt another member who is speaking</i>
(2)	<i>Subregulation (1)(b) does not apply to a member who is –</i>
	<i>(a) objecting to words used by a member who is speaking or</i>
	<i>(b) calling attention to a point of order or</i>
	<i>(c) calling attention to want of a quorum</i>
(3)	<i>If the presiding member considers that a member may have acted in contravention of subregulation (1), the member must be allowed to make a personal explanation</i>
(4)	<i>Subject to complying with subregulation (3), the relevant member must leave the meeting while the matter is considered by the meeting</i>
(5)	<i>If the remaining members resolve that a contravention of subregulation (1) has occurred, those members may, by resolution –</i>
	<i>(a) censure the member or</i>
	<i>(b) suspend the member for a part, or for the remainder, of the meeting</i>
(6)	<i>A member who –</i>
	<i>(a) refuses to leave a meeting in contravention of subregulation (4) or</i>
	<i>(b) enters a meeting in contravention of a suspension under subregulation (5)</i>
	<i>is guilty of an offence.</i>

4.12.1 Offences under Regulation 29 carry a financial penalty of \$1,250.

4.12.2 In contrast to Regulation 28A(1) above Regulation 29 (5) requires a resolution of Council

#### 4.14. Interruption of Meetings by Others

<b>Legislation – Regulation 30</b>	
<i>A member of the public who is present at a meeting of a council or council committee must not –</i>	
	<i>(a) behave in a disorderly manner or</i>
	<i>(b) cause an interruption</i>

4.13.1 Offences under Regulation 30 carry a financial penalty of \$500.

#### 4.15. Meeting Protocols

##### ***Mobile Phones/Pagers***

4.14.1 Mobile phones/pagers should be switched off or silent during Council meetings unless prior approval is granted by the Mayor for the phone/pager to remain active.

##### ***Speaking during meetings***

4.14.2 Council Members and Council Officers will raise their hand and wait to be invited to speak by the Mayor prior to addressing the Council.

4.14.3 Upon being invited to speak, the Member or Officer will lower their hand, unmute their microphone for the duration of their speech and will mute their microphone when concluded.

4.14.4 When addressing Council, the Member or Officer will speak 'through the chair' (e.g. 'through your Worship').

### ***Forms of Address***

4.14.5 The Mayor shall be addressed as Your Worship or Mayor.

4.14.6 Councillors should be referred to as 'Councillor' followed by their surname.

4.14.7 Council Officers should be referred to by the relevant prefix followed by their surname or by their position title (i.e. CEO, Director Community Capacity).

### ***Interaction with the Gallery***

4.14.8 The Mayor may speak to members of the Gallery for the purposes of welcoming attendees, arranging Deputies and Public Forum speakers and providing other information related to the functioning of the meeting.

4.14.9 Councillors must not speak to members of the Gallery during the meeting or accept notes from those present in the Gallery. The only exception is when Members of the Gallery are making a Deputation or speaking in the Public Forum.

4.14.10 Council Officers should also minimise discussion with members of the Gallery during the meeting other than to provide guidance regarding meeting logistics.

## **5. OPERATING PROCEDURES – RECORDING/BROADCASTING OF THE MEETING**

### **5.1. Recording of Meetings**

5.1.1 Council meetings will be recorded using the electronic meeting software (i.e. audio and visual).

5.1.2 As a general rule, the recordings will be captured by the Administration of open Council meetings to be used for the purpose of:

- a. assisting in the preparation of minutes
- b. ensuring decisions are accurately recorded
- c. verifying the accuracy of minutes prior to their confirmation.

5.1.3 Recordings will be managed in accordance with the provisions of the *State Records Act 1997*, *Surveillance Devices Act 2016* and the *Freedom of Information Act 1991* (FOI Act).

5.1.4 The recording is an internal working document and is not the official record of the meeting. The official record of the meeting is the meeting minutes which require confirmation by resolution and are signed by the Mayor.

5.1.5 In the absence of any technical difficulties, recordings of Council meetings [with any provisions subject to s90(3) redacted] will be placed on the Council website to coincide with the publication of the Council minutes.

## 5.2. Livestreaming/broadcasting of Meetings

- 5.2.1 Council meetings will be livestreamed/broadcast using the electronic meeting software (i.e. audio and visual) into social media channels and/or Council's website as determined by the Chief Executive Officer.
- 5.2.2 Details of the livestream/broadcast will be included on the Council website to enable members of the public to observe the meeting. The livestream/broadcast settings will not allow the public to participate in the meeting, other than by deputation.
- 5.2.3 Further information on the public access to Council Meetings can be found in the *Code of Practice for Access to Council, Council Committee and Information or Briefing Session Meetings & Documents*.

## 5.3. Minutes of Meetings

- 5.3.1 In accordance with section 91 of the *Local Government Act 1999*, the CEO must ensure that minutes are kept of the proceedings at every meeting of Council.
- 5.3.2 If the CEO is excluded from a meeting, the Mayor must ensure the minutes are kept.
- 5.3.3 Each Member of the Council must, within five (5) days after a meeting of a Council, be supplied with a copy of all minutes of the proceedings of the meeting.
- 5.3.4 Minutes of all Council meetings will be posted on Council's website as soon as practicable after they are completed.
- 5.3.5 More information of public access to Council documents is contained in the *Code of Practice for Access to Council, Council Committee and Information or Briefing Session Meetings & Documents*.

### Legislation – Regulation 8

- (1) *The minutes of the proceedings at a meeting must be submitted for confirmation at the next meeting or, if that is omitted, at a subsequent meeting.*
- (2) *No discussion on the minutes may occur before confirmation, except as to the accuracy of the minutes as a record of proceedings.*
- (3) *On the confirmation of the minutes, the presiding member will -*
  - (a) *initial each page of the minutes, which pages are to be consecutively numbered; and*
  - (b) *place his or her signature and the date of confirmation at the foot of the last page of the minutes.*
- (3a) *For the purposes of subregulation (3), the presiding member may initial or sign the minutes in hardcopy or electronically.*
- (4) *The minutes of the proceedings of a meeting must include –*
  - (a) *the names of the members present at the meeting; and*
  - (b) *in relation to each member present -*
    - (i) *the time at which the person entered or left the meeting; and*

- (ii) *unless the person is present for the whole meeting, the point in the proceedings at which the person entered or left the meeting; and*
- (c) *each motion or amendment, and the names of the mover and seconder; and*
- (d) *any variation, alteration or withdrawal of a motion or amendment; and*
- (e) *whether a motion or amendment is carried or lost; and*
- (f) *any disclosure of interest made by a member; and*
- (g) *an account of any personal explanation given by a member; and*
- (h) *details of the making of an order under subsection (2) of section 90 of the Act (see subsection (7) of that section); and*
- (i) *a note of the making of an order under subsection (7) of section 91 of the Act in accordance with the requirements of subsection (9) of that section; and*
- (j) *details of any adjournment of business; and*
- (k) *a record of any request for documents to be tabled at the meeting; and*
- (l) *a record of any documents tabled at the meeting; and*
- (m) *a description of any oral briefing given to the meeting on a matter of council business; and*
- (n) *any other matter required to be included in the minutes by or under the Act or any regulation.*

5.3.6 As the minutes are a reflection of decisions made by meeting as a whole, minutes of the meeting do not record (with the exception of a Division in accordance with Regulation 17 and as required under section 75B – *Dealing with general conflicts of interest*) the manner in which the Member voted and the manner in which the majority of persons who were entitled to vote at the meeting voted on the matter

5.3.7 Minutes will also not record or reflect specifics of debate of an item.

## **6. ADMINISTRATIVE ARRANGEMENTS**

### **6.1. Availability of the Code**

6.1.1 This Code is available via the Council’s website [www.ahc.sa.gov.au](http://www.ahc.sa.gov.au).

### **6.2. Delegation**

6.2.1 The CEO has the delegation to:

- a. Approve, amend and review any procedures that shall be consistent with this Code.
- b. Make any legislative, formatting, nomenclature or other minor changes to the Code during the period of its currency.

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## **APPENDIX A - AGENDA TEMPLATE FOR ORDINARY COUNCIL MEETINGS**

- 1. COMMENCEMENT**
- 2. OPENING STATEMENT**
- 3. APOLOGIES/LEAVE OF ABSENCE**
  - 3.1. Apology**
  - 3.2. Leave of Absence**
  - 3.3. Absent**
- 4. MINUTES OF PREVIOUS MEETINGS**
- 5. DECLARATION OF INTEREST BY MEMBERS**
- 6. MAYOR'S OPENING REMARKS**
- 7. QUESTIONS ADJOURNED/LYING ON THE TABLE**
  - 7.1. Questions Adjourned**
  - 7.2. Questions Lying on the Table**
- 8. PETITIONS / DEPUTATIONS / PUBLIC FORUM**
  - 8.1. Petitions**
  - 8.2. Deputations**
  - 8.3. Public Forum**
- 9. PRESENTATIONS**
- 10. QUESTIONS ON NOTICE**
- 11. MOTIONS ON NOTICE**
- 12. ADMINISTRATION REPORTS – DECISION ITEMS**
- 13. ADMINISTRATION REPORTS – INFORMATION ITEMS**
- 14. QUESTIONS WITHOUT NOTICE**
- 15. MOTIONS WITHOUT NOTICE**
- 16. REPORTS**
  - 16.1. Council Member Reports**
  - 16.2. Reports of Members/Officers as Council Representatives on External Organisations**
  - 16.3. CEO Report**
- 17. REPORTS OF COMMITTEES**
- 18. CONFIDENTIAL ITEMS**
- 19. NEXT MEETING**
- 20. CLOSE MEETING**

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## **APPENDIX B – MOTION ON NOTICE TEMPLATE**

**ADELAIDE HILLS COUNCIL  
ORDINARY COUNCIL MEETING  
<day> <date>  
AGENDA BUSINESS ITEM**

**Item:** 12.1 Motion on Notice

**Originating from:**

**Subject:**

---

**1. MOTION**

I move... <body of motion>

**2. BACKGROUND**

**3. OFFICER'S RESPONSE – Officer Name, Position**

**ANALYSIS**

- **Strategic Management Plan/ Functional Strategy/Council Policy Alignment**
- **Legal Implications**
- **Risk Management Implications**
- **Financial and Resource Implications**
- **Customer Service and Community/Cultural Implications**
- **Sustainability Implications**
- **Engagement/Consultation conducted in the development of the report**
- **Other Matters**

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## **APPENDIX C – ADMINISTRATION REPORT TEMPLATE**

**ADELAIDE HILLS COUNCIL  
ORDINARY COUNCIL MEETING  
<day> <date>  
AGENDA BUSINESS ITEM**

**Item:** 12.

**Responsible Officer:**

**Subject:**

**For:** Decision/Information

---

### **SUMMARY**

### **RECOMMENDATION**

**That Council resolves:**

1. To receive and note the report
  - 2.
- 

1. **BACKGROUND**

2. **ANALYSIS**

- **Strategic Management Plan/ Functional Strategy/Council Policy Alignment**
- **Legal Implications**
- **Risk Management Implications**
- **Financial and Resource Implications**
- **Customer Service and Community/Cultural Implications**
- **Sustainability Implications**
- **Engagement/Consultation conducted in the development of the report**
- **Other Matters**

3. **OPTIONS**

4. **APPENDICES**

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# **Administration Reports Decision Items**

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**ADELAIDE HILLS COUNCIL  
ORDINARY COUNCIL MEETING  
Tuesday 28 January 2025  
AGENDA BUSINESS ITEM**

**Item:** 12.1

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

**Subject:** Funding – Stormwater Upgrade Junction Road, Balhannah

**For:** Decision

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**SUMMARY**

This report seeks Council's acceptance of a funding offer from the State Government to progress drainage works at Junction Road, Balhannah.

The drainage works will address historical flooding issues that have occurred to residents between 47 and 55 Junction Road, Balhannah.

The Minister, through the Department for Infrastructure and Transport (DIT), has subsequently committed to providing up to \$390,233 (excluding GST) towards the construction of the stormwater works.

With Council's matching allocation of funding from the Federal Local Roads and Community Infrastructure Program, Council expects to be able to resolve these long standing issues and alleviate concerns the local residents are having with the threat of inundation from stormwater.

**RECOMMENDATION**

**Council resolves:**

1. That the *Funding – Stormwater Upgrade Junction Road, Balhannah* report be received and noted.
2. To accept the State Government's offer to contribute \$390,233 toward the cost of upgrading stormwater drainage on Junction Road, Balhannah.
3. To reaffirm Council's allocation of \$381,152 from the Federal Local Roads and Community Infrastructure Program toward the works.
4. The Chief Executive officer is authorised to finalise negotiations and enter into a suitable funding arrangement with the State Government.
5. That, if necessary, the Mayor and Chief Executive Officer are authorised to apply the Council's common seal to the funding agreement.

## 1. BACKGROUND

Council has advocated for support in upgrading stormwater on Junction Road, Balhannah for several years. Council has committed funding towards the upgrade and the Department of Infrastructure and Transport committed to design works. Following the design the State Government has now offered funding support towards the project.

Below is the history of Council resolutions associated with Junction Road, Balhannah

26/10/2021	Ordinary Council	218/21	Flooding in Balhannah	<p>... That the Acting CEO:</p> <ol style="list-style-type: none"> <li>1. Advises the Chief Executive, Department for Infrastructure and Transport (DIT) of the situation regarding flooding to residents' homes at Junction Road Balhannah opposite the Balhannah Railway Station</li> <li>2. Requests the Chief Executive DIT to take urgent action to ensure that homes are not flooded as result of storm water flowing from DIT land</li> <li>3. Urges the Chief Executive DIT to place a high priority on investment for the remedial works</li> <li>4. Requests the Chief Executive DIT to provide a work schedule for any necessary remedial works</li> <li>5. A copy of all correspondence be referred to the Member for Kavel, Dan Cregan, MP.</li> </ol>																										
22/03/2022	Ordinary Council	55/22	Local Roads and Community Infrastructure Phase 3	<p>... </p> <ol style="list-style-type: none"> <li>1. That the report be received and noted</li> <li>2. To authorise the applications for the following projects to be submitted as the Adelaide Hills Council Local Roads and Infrastructure Program Phase 3 for delivery in 2022/23 and the estimated associated expenditure to undertake those works:                     <table border="0" style="margin-left: 20px;"> <tr><td>1. Woodside School Crossing</td><td></td></tr> <tr><td style="text-align: right;">\$ 50,000</td><td></td></tr> <tr><td>2. Heathfield School Courts (Comets) – Canteen and Storage</td><td style="text-align: right;">\$ 240,000</td></tr> <tr><td>3. Freedom Camping Infrastructure Establishment</td><td style="text-align: right;">\$ 30,000</td></tr> <tr><td>4. Junction Road Stormwater, Balhannah</td><td style="text-align: right;">\$ 200,000</td></tr> <tr><td>5. Adelaide Hills War Memorial Swimming Centre - Splash Park Contribution</td><td style="text-align: right;">\$ 200,000</td></tr> <tr><td>6. Gumeracha Library Upgrades</td><td style="text-align: right;">\$ 115,000</td></tr> <tr><td>7. Adelaide 100 Walking Route</td><td style="text-align: right;">\$ 60,000</td></tr> <tr><td>8. Fire Scars Proactive Tree Management</td><td style="text-align: right;">\$ 380,000</td></tr> <tr><td>9. Accelerated Bin Renewal Program</td><td style="text-align: right;">\$ 30,000</td></tr> <tr><td>10. Accelerated Bus Shelter Renewal</td><td style="text-align: right;">\$ 35,000</td></tr> <tr><td>11. Accelerated Pavement Renewal/Major Patching Maintenance</td><td style="text-align: right;">\$ 152,830</td></tr> <tr><td>12. Stormwater upgrade Western Side near Childcare - Oakbank</td><td style="text-align: right;">\$ 70,000</td></tr> </table> </li> <li>3. Subject to approval, and in line with the above estimated costs, that the CEO or his delegate be authorised to commit expenditure to undertake the above works with any adjustments to income and expenditure to be incorporated into Council's 2022/23 Annual Business Plan and Budget.</li> <li>3. That should any projects be unsuccessful, or significant savings achieved, the Council authorises the CEO to reallocate the project funding in line with the alternative projects identified in the report.</li> <li>4. That the CEO be authorised to write a letter of acknowledgement to the Hon Barnaby Joyce MP, Deputy Prime Minister and Minister for Infrastructure, Transport and Regional Development thanking the Federal Government for this additional phase of the funding program.</li> </ol>	1. Woodside School Crossing		\$ 50,000		2. Heathfield School Courts (Comets) – Canteen and Storage	\$ 240,000	3. Freedom Camping Infrastructure Establishment	\$ 30,000	4. Junction Road Stormwater, Balhannah	\$ 200,000	5. Adelaide Hills War Memorial Swimming Centre - Splash Park Contribution	\$ 200,000	6. Gumeracha Library Upgrades	\$ 115,000	7. Adelaide 100 Walking Route	\$ 60,000	8. Fire Scars Proactive Tree Management	\$ 380,000	9. Accelerated Bin Renewal Program	\$ 30,000	10. Accelerated Bus Shelter Renewal	\$ 35,000	11. Accelerated Pavement Renewal/Major Patching Maintenance	\$ 152,830	12. Stormwater upgrade Western Side near Childcare - Oakbank	\$ 70,000
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28/03/2023	Ordinary Council	62/23	Petition - Flooding Junction Road Balhannah	<p>... 1. The petition signed by 15 signatories requesting Council to upgrade drainage infrastructure on Junction Road Balhannah be received and noted.</p> <p>2. The CEO write to the CEO of the Department for Infrastructure and Transport asking him to prioritise committed works at this location.</p> <p>3. The CEO advise the principal signatory of the Council's noting of the petition and of any resolutions relating to the matter.</p> <p>4. The CEO liaise with the principal signatory to discuss concerns raised in the correspondence, including avenues for addressing the complaint utilising the Council's complaint handling policies and procedures and/or the internal review of decisions mechanism as applicable.</p>
28/03/2023	Ordinary Council	62/23	Petition - Flooding Junction Road Balhannah	<p>... 2. The CEO write to the CEO of the Dept for Infrastructure &amp; Transport asking them to prioritise committed works at this location</p>
9/04/2024	Ordinary Council	109/24	Local Roads Community Infrastructure Program (LRCIP) Phase 3 – Alternate Projects	<p>... 1. That the report be received and noted.</p> <p>2. To withdraw Project #4 (Junction Road Stormwater, Balhannah - \$200,000) and Project #5 (ASWMSC Splash Park - \$200,000) from the Approved Works Schedule of Local Roads and Community Infrastructure Program Phase 3.</p> <p>3. That the following projects be submitted as a Variation to the Phase 3 Approved Works Schedule for consideration by the program delegate as a project for completion by 30 June 2024:</p> <ol style="list-style-type: none"> <li>1. CCBF Fire Scar Proactive Tree Management - \$250,000</li> <li>2. Accelerated street furniture upgrades - \$75,000</li> <li>3. Fidlers Hill Road sealing - \$75,000</li> </ol> <p>4. That the withdrawn projects from Phase 3 be considered by Council for submission in Phase 4 of the Local Roads and Community Infrastructure Program.</p> <p>5. That the Chief Executive Officer be authorised to undertake all necessary action, including entering into necessary agreements, to further the Council's resolution and that the Chief Executive Officer be authorised to submit any necessary alternative proposals to ensure the Council can receive and utilise its full LRCIP Phase 3 funding allocation by 30 June 2024.</p>

25/06/2024	Ordinary Council	221/24	Local Roads and Community Infrastructure Program (LRCIP) Phase 4	...	<ol style="list-style-type: none"><li>1. That the report be received and noted.</li><li>2. To authorise the applications for the following projects to be submitted as the Adelaide Hills Council Local Roads and Infrastructure Program Phase 4 full works schedule, totalling \$1,232,152, for delivery in 2024-25:<ol style="list-style-type: none"><li>a. Knotts Hill Road slip Ashton/Basket Range \$87,000</li><li>b. Marble Hill Road slip Ashton/Marble Hill \$150,000</li><li>c. Fox Creek Road pavement renewal Cudlee Creek \$214,000</li><li>d. Junction Road, Stormwater Balhannah \$381,152</li><li>e. Adelaide Hills War Memorial Swimming Centre Splash Park, Woodside \$400,000</li></ol></li><li>3. That the Chief Executive Officer, or his delegate, be authorised to submit and negotiate any variations to the approved funding schedule, such as timing, specific project scope or specific funding allocations, in relation to the above projects as may be required throughout the delivery of the program.</li><li>4. That the Chief Executive Officer, or his delegate, be authorised to make any changes necessary to incorporate the above program of works into Council's 2024-25 Annual Business Plan and Budget.</li></ol>
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## 2. ANALYSIS

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

*Strategic Plan 2024 – Your Place, Your Space*

Goal BFE Built Form and Economy

Objective BFE 3 Develop and maintain infrastructure to support liveability and sustainable economic activity.

Priority BFE3.1 Continue to pursue co-funding for community infrastructure and road safety improvement projects.

The installation of this infrastructure will also support the well-being of the local community impacted by flooding.

### ➤ Legal Implications

Nil

### ➤ Risk Management Implications

Flooding to properties on Junction Road has been an issue for several years and the State Government funding will allow the works to proceed and reduce the flooding risk to those properties.

### ➤ Financial and Resource Implications

The funding made available from the State Government is an estimated 50% contribution to the overall costs. It should be noted that the State Government also did commit to, and funded, the initial investigations and design of the proposed stormwater upgrades.

The works will result in infrastructure that becomes the responsibility of Adelaide Hills Council. This will increase Council's operating and maintenance costs.

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

This project will provide for increased flood protection for a number of properties along Junction Road, Balhannah.

➤ **Sustainability Implications**

Nil

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

Nil

➤ **Additional Analysis**

In March 2024, the Chief Executive Officer and the Director Environment and Infrastructure met with the Member for Kavel, Dan Cregan and Minister Koutsantonis, together with a community representative, Kristian Wehner, to discuss the matter and impress upon all stakeholders the need for a joint approach to resolving this longstanding issue.

At that meeting, it was agreed that Council would take over project management and the State Government would consider a funding contribution. This has ultimately come to fruition with the offer that is subject to this report.

At the time of writing this report, the Department was still developing the proposed funding agreement. It is important that the project is able to be expedited to ensure the project is completed before the 30 June 2025 deadline for the expenditure of federal funds. As such, the report recommends authorising the Chief Executive Officer to negotiate the particulars of the funding agreement on the Council's behalf.

### **3. OPTIONS**

Council has the following options:

- I. Entering into a funding agreement with the State Government (Recommended)
- II. Decline the funding from the State Government – this will require Council to utilise additional Council funding or not deliver an outcome that will substantially reduce flooding risks (Not Recommended)

### **4. APPENDICES**

- (1) Letter from Hon Tom Koutsantonis MP

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# **Appendix 1**

*Letter from Hon Tom Koutsantonis MP*

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The Hon Tom Koutsantonis MP

ADELAIDE HILLS COUNCIL  
RECEIVED

24 DEC 2024



Government  
of South Australia

24MIT16701

Mr Greg Georgopoulos  
Chief Executive Officer  
Adelaide Hills Council  
63 Mount Barker Road  
STIRLING SA 5152

Minister for Infrastructure  
and Transport

Minister for Energy and  
Mining

Level 14, 83 Pirie Street  
Adelaide SA 5000

GPO Box 1533  
Adelaide SA 5001

Tel 08 7133 1100

minister.koutsantonis@sa.gov.au

Dear Mr Georgopoulos

A handwritten signature in blue ink that reads 'Greg'.

Thank you for meeting with me on 5 March 2024, to discuss historical flooding issues that have occurred to residents between 47 and 55 Junction Road, Balhannah.

I understand that responsibility for stormwater runoff onto Junction Road from pipe outlets at the Junction Road/Jones Road intersection and from Adelaide Hills Council (Council) installed stormwater infrastructure under the Australian Rail Track Corporation (ARTC) rail line is approximately 80 percent Council's and 20 percent the Department for Infrastructure and Transport (the Department)/ARTC's.

I am advised that since Council approved development in 2007, during intense rain events, flows exceeded the existing stormwater pipe outlets and water sheets across Junction Road towards the properties at 47 to 55 Junction Road, Balhannah. Subsequently, there have been reported flooding incidents between these properties.

Prior to the land division (Development Application (DA) 473/D076/06), stormwater runoff was able to drain freely into the then undeveloped land at 47 to 55 Junction Road, Balhannah, and had an uninterrupted path to Junction Creek. The undeveloped site was relatively flat with a gentle slope, and the stormwater followed the natural overland path across the site to Junction Creek.

For an area to be developed, any stormwater/drainage requirements are captured under the Development Approval requirements (for example, the proposed development should accommodate any impacts to stormwater/drainage), specifically when the natural water flow path has been altered.

As part of Council's development approval for this location, a stormwater easement was placed between properties 47 and 49 Junction Road, Balhannah and the stormwater infrastructure is inadequate for the catchment. Subsequently, flooding issues have occurred at the five properties approved under this development.

As you are aware, the Department, in conjunction with Council, has prepared a design to improve the long-term capture and conveyance of stormwater runoff along Junction Road, which will significantly mitigate the likelihood of the properties at 49 to 55 Junction Road and Balhannah Road being flooded once the works are completed.

In undertaking these design works, the Department has completed a detailed engineering survey, environmental and heritage studies, hydrology and hydraulic assessments, concept design optioneering, vegetation survey, utilities identification and detailed design at a total cost of \$350,000 (excluding GST).

In mid-2023, the Department undertook maintenance works on the existing stormwater infrastructure of Junction Road, which included enhancing existing swales, pipe clearing and vegetation trimming. I am pleased to report that there have been no reported incidents of flooding since these maintenance works were undertaken.

The Department has advised that Council is able to undertake the remaining works at an estimated project cost of \$780,466.77 (excluding GST), which is based on the Department's current 'Issued for Construction' design. This estimate includes some minor realignment of pipework to use the existing easement already in place in the Minister for Infrastructure and Transport's rail parcel of land. I can confirm that the Department will provide up to \$390,233 (excluding GST) towards the construction of the stormwater works.

I also understand Council is reviewing the design the Department has developed with the intent to potentially value-manage the project further. I look forward to any development in this area.

I would like to take this opportunity to reconfirm that although stormwater is Council's responsibility, the Department is most sympathetic of the situation for residents residing at 47 to 55 Junction Road, Balhannah. As mentioned during our meeting on 5 March 2024, I am committed to working with Council to have this matter resolved.

For any further enquiries on this matter, please contact Mr Andrew Excell, Executive Director, Transport Strategy and Planning at the Department, via email at [Andrew.Excell@sa.gov.au](mailto:Andrew.Excell@sa.gov.au), or telephone on 0407 080 149.

Yours sincerely



**Hon Tom Koutsantonis MP**  
Minister for Infrastructure and Transport

16/12/2024



**ADELAIDE HILLS COUNCIL  
ORDINARY COUNCIL MEETING  
Tuesday 28 January 2025  
AGENDA BUSINESS ITEM**

**Item:** 12.2

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

**Subject:** Acceptance of funding from Stirling Community Shop

**For:** Decision

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**SUMMARY**

The purpose of this report is to present the Council with an offer of funding from the Stirling Community Shop for a number of projects to improve accessibility in the Stirling township in the vicinity of the shop.

**RECOMMENDATION**

**Council resolves:**

1. That the report be received and noted.
  2. That the Stirling Community Shop be thanked for their generous offer to fund up to \$50,000 in accessibility initiatives and be advised that it is gratefully accepted.
  3. That the funding be used to undertake the following work which complements work recently undertaken by Council to improve accessibility in the vicinity:
    - a. The installation of a standards compliant accessible parking space in the Steamroller Park carpark
    - b. The installation of an accessible picnic setting in Steamroller Park
    - c. Improvements to accessibility of the bus stop outside the Stirling Community Shop
  4. That work proceed in the current financial year if possible and that the Council's budget be amended accordingly to reflect the income and expenditure.
  5. That the Chief Executive Officer be authorised to finalise the funding arrangements between the Council and the Stirling Community Shop.
  6. That appropriate recognition of the Stirling Community Shop be made on completion of the works.
- 

**1. BACKGROUND**

Stirling Community Shop Inc is a registered charity operating out of a Council owned building on the corner of Mount Barker Road and Avenue Road, Stirling.

It sells donated second-hand clothing and other goods, with funds distributed to aged and disability care groups, health services and other not-for-profit entities.

While it once focussed on funding district nursing services, it remains focussed on making the area more livable for people with illness and disabilities.

In 2024, Shop representatives approached Council administration seeking advice on initiatives that could be funded by the Shop, with an emphasis on practical improvements in Stirling that would assist people with disability.

## 2. ANALYSIS

### ➤ 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 CW3.2 Update and implement our Disability Access and Inclusion Plan and continue to improve universal access to our community supports and services.

Highlight this row, hit delete and then start typing here - delete the blue text below

The Council's *Access and Inclusion Plan 2021 – 2024* contains a range of actions aimed at improving accessibility of Council programs, services and facilities. The work proposed in this initiative is consistent with the aims of that plan.

### ➤ Legal Implications

Not applicable.

### ➤ Risk Management Implications

Undertaking the proposed works will assist in mitigating the risk of:

*Ineffective strategies to work with vulnerable members of the community, leading to increased isolation of those people and barriers to them being part of our community.*

Inherent Risk	Residual Risk	Target Risk
Extreme (4B)	High (3B)	Low

There are a number of actions which mitigate this risk. The proposed works go some way to improving accessibility in a key Council township.

### ➤ Financial and Resource Implications

Council staff have estimated a package of works that can be completed within the \$50,000 contribution as described in this report. The work would be contracted out, thus having negligible impact on the delivery of other services or projects.

Adelaide Hills Council has recently completed works to upgrade the bus stop (including the shelter) immediately outside the Stirling Community Shop at a cost of \$58,000. The works funded by the Shop would complement that work.

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

It is reasonable to suggest that the proposed works would be well received by the community and, particularly those living with disability.

➤ **Sustainability Implications**

Staff will apply sustainable procurement principles in the acquisition of materials and services associated with the proposed works.

➤ **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>	The Stirling Community Shop representatives have been engaged with Council staff in identifying potential works to be funded. The latest proposal was considered and endorsed at the Shop's AGM in late 2024.

➤ **Additional Analysis**

Council staff and representatives of the Stirling Community Shop management committee worked through a number of options for the use of the funds. Candidate projects needed to be readily deliverable in a reasonable amount of time, have real benefits to the accessibility of the Stirling township and be affordable within the Shop's funding contribution.

The following suite of improvements was ultimately endorsed by the Shop:

Accessible car parking

The creation of a double accessible car parking space meeting current standards in the car park between Steamroller Park and Stirling Community Theatre. This would be the first of its kind in the public realm in Stirling and will improve accessibility to the theatre, play space, picnic areas and shops in the near vicinity.

Accessible picnic benches

Accessible picnic benches enable people with mobility aids such as wheelchairs to be able to come right up to the table top in the same manner as a person seated. There

are no accessible picnic settings in Steamroller Park at present, despite the presence of some accessible equipment in the playground itself.

#### Accessible bus stop

The major bus stop on the corner of Mount Barker Road and Avenue Road, Stirling, contains a double bus bay. It is a key stop for routes to the Adelaide city and is also an interchange point for connecting buses to other areas. It is the most utilised stop in Stirling and following a Council resolution to do so, the bus shelter itself was recently replaced. The Shop funding will enable both bays to be fitted with tactile ground surface indicators, meeting the current standard for bus stops and ensure this key bus stop is fully compliant with *Disability Discrimination Act 1992 (Cwth)* requirements. Existing benches will also be replaced.

The funding provided by the Stirling Community Shop enables Council to make these accessibility improvements sooner than would otherwise have been the case. The works are consistent with the Council's aims and objectives in the *Access and Inclusion Plan 2021 – 2024*.

Should Council resolve to accept the funding, the proposed works would be carried out in the coming months and would have negligible impact on the delivery of the existing capital works program.

### **3. OPTIONS**

Council has the following options:

- I. Accept the funding proposal (Recommended)
- II. Decline the funding proposal (Not Recommended)

### **4. APPENDICES**

Nil.

**ADELAIDE HILLS COUNCIL  
ORDINARY COUNCIL MEETING  
Tuesday 28 January 2025  
AGENDA BUSINESS ITEM**

**Item:** 12.3

**Responsible Officer:** Zoë Gill  
Executive Governance Officer  
Office of the CEO

**Subject:** Nomination for Deputy Mayor Appointment

**For:** Decision

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**SUMMARY**

The *Local Government Act 1999* provides that a council may hold a position of Deputy Mayor.

The purpose of this report is to undertake the process for the re-election of the Deputy Mayor position for a specified term.

**RECOMMENDATION**

**Council resolves:**

**Decision 1** *(required if one candidate indicates intention to nominate)*

**Council resolves:**

1. That the report on the Deputy Mayor Appointment be received and noted.
2. To appoint Cr \_\_\_\_\_ to the position of Deputy Mayor for a \_\_\_\_\_ month/year term to commence 28 January 2025 and conclude on \_\_ inclusive.

**Decision 2** *(required if more than one candidate indicates intention to nominate)*

**Council resolves:**

1. That the report on the Deputy Mayor Appointment be received and noted.
2. To determine that the method of selecting the Deputy Mayor be by an indicative vote to determine the preferred person utilising the process as set out within this report and in accordance with the advice contained within Appendix 1.
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 Deputy Mayor role and for the meeting to resume once the results of the indicative voting has been declared.

**Decision 3 (required if meeting adjourned)**

1. To appoint Cr \_\_\_\_\_ to the position of Deputy Mayor for a \_\_\_\_\_ month/year term to commence 28 January 2025 and conclude on \_\_ inclusive.
- 

**1. BACKGROUND**

Current Deputy Mayor

Cr Melanie Selwood was appointed to the position of Deputy Mayor for a period of 12 months to commence on 1 June 2024 and conclude on 31 May 2025.

Moved Cr Mark Osterstock  
S/- Cr Adrian Cheater

185/24

**Council resolves:**

1. That the report on the Deputy Mayor Appointment be received and noted.
2. To appoint Cr Melanie Selwood to the position of Deputy Mayor for a 12 month term to commence 1 June 2024 and conclude on 31 May 2025 inclusive.

<b>Carried Unanimously</b>
----------------------------

Cr Melanie Selwood tendered her resignation, active from 27 January 2025.

Deputy Mayor Position

Council initially resolved to create the Deputy Mayor position and the method of selecting the Deputy Mayor on 29 November 2022.

**12.2 Deputy Mayor Position Creation**

Moved Cr Malcolm Herrmann  
S/- Cr Mark Osterstock

296/22

**Council resolves:**

1. That the report be received and noted.
2. To create the position of Deputy Mayor.
3. To determine that the method of selecting the Deputy Mayor be by an indicative vote to determine the preferred person utilising the process set out in this Agenda report.

4. 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 Deputy Mayor's role and for the meeting to resume once the results of the indicative vote have been declared.

Carried

### Role of the Deputy Mayor

During the 2018-2022 Council term, the Deputy Mayor deputised for the Mayor on several occasions and acted in the Office of the Mayor during periods of absence (i.e. illness and leave).

During the current 2022-2026 period, the person in the role of Deputy Mayor has deputised for the Mayor on several occasions and acted in the Office of the Mayor during periods of absence (i.e. leave of absence).

In 2024, Council allocated a number of roles traditionally held by the Mayor to the Deputy Mayor, including being the Principal Spokesperson for Council, being on the CEO Performance Review Panel and all functions, duties, responsibilities and roles (inclusive of any representative role) given to the Mayor under any Council policy, resolution, direction or convention (see particularly resolutions 10 September 2024, 316/24, 317/24, and 26 November 2024 430/24).

Additionally, the Deputy Mayor holds duties under a number of Council policies.

## 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 02.01 Demonstrate accountable and transparent decision making.

### ➤ Legal Implications

Section 51(4) states that if there is to be a Deputy Mayor, he or she will be chosen by the members of the council from amongst their own number and will hold office for a term determined by the council. A term is not to exceed 4 years.

Section 51(5) states that on expiration of a term of office, the Deputy Mayor is eligible to be chosen for a further term.

Section 51(6) states that in the absence of the Mayor, a Deputy Mayor may act in the Office of the Mayor. In doing so, the Deputy Mayor assumes the key duties of presiding over Council meetings and being the principal spokesperson of the Council.

By default, the Deputy Mayor assumes the role of Acting Mayor when the Mayor is on a leave of absence.

*Section 74 – General conflicts of interest* of the Act set out the provisions regarding General Conflicts of Interest. 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. For this matter, Council Members seeking to be appointed may have a General COI and should consider declaring the interest and acting in accordance with *s75B – Dealing with general conflicts of interest*.

*Section 75 – Material conflicts of interest* of the Act set out the provisions regarding Material Conflicts of Interest. 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. For this matter, Council Members seeking to be appointed to the Deputy Mayor position may have a Material COI due to the additional allowance payable and should consider declaring the interest and acting in accordance with *s75C – Dealing with material conflicts of interest*.

Council’s *Information or Briefing Sessions Policy* created under s90A(1) sets out the provisions for the conduct of an Information or Briefing Session such as the session recommended for the purposes of indicative voting. The above COI provisions do not apply to an Information or Briefing Session if it occurs.

➤ **Risk Management Implications**

The Council’s consideration of the requirement for a Deputy Mayor 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**

An Independent Remuneration Tribunal has jurisdiction under section 76 of the Act to determine the allowances payable to council members. The Tribunal determines the annual allowance for councillors, principal members, deputy mayor, prescribed and non-prescribed committee presiding members and travel time allowances with the applicable determination of this term of council being *Determination 2 of 2022 – Allowances for Members of Local Government Councils*.

The Determination sets the annual allowance for a councillor who is a deputy mayor at 1.25 times the annual councillor allowance.

As a Group 2 Council for the purposes of the Determination, the Deputy Mayor’s allowance will be \$26,106.36pa. The Determination further prescribes that the Deputy Mayor will receive the equivalent of the Mayoral allowance (4 times the annual councillor allowance) in



circumstances where they are required to act in the office of the Mayor for a period exceeding one month.

Council's *Council Member Allowances & Support* policy provides for additional facilities and supports for the Mayor. It does not provide any specific additional supports for the Deputy Mayor.

Council's current budget has provision for the costs associated with the Deputy Mayor role.

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

Not applicable.

➤ **Sustainability Implications**

Not applicable.

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

There is no requirement for community consultation in relation to the appointment of a Deputy Mayor as Section 51(4) of the Act is clear that the Deputy Mayor is chosen by resolution of the Council.

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**

In considering the Deputy Mayor position, Council may wish to consider suitability factors including (but not limited to):

- understanding of, or the ability to acquire the same in, the role, function, and strategic intent of the Council;
- understanding of, or the ability to acquire the same in, meeting procedure generally and the meeting procedure set out in the *Local Government (Procedures at Meetings) Regulations 2013* and Council's *Code of Practice for Council Meeting Procedures* more specifically;
- expertise in chairing meetings of comparable boards/committees in other organisations, public and private;
- ability to preside efficiently, firmly, impartially, and fairly over Council meetings;
- ability to manage conflict and differing opinions;
- ability and availability to represent and have an affinity with the community as a whole;

- ability and availability to represent the Council in the presence of members of Parliament, dignitaries, and peers;
- ability and availability to act in the Office of the Mayor during periods of absence;
- ability to deal with matters delegated under Council Policies to the Deputy Mayor (i.e. training and development, Council Member conduct);
- leadership, social and communication skills;
- relationship with the CEO, directors/departmental managers, and staff of the Council;
- the opportunity to provide professional development in presiding member skills;
- the opportunity to consider diversity in the role;
- current and future time commitments (i.e. there are a number of Council Committees, Regional Subsidiaries and Advisory Groups that will also require Council Member representation).

Due to the implications of the Material Conflict of Interest provisions under s75 (see Legal Implications above), 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 the position of Deputy Mayor.

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 for the purposes of s90A and the *Information or Briefing Sessions Policy* (the Policy). As an Information or Briefing Session, the Chief Executive will conduct the session in accordance with the Policy.

Following the meeting of Council on 14 December 2023 a review of the Appointments to Positions Process contained in Clause 4.7 Council's *Code of Practice for Code of Practice for Council Meeting Procedures* has been undertaken by Kelledy Jones Lawyers. This review followed questions being raised at the meeting on the process and a desire to provide a more simplified process and in turn a greater level of clarity.

The revised process proposed is outlined within **Appendix 1** and is recommended as follows:

1. On reaching the Agenda item, and prior to any motion being moved, the Mayor enquires as to how many members intend to nominate for the position of Deputy Mayor;
2. if only one (1) elected member indicates their candidacy, that member will declare a material conflict of interest and leave the meeting, whilst the Mayor invites a motion to appoint that member to the position (Decision 1);
3. the meeting will then deal with the motion;
4. if there are two (2) or more candidates, the Mayor will call for a formal motion to adjourn the meeting, until the conclusion of an informal secret ballot process;
5. once the meeting is adjourned, the Chief Executive Officer (or their delegate) will ask for confirmation of the candidates;
6. each candidate will be invited to speak for up to two (2) minutes as to the merits of their candidacy (as is provided for under the current procedure);

7. the Executive Governance Officer will be the returning officer for the secret ballot process;
8. elected members will cast their votes on a slip of paper for their preferred candidate;
9. if any candidate receives a majority the votes cast (that is, more than 50% of votes), that person will be considered to be the successful candidate;
10. if no candidate achieves a majority of votes, the candidate with the lowest number of votes will be excluded, and the secret ballot will be repeated until there are only two (2) candidates;
11. if at any point the votes for two (2) or more candidates are equal, lots will be drawn to determine which candidates(s) are to be excluded;
12. the result of the ballot will be confirmed by resolution in the resumed Council meeting;
13. at this point in time, the preferred candidate will exclude themselves from the meeting, on the basis of a material conflict of interest, and the remaining (unsuccessful) candidates will determine what action they may wish to take on the basis of the general conflict of interest provisions under the Act; and
14. the returning officer will oversee the shredding of the ballot papers.

### 3. OPTIONS

The Council has the following options:

- I. To resolve to continue the position of Deputy Mayor for a period and to undertake the processes as outlined in the report (**Recommended**).
- II. To determine not to continue with the position of Deputy Mayor until later in the Term (**Not Recommended**).

### 4. APPENDICES

Nil



**ADELAIDE HILLS COUNCIL  
ORDINARY COUNCIL MEETING  
Tuesday 28 January 2025  
AGENDA BUSINESS ITEM**

<b>Item:</b>	<b>12.4</b>
<b>Responsible Officer:</b>	<b>Zoë Gill Executive Governance Officer Office of the CEO</b>
<b>Subject:</b>	<b>Adelaide Hills Region Waste Management Authority (AHRWMA) Reappointment of Audit and Risk Committee Independent Member</b>
<b>For:</b>	<b>Decision</b>

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**SUMMARY**

The Adelaide Hills Region Waste Management Authority (AHRWMA) is required to have an Audit & Risk Committee in accordance with the provisions of Schedule 2 of the *Local Government Act 1999*.

The Terms of Reference (TOR) for the Audit & Risk Committee prescribes that the membership shall be two (2) Board Members and three (3) Independent Members.

This report recommends that Council reappoints the current AHRWMA Independent Member and Chair, Elizabeth Williams for a further term of three years as requested by the AHRWMA Board.

**RECOMMENDATION**

**Council resolves:**

- 1. That the report be received and noted.**
  - 2. That Council reappoint Elizabeth Williams as an Independent Member of the Adelaide Hills Region Waste Management Authority Audit and Risk Committee for a further term of three years, expiring on 8 February 2028.**
  - 3. That the CEO advises the Adelaide Hills Region Waste Management Authority Board of Councils resolution prior to 8 February 2025.**
- 

**1. BACKGROUND**

Council previously resolved to appoint Elizabeth Williams to the AHRWMA ARC on the 24 January 2023.

**18.1.1 Appointment of Audit & Risk Committee Independent Members to the Adelaide Hills Region Waste Management Authority – Confidential Item**

Moved Cr Lucy Huxter  
S/- Cr Leith Mudge

20/23

Council resolves:

1. That the report be received and noted
2. To endorse the following for appointment to the Adelaide Hills Region Waste Management Authority Audit & Risk Committee:
  - a. Rebecca Wilson
  - b. Marina Wagner
  - c. Elizabeth Williams

<b>Carried Unanimously</b>
----------------------------

On the 28 November 2024, the AHRWMA Board resolved to recommend to Constituent Councils that Independent Member and Chair of the ARC, Elizabeth Williams, be reappointed for a further three years:

**6.3 Reappointment of Audit and Risk Independent Member and Committee Chair**



**OM20241128.5**

That the Board recommend to Constituent Councils that Independent Member and ARC Committee Chairperson, Elizabeth Williams, be reappointed to the Committee for a further term of three years.

**Decision Date:** 28 Nov 2024  
**Mover:** John McArthur (Deputy Member)  
**Seconder:** Cr Tom Haig  
**Outcome:** Approved

**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 02.01 Demonstrate accountable and transparent decision making.

➤ **Legal Implications**

Section 43 of the *Local Government Act 1999* (the “Act”) sets out the processes for the establishment of regional subsidiaries. Regional subsidiaries can be established to provide a specific service or services to carry out a specified activity or to perform a function of the councils. To establish a s43 regional subsidiary a resolution from each constituent council is

required, a charter and other mandated arrangements agreed, and Ministerial approval granted.

The AHRWMA Audit & Risk Committee is established in compliance with clause 30, schedule 2 of the *Local Government Act 1999* (the “Act”) and in accordance with regulation 17 of the *Local Government (Financial Management) Regulations 2011*.

➤ **Risk Management Implications**

The Council’s consideration of the independent membership and chairperson of the AHRWMA Audit & Risk Committee 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**

There are no direct resource implications to Council from the Audit & Risk Committee appointments.

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

There are no direct end-user customer service implications regarding the reappointment of AHRWMA Audit & Risk Committee independent member or chair acknowledging however that Council itself is a customer of AHRWMA.

➤ **Sustainability Implications**

Not directly applicable.

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

Consultation on the development of this report was as follows:

*Council Committees:* Not Applicable

*Council Workshops:* Not Applicable

*Advisory Groups:* Not Applicable

*External Agencies:* AHRWMA

*Community:* Not Applicable

➤ **Additional Analysis**

The Audit & Risk Committee is established in compliance with clause 30, schedule 2 of the *Local Government Act 1999* (the “Act”) and in accordance with regulation 17 of the *Local Government (Financial Management) Regulations 2011*.

The Audit & Risk Committee Terms of Reference (TOR) stipulates under Section 4 Membership:

- Members of the Committee will be determined or approved by the Constituent Councils.
- The Committee will consist of two member of the Board and three Independent Members.
- One of the Independent Members will be appointed by the Board as the Chairperson.
- Independent Members will be appointed for a maximum term of 2 years.
- Terms of the appointments will preferably be arranged to ensure an orderly rotation and continuity of committee membership.
- Independent Members are eligible for reappointment at the expiration of their term at the sole discretion of the Constituent Councils. An Independent Member may be reappointed for a maximum of three terms.

The AHRWMA Board recommends the Constituent Councils endorse the reappointment of Elizabeth Williams to the AHRWMA Audit & Risk Committee (**Appendix 1**). Under the terms of reference of the Audit & Risk Committee, the AHWMA Board will appoint the chair (presiding member) of the Audit & Risk Committee.

The AHRWMA Board wrote to all Constituent Councils detailing the exemplary service that Elizabeth Williams has provided as Chair. She has demonstrated exceptional skills in governance, financial oversight, and risk management. Her leadership has been instrumental in the ARC's role in supporting the Authority's strategic goals, ensuring robust compliance, and providing valuable advice to the Board.

The Committee recently conducted a self-assessment of its performance and skills, with results indicating strong alignment with the Authority's needs in law, finance, governance, and strategic planning. The reappointment of Ms. Williams will ensure continuity of this high standard of expertise and leadership within the ARC, which is critical for the Authority's operations and long-term success.

Once Council has resolved its position in relation to the AHRWMA Audit & Risk Committee independent member, the CEO will communicate the resolution to the AHRWMA Board.

### 3. **OPTIONS**

Council has the following options:

- I. To reappoint Elizabeth Williams as Independent Member of the Audit & Risk Committee as proposed by the AHRWMA Board (Recommended)
- II. To determine not to reappoint Elizabeth Williams as Independent Member of the Audit & Risk Committee as proposed by the AHRWMA Board (Not Recommended)



**4. APPENDICES**

- (1) Correspondence from AHRWMA Board – 10 December 2024.

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# **Appendix 1**

*Correspondence from AHRWMA Board – 10 December  
2024.*

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# AHRWMA

“Sustainable Waste Management Through Shared Services”

10 December 2024

Greg Georgopoulos  
Chief Executive Officer  
Adelaide Hills Council  
63 Mount Barker Road  
Stirling SA 5152

Dear Greg,

**Re: Reappointment of Audit and Risk Committee Independent Member and Chair**

I write seeking the Adelaide Hills Council’s endorsement of the current Adelaide Hills Region Waste Management Authority (AHRWMA) Audit & Risk Committee (ARC) Independent Member, Ms Elizabeth Williams, for a further term of three years, concluding in February 2028.

Clause 4.6 & 4.7 of the ARC Terms of Reference state:

- 4.6. *Independent Members will be appointed by the Constituent Councils for a maximum term of three years. The terms of the appointment will preferably be arranged to ensure an orderly rotation of Independent Members and continuity of committee membership (e.g. respective terms of the Independent Members expiring in different years).*
- 4.7. *Independent Members are eligible for reappointment at the expiration of their term of office at the sole discretion of the Constituent Councils. An Independent Member may be reappointed by the Constituent Councils for a maximum of three terms (subject to clauses 4.8 and 4.9).*

Ms Williams first term on the Committee is set to expire on 8 February 2025 following her initial appointment in February 2023 for a 2 year period.

At its meeting held on 28 November 2024, the AHRWMA Board resolved to recommend the reappointment of Elizabeth Williams as an Independent Member and Chair of the ARC for a further term of three years, concluding in February 2028.



# AHRWMA

“Sustainable Waste Management Through Shared Services”

## 6.3 Reappointment of Audit and Risk Independent Member and Committee Chair



OM20241128.5

That the Board recommend to Constituent Councils that Independent Member and ARC Committee Chairperson, Elizabeth Williams, be reappointed to the Committee for a further term of three years.

**Decision Date:** 28 Nov 2024  
**Mover:** John McArthur (Deputy Member)  
**Seconded:** Cr Tom Haig  
**Outcome:** Approved

Elizabeth Williams has provided exemplary service as Chair since her initial appointment in February 2023, demonstrating exceptional skills in governance, financial oversight, and risk management. Her leadership has been instrumental in the ARC's role in supporting the Authority's strategic goals, ensuring robust compliance, and providing valuable advice to the Board.

The Committee recently conducted a self-assessment of its performance and skills, with results indicating strong alignment with the Authority's needs in law, finance, governance, and strategic planning. The reappointment of Ms. Williams will ensure continuity of this high standard of expertise and leadership within the ARC, which is critical for the Authority's operations and long-term success.

For reference the Committee's current membership is presented in the table below.

### Audit and Risk Committee Membership

Member	Representative	Initial Appointment	Current Term	Expires
Independent Member	Elizabeth Williams	8 February 2023	2 Years	8 February 2025
Independent Member	Rebecca Wilson	8 February 2023	2 Years	8 August 2026
AHRWMA Board Member	Alex Oulianoff	2 September 2022	3 Years	21 September 2027

Office Bearers		Term	Appointed	Expires
Chairperson	Elizabeth Williams	2 Years	8 February 2023	8 February 2025



# AHRWMA

“Sustainable Waste Management Through Shared Services”

The Authority is requesting that Constituent Councils put an agenda item to their December 2024 or January 2025 Council meeting in order that Ms Williams’ ARC reappointment may be approved in time for the next AHRWMA ARC meeting to be held on 11 February 2025 and propose the following resolution:

***Recommendation:***

***That Council reappoint Elizabeth Williams as an Independent Member of the Adelaide Hills Region Waste Management Authority Audit and Risk Committee for a further term of three years, expiring on 8 February 2028.***

Thank you for your consideration and actioning of this matter and should you require any further advice or assistance please do not hesitate to contact via email [r.gregory@ahrwma.com](mailto:r.gregory@ahrwma.com) or phone 0417 466 929.

Kind regards,

A handwritten signature in blue ink, appearing to read 'Rob Gregory'.

**Rob Gregory**  
**Chief Executive Officer**

**ADELAIDE HILLS COUNCIL  
ORDINARY COUNCIL MEETING  
Tuesday 28 January 2025  
AGENDA BUSINESS ITEM**

**Item:** 12.4

**Responsible Officer:** Zoë Gill  
Executive Governance Officer  
Office of the CEO

**Subject:** AHRWMA Board Nominations

**For:** Decision

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**SUMMARY**

The Adelaide Hills Region Waste Management Authority (the Authority) is a regional subsidiary with the following constituent councils: Adelaide Hills Council, Mount Barker District Council, Rural City of Murray Bridge, and Alexandrina Council. The Authority was established to facilitate, co-ordinate and undertake waste management including collection, treatment, disposal and recycling within the Region.

The Authority operates under a Charter. The Charter (**Appendix 1**) provides for a Board to oversee the operations and governance of the Authority (Clause 3). Clauses 3.3.1. and 3.3.2 provide that each Constituent Council will appoint a Board Member and a Deputy Board Member.

The purpose of this report is to seek nominations from the Council for Board Member and Deputy Board Member appointees as the previous board members, Cr Lucy Huxter and Mr John McArthur's terms concluded on the 29 November 2024.

Both previous board members are eligible for re-appointment under the Charter.

**RECOMMENDATION**

**Council resolves:**

**Decision 1** (*required if one candidate per position indicates intention to nominate*)

1. That the report be received and noted.
2. That in relation to the Adelaide Hills Region Waste Management Authority Board:
  - a. To appoint \_\_\_\_\_ to the Board Member position for a term to commence from 29 January 2024 and conclude on 28 January 2026 (inclusive)
  - b. To appoint \_\_\_\_\_ to the Deputy Board Member position for a term to commence from 29 January 2024 and conclude on 28 January 2026 (inclusive)

3. To authorise the Chief Executive Officer to lodge all required documentation to give effect to Council’s resolutions regarding Adelaide Hills Region Waste Management Authority Board Membership.

**Decision 2** *(required if more than one candidate per position indicates intention to nominate)*

1. That the report be received and noted
2. To determine that the method of selecting the Adelaide Hills Region Waste Management Authority Board Member and Deputy Board Member by an indicative vote to determine the preferred person(s) 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 Authority Board Member and Deputy Board Member and for the meeting to resume once the results of the indicative voting has been declared.

**Decision 3** *(required if meeting adjourned)*

1. That in relation to the Adelaide Hills Region Waste Management Authority Board:
  - a. To appoint \_\_\_\_\_ to the Board Member position for a term to commence from 29 January 2024 and conclude on 28 January 2026 (inclusive)
  - b. To appoint \_\_\_\_\_ to the Deputy Board Member position for a term to commence from 29 January 2024 and conclude on 28 January 2026 (inclusive)
2. To authorise the Chief Executive Officer to lodge all required documentation to give effect to Council’s resolutions regarding Adelaide Hills Region Waste Management Authority Board Membership.

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1. **BACKGROUND**

AHRWMA Charter and Board

AHRWMA is a regional subsidiary with the following constituent councils: Adelaide Hills Council, Mount Barker District Council, Rural City of Murray Bridge and Alexandrina Council.

The purpose of AHRWMA (see Charter at **Appendix 1**) is to facilitate, co-ordinate and undertake waste management including waste collection, treatment, disposal and recycling within the Region

Clause 3.3.1 of the Charter provides that the Board will consist of five members appointed as follows:

- One (1) person (who may be an elected member, an employee or an Independent Member) appointed by each Constituent Council with skills and/or knowledge in any of the following:
  - Financial management
  - Legal/corporate governance
  - Marketing and promotions
  - Waste management
  - Business management
- One (1) person appointed jointly by Absolute Majority of the Constituent Councils, with relevant professional expertise, who is not a member or officer of a Constituent Council to be the Chairperson of the Board. The Chairperson of the Board shall be selected through a process determined by a panel comprising the Chief Executive Officers of the Constituent Councils.
- One (1) Deputy Board Member for each Constituent Council appointed in the same manner as a Board Member.

The term of office for the Board Member and Deputy Board Member will be as determined by the Constituent Council.

#### Previous Board Membership

Council, at its 29 November 2022 meeting, appointed Cr Lucy Huxter to the Board Member position and appointed John McArthur, Coordinator Emergency Management and Landfills to the Deputy Board Member position of the AHRWMA Board for a two year term.

#### **12.9.2 S43 Subsidiary Membership – Adelaide Hills Region Waste Management Authority**

Moved Cr Chris Grant  
S/- Cr Mark Osterstock

308/22

1. **That in relation to the Adelaide Hills Region Waste Management Authority Board:**
  - a. **To appoint Cr Lucy Huxter to the Board Member position for a term to commence from 30 November 2022 and conclude on 29 November 2024 (inclusive)**
  - b. **To appoint John McArthur to the Deputy Board Member position for a term to commence from 30 November 2022 and conclude on 29 November 2024 (inclusive)**
2. **To authorise the Chief Executive Officer to lodge all required documentation to give effect to Council's resolutions regarding Adelaide Hills Region Waste Management Authority Board Membership.**

Carried Unanimously
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The AHRWMA Board meets the 4th Thursday each month, 3.00pm, Mt Barker District Council. The meetings are of approximately two hours duration.

There are no sitting fees payable for Board Members or Deputy Board Members, except the Independent Chairperson.



## 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 02.01 Demonstrate accountable and transparent decision making.

### ➤ Legal Implications

Section 43 of the *Local Government Act 1999* sets out the processes for the establishment of regional subsidiaries. Regional subsidiaries can be established to provide a specific service or services to carry out a specified activity or to perform a function of the councils. To establish a s43 regional subsidiary, a resolution from each constituent council is required, a charter and other mandated arrangements agreed, and Ministerial approval granted.

*Section 74 – General conflicts of interest* of the Act set out the provisions regarding General Conflicts of Interest. 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. For this matter, Council Members seeking to be appointed to the AHRWMA Board may have a General COI and should consider declaring the interest and acting in accordance with *s75B – Dealing with general conflicts of interest*.

*Section 75 – Material conflicts of interest* of the Act set out the provisions regarding Material Conflicts of Interest. 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. For this matter, Council Members seeking to be appointed to the AHRWMA Board may have a Material COI and should consider declaring the interest and acting in accordance with *s75C – Dealing with material conflicts of interest*.

*Council's Information or Briefing Sessions Policy* created under s90A(1) sets out the provisions for the conduct of an Information or Briefing Session such as the session recommended for the purposes of indicative voting. The above COI provisions do not apply to an Information Session, if it occurs.

### ➤ Risk Management Implications

*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**

There are a number of financial implications in relation to the Authority; however this report concerns the appointment of Council representatives to the Board rather than a discussion regarding the operations of the Authority.

Neither Council nor the Authority will pay allowances for ordinary Board Member attendance at meetings. Council Members are however entitled to claim travel reimbursement in accordance with the *Council Member Allowance & Benefits Policy*. Council Officers will either have use of a Council vehicle or have travel reimbursed.

Should Council determine to appoint an independent person to the Board, i.e. not a Council Member or staff member, then that person may reasonably expect to be compensated. In this case, it would be the responsibility of the Council and not AHRWMA to recruit an appropriate person to the position and negotiate and pay the relevant fee. There is currently no budget allocation for this.

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

There are no direct end-user customer service implications regarding the appointment of Council representatives to a regional subsidiary board acknowledging however that Council itself is a customer of all Regional Subsidiaries.

➤ **Sustainability Implications**

Not directly applicable.

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

Consultation on the development of this report was as follows:

*Council Committees:* Not Applicable

*Council Workshops:* Not Applicable

*Advisory Groups:* Not Applicable

*External Agencies:* AHRWMA

*Community:* Not Applicable

➤ **Additional Analysis**

Legal Obligations

A Board Member of a Regional Subsidiary has different fiduciary responsibilities to that of a Council Member or a Council Officer. In simple terms, the Board Member's duty is to act in the best interests of the Subsidiary (which might not necessarily be in the best interest of the Council). There are also more complex provisions relating to conflict of interest management.

It is important that aspiring and newly-appointed Board Members have a sound understanding of these matters. Training should be provided by the Subsidiary and can be assisted by Council's Governance Team.

#### Board Membership Suitability

Council's membership on the AHRWMA Board is important given its ability to both provide services and financial returns and to incur risks and liabilities for Council.

While it is a Subsidiary of the Constituent Councils, aspiring Board Members must be cognisant of the fiduciary duty of Board Members to act in the best interests of the Subsidiary, which might conflict with the interests of the Council. Further the Conflict of Interest provisions relating to Regional Subsidiaries are more complicated, although training will be provided by the Governance Team and the Subsidiary Executive.

In considering Regional Subsidiary memberships, Council may wish to consider suitability factors including (but not limited to):

- ability to bring the Adelaide Hills Council's unique perspective to Board deliberations;
- understanding, or the ability to acquire the same, of the charter, functions, operations and legislative framework of the respective Subsidiary;
- understanding, or the ability to acquire the same, of the roles and duties of a Board Member;
- where specifically stated, skills and/or knowledge detailed in the respective Charter for Board Members;
- whether an Independent Member (where permissible), recruited and remunerated by the Constituent Council, would be more effective in the fulfilling the role of a Board Member given the ability to recruit for specific skill sets;
- understanding or the ability to acquire the same in meeting procedure generally and the meeting procedure set out in the *Local Government (Procedures at Meetings) Regulations 2013* and Meeting Procedure provisions of the respective Subsidiary;
- ability to manage conflict and differing opinions;
- integrity, good conduct and diligence;
- the opportunity to provide professional development;
- the opportunity to consider diversity in the role;
- willingness and ability to travel to meetings (given that these are regional groupings, meetings can be held a considerable distance from the Council district);
- willingness and ability to attend meetings during business hours and Special Meetings at short notice; and
- current and future time commitments (i.e. there are a number of Council Committees and Advisory Groups that will also require Council Member representation).

#### Council Officers and Independents on Regional Subsidiaries

Should Council prefer a Council Officer fulfill one of the board positions, the CEO will nominate the Director Environment and Infrastructure, Mr David Waters as a candidate for either the Board Member or Deputy Board Member position.

The administration has not undertaken a process to determine potential independent members as it has not been the Council's past practice to do so. It would require the allocation of additional resourcing to conduct such a process and the appropriate skill set for the Board exists within the potential Council Member or Council staff nominees.

#### Indicative Voting Process for Determining Council Appointed Positions

Due to the implications of the Material Conflict of Interest provisions under s75 (see Legal Implications above), 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 persons for the Authority Board Member and Deputy positions.

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:

1. On reaching the Agenda item, and prior to any motion being moved, the Mayor enquires as to how many members intend to nominate for the position of Board Member;
2. if only one (1) elected member indicates their candidacy, that member will declare a material conflict of interest and leave the meeting, whilst the Mayor invites a motion to appoint that member to the position (Decision 1);
3. the meeting will then deal with the motion;
4. if there are two (2) or more candidates, the Mayor will call for a formal motion to adjourn the meeting, until the conclusion of an informal secret ballot process (Decision 2);
5. once the meeting is adjourned, the Chief Executive Officer (or their delegate) will ask for confirmation of the candidates;
6. The method of voting will be by secret ballot utilising the preferential counting system;
7. Each Council Member (including the Mayor) shall have one vote;
8. Ballot papers will be provided to each Member;
9. The nominees' names will be drawn to determine the order on the ballot paper;
10. Each nominee will have two (2) minutes to speak in support of their candidacy. The speaking order will be as listed on the ballot paper.

11. 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 staff member) present.
12. 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.
13. After all votes have been counted, the Returning Officer shall formally declare the result of the election.
14. The process from steps (a) through to (k) can then be repeated for the Deputy Board Member position.
15. The ballot papers will be shredded.

### **3. OPTIONS**

Council has the following options:

1. To resolve to make appointments of candidate(s) to the Authority Board Member and Deputy roles. (recommended)
2. To resolve to recruit an Independent Member, to approve a recruitment process and appoint a selection panel. (Not recommended)
3. Determine to not make any or all of the appointments to the Authority Board Member and Deputy roles at this time however Council will need to make a nomination at some time to be able to assume its representation on the Authority Board and to meet its obligations under the Charter. (not recommended)

### **4. APPENDICES**

- (1) AHRWMA Charter

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# **Appendix 1**

*AHRWMA Charter*

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# CHARTER

**JUNE 2022**



# LOCAL GOVERNMENT ACT 1999

## ADELAIDE HILLS REGION WASTE MANAGEMENT AUTHORITY CHARTER

JUNE 2022

### 1. INTRODUCTION

#### 1.1. Definitions

**'Absolute Majority'** means a majority of the whole number of the Constituent Councils;

**'Act'** means the *Local Government Act 1999* and includes all regulations made under that Act;

**'Annual Contribution'** means the volume of rubbish and waste deposited in a financial year by a Constituent Council at landfill operations undertaken by the Authority, unless otherwise determined by the Authority;

**'Asset Management Plan'** means the asset management plan prepared under clause 5.5.1;

**'Authority'** means the Adelaide Hills Region Waste Management Authority;

**'Board'** means the board of management of the Authority as described in clause 3;

**'Board Member'** means a member of the Board appointed in accordance with clause 3.3 and, unless the context requires otherwise, includes a Deputy Board Member;

**'Budget'** means the annual budget adopted by the Authority in accordance with clause 5.2;

**'Business Plan'** means a business plan adopted by the Authority in accordance with clause 4.2;

**'CCI Schedule'** means the schedule compiled for the purposes of clause 5.1.1.

**'Chairperson'** means the member of the Board appointed in accordance with clause 3.3.1.2;

**'Constituent Councils'** means the Constituent Councils of the Authority as identified in clause 1.2.2 subject to any adjustment under clauses 8.2 or 8.3;

**'Council'** means a Council constituted under the Act;

**'Deputy Board Member'** means a deputy member of the Board appointed in accordance with clause 3.3.2;

**'Equity Interest'** means the interest of a Constituent Council in the Net Assets of the Authority as recorded in the CCI Schedule;



**'Equity Interest Percentage'** means the Equity Interest of a Constituent Council as a proportion of the Equity Interest of all Constituent Councils expressed as a percentage;

**'Executive Officer'** means the person appointed in accordance with clause 6.1 as the Executive Officer of the Authority;

**'Fees'** are fees for services or facilities provided by the Authority;

**'Financial Contribution'** means a monetary contribution of a Constituent Council to the Authority including under clause 5.3, but excludes Fees paid by the Constituent Council for services or facilities provided by the Authority;

**'Financial Statements'** has the same meaning as in the *Local Government (Financial Management) Regulations 2011*;

**'Financial Year'** means 1 July in each year to 30 June in the subsequent year;

**'Long Term Financial Plan'** means the long term financial plan adopted by the Authority and approved by the Constituent Councils in accordance with clause 5.5;

**'Net Assets'** means total assets (current and non-current) less total liabilities (current and non-current) as reported in the annual audited financial statements of the Authority;

**'Region'** means the collective geographical areas of the Constituent Councils; and

**'Strategic Plan'** means a strategic plan adopted by the Authority in accordance with clause 4.

## **1.2. Establishment**

1.2.1. The Authority is a regional subsidiary established under section 43 of the Act by the Constituent Councils and must conduct its affairs in accordance with Parts 2 and 3, Schedule 2 of the Act except as modified by this Charter in a manner permitted by the Act.

1.2.2. The Constituent Councils are:

1.2.2.1. Mount Barker District Council;

1.2.2.2. Adelaide Hills Council;

1.2.2.3. Rural City of Murray Bridge; and

1.2.2.4. Alexandrina Council.

## **1.3. Purpose of the Authority**

The Authority is established to facilitate, co-ordinate and undertake waste management including waste collection, treatment, disposal and recycling within the Region.

## **1.4. Common Seal**

- 1.4.1. The Authority will have a common seal.
- 1.4.2. The common seal of the Authority must not be affixed to a document except to give effect to a resolution of the Board.
- 1.4.3. The affixing of the common seal of the Authority must be attested by two (2) Board Members.
- 1.4.4. The Executive Officer must maintain a register which records the resolutions of the Board giving authority to affix the common seal and details of the documents to which the common seal has been affixed with the particulars of the persons who attested to the affixing of the seal and the date on which this occurred.
- 1.4.5. The Authority may by instrument under common seal authorise a person to execute documents on behalf of the Authority subject to any limitations specified in the instrument of authority.

## **2. FUNCTIONS AND POWERS OF THE AUTHORITY**

### **2.1. Functions**

- 2.1.1. The Authority has the following functions to:
  - 2.1.1.1. develop and implement policies designed to improve waste management and recycling programmes and practices within the Region;
  - 2.1.1.2. regularly review the Region's waste management and recycling practices and policies;
  - 2.1.1.3. provide and operate a place or places for the treatment, recycling and disposal of waste collected by or in the areas of the Constituent Councils or provided by agreement with any other person;
  - 2.1.1.4. develop further co-operation between the Constituent Councils in the collection, treatment, recycling and disposal of waste for which the Constituent Councils are or may become responsible;
  - 2.1.1.5. minimise the volume of waste collected in the areas of the Constituent Councils which is required to be disposed of to landfill;
  - 2.1.1.6. educate and motivate the community to achieve the practical reduction of waste through reuse and recycling initiatives; and
  - 2.1.1.7. undertake activities associated with its purpose outside the areas of the Constituent Councils where that activity has been approved by the Board as being necessary or expedient to the performance by the Authority of its functions.

2.1.2. In carrying out its functions, the Authority must:

2.1.2.1. consider measures to achieve financial sustainability; and

2.1.2.2. give due weight to economic, social and environmental considerations.

## **2.2. Powers**

In addition to those powers specified in the Act, the powers of the Authority are:

2.2.1. subject to clause 2.5, to acquire, deal with and dispose of real or personal property (wherever situated) and rights in relation to real and personal property in accordance with the long-term financial plan, business plan and annual budget;

2.2.2. subject to clause 2.5, to lease, licence, hire or rent any real or personal property;

2.2.3. subject to clause 2.4, to sue in its corporate name provided that any litigation is subject to an immediate information report to the Constituent Councils by the Executive Officer;

2.2.4. subject to the requirements of this Charter, to enter into any kind of contract or arrangement;

2.2.5. to establish a reserve fund or funds clearly identified for the upkeep or replacement of fixed assets of the Authority or for meeting any deferred liability of the Authority;

2.2.6. to invest any surplus funds of the Authority in the Local Government Finance Authority of South Australia;

2.2.7. to distribute surplus funds to the Constituent Councils on a basis determined by the Board and included in the Budget;

2.2.8. to enter into arrangements with the Constituent Councils for the purpose of operating and managing sites for the treatment, recycling, disposal and transfer of waste;

2.2.9. to determine the types of refuse and waste which will be received and the method of collection, treatment, recycling and disposal of the waste;

2.2.10. subject to clause 2.4, to undertake projects and to undertake all manner of things relating to and incidental to the collection, treatment, recycling and disposal of waste;

2.2.11. subject to clause 2.4, to commit the Authority to undertake a project in conjunction with any other Council or government agency and in doing so to participate in the formation of a trust, partnership or unincorporated joint venture with the other body to give effect to the project;

- 2.2.12. subject to clause 2.4, to employ, engage, remunerate, remove, suspend or dismiss the Executive Officer of the Authority;
- 2.2.13. to open and operate bank accounts;
- 2.2.14. to make submissions for and accept grants, subsidies and contributions to further its objects and purposes and to invest any funds of the Authority in any securities in which a Council may lawfully invest;
- 2.2.15. to charge fees for services or facilities provided by the Authority; and
- 2.2.16. subject to the Act and this Charter to do anything else necessary or convenient for, or incidental to, the exercise, performance or discharge of its powers, functions or duties.

### **2.3. Delegated Functions and Powers**

The Authority may exercise such other functions, powers and duties as are delegated to the Authority by the Constituent Councils from time to time.

### **2.4. Borrowings and Expenditure**

- 2.4.1. The Authority has the power to incur expenditure as follows:
  - 2.4.1.1. in accordance with a Budget and approved by the Constituent Councils as required by the Act or this Charter;
  - 2.4.1.2. with the prior approval of the Constituent Councils; or
  - 2.4.1.3. in accordance with the Act, in respect of expenditure not contained in a Budget for a purpose of genuine emergency or hardship.
- 2.4.2. The Authority has the power to borrow money as follows:
  - 2.4.2.1. in accordance with a Budget and approved by the Constituent Councils as required by the Act or this Charter;
  - 2.4.2.2. in respect of an overdraft facility or facilities up to a maximum amount as determined by the Authority's Treasury Management Policy; or
  - 2.4.2.3. with the prior approval of the Constituent Councils.

### **2.5. Property**

No real property of the Authority may be sold, encumbered or otherwise dealt with without the prior approval of the Constituent Councils and the approval of the Authority by a resolution of the Board.

## **2.6. National Competition Policy**

The Authority will apply the principles of competitive neutrality to any significant business activity of the Authority in accordance with, and to the extent required by, the State of South Australia's *Revised Clause 7 Statement on the Application of Competition Principles to Local Government under the Competition Principles Agreement* (September 2002).

## **3. THE BOARD OF MANAGEMENT**

### **3.1. Role of the Board**

The Board is responsible for the administration of the affairs of the Authority and ensuring that the Authority acts in accordance with this Charter and all relevant legislation including the Act.

### **3.2. Functions of the Board**

In addition to the functions set out in the Act, the functions of the Board are:

- 3.2.1. formulating Strategic Plans and Business Plans in accordance with clauses 4.1 and 4.2 of this Charter and developing strategies aimed at improving the business of the Authority;
- 3.2.2. providing policy direction to the Authority;
- 3.2.3. monitoring, overseeing and measuring the performance of the Executive Officer of the Authority;
- 3.2.4. subject to this Charter, ensuring that the business of the Authority is undertaken in an open and transparent manner;
- 3.2.5. ensuring that ethical behaviour and integrity is established and maintained by the Authority and Board Members in all activities undertaken by the Authority;
- 3.2.6. exercising the care, diligence and skill that a prudent person of business would exercise in managing the affairs of other persons; and
- 3.2.7. ensuring that the Authority functions in accordance with its purpose and within its approved budget.

### **3.3. Board Members**

- 3.3.1. The Board will be comprised of five (5) members appointed as follows:
  - 3.3.1.1. One (1) person (who may be an elected member, an employee or an Independent Member) appointed by each Constituent Council with skills and/or knowledge in any of the following:
    - a. financial management;
    - b. legal / corporate governance;

- c. marketing and promotions;
- d. waste management;
- e. business management.

3.3.1.2. One (1) person appointed jointly by Absolute Majority of the Constituent Councils, with relevant professional expertise, who is not a member or officer of a Constituent Council to be the Chairperson of the Board.

3.3.1.3. The Chairperson of the Board shall be selected through a process determined by a panel comprising the Chief Executive Officers of the Constituent Councils.

3.3.1.4. A panel comprising each Constituent Council's Chief Executive Officers or nominee will meet collectively to develop a position description/information package for prospective Board Members, outlining the responsibilities and desired skills. The panel will meet to discuss their proposed appointees, prior to final appointment, for the purpose of ensuring that the Board will have an appropriate skill mix.

3.3.2. Each Constituent Council must also appoint one Deputy Board Member.

3.3.3. A Deputy Board Member will be appointed in the same manner as a Board Member.

3.3.4. The Deputy Board Member is entitled to act in place of a Board Member appointed by the same Constituent Council that appointed the Deputy Board Member, if the Board Member is absent or unable for any reason to act as a Board Member, for the period of the Board Member's absence or inability to act as a Board Member.

3.3.5. The Chairperson of the Board shall preside at all meetings of the Board and in the event of the Chairperson being absent from a meeting the Board shall appoint a Board Member present to be the chairperson for that meeting.

3.3.6. Each Constituent Council must give notice in writing to the Authority of its appointment of Board Members and Deputy Members, the term of appointment if applicable and any termination or revocation of those appointments. A notice in writing signed by the Chief Executive Officer of a Constituent Council will be sufficient evidence of an appointment, termination or revocation of an appointment and will constitute notice as required by this clause 3.3.6.

#### **3.4. Term of Office**

3.4.1. Subject to clause 3.4.3 the term of office of a Board Member appointed under clause 3.3.1.1 and a Deputy Board Member, shall be for a term

determined by the Constituent Council appointing that Board Member. At the conclusion of a such a Board Member's term of office, the Board Member will be eligible for re-appointment.

- 3.4.2. Subject to clauses 3.4.3 and 3.4.5, the term of office of the Chairperson of the Board shall be for a period of three (3) years. At the conclusion of the term of office the Chairperson of the Board will be eligible for re-appointment.
- 3.4.3. The office of a Board Member will become vacant if:
  - 3.4.3.1. any of the grounds or circumstances set out in the Act as to when a Board Member's office becomes vacant arise;
  - 3.4.3.2. the Constituent Council which appointed the Board Member under clause 3.3.1.1 terminates or revokes the Board Member's appointment;
  - 3.4.3.3. the Board Member is an elected member of a Constituent Council, upon ceasing to be an elected member of the Constituent Council which appointed him or her; or
  - 3.4.3.4. the Board Member is an employee of a Constituent Council, upon ceasing to be employed by the Council which appointed him or her.
- 3.4.4. The Authority may, by a resolution of the Board supported by at least two-thirds majority of the Board Members currently in office (excluding the Board Member subject to this clause) ignoring any fraction, make a recommendation to a Constituent Council that it terminate the appointment of a Board Member appointed by that Constituent Council in the event of any behaviour of that Board Member which in the opinion of the Authority amounts to:
  - 3.4.4.1. impropriety;
  - 3.4.4.2. serious neglect of duty in attending to the responsibilities as a Board Member;
  - 3.4.4.3. breach of fiduciary duty to the Authority;
  - 3.4.4.4. breach of the duty of confidentiality to the Authority; or
  - 3.4.4.5. any other behaviour which may discredit the Board, the Authority or a Constituent Council.
- 3.4.5. The Independent Chair appointed pursuant to clause 3.3.1.2 may be removed by a decision being a resolution in the same or similar terms passed by an Absolute Majority of the Constituent Councils.
- 3.4.6. Where any vacancy occurs in the membership of the Board it must be filled in the same manner as the original appointment and the person appointed to fill the vacancy will be appointed for the balance of the term

of the original appointment and at the expiry of that term shall be eligible for re-appointment.

### **3.5. Reimbursement of Expenses of Board Members and Remuneration of Chairperson**

- 3.5.1. All Board Members will receive from the Authority reimbursement of expenses properly incurred in performing or discharging official functions and duties as determined by the Authority and set out in a policy adopted by the Authority for the purposes of this clause.
- 3.5.2. The Chairperson will be eligible for a sitting fee from the funds of the Authority as determined by the Constituent Councils.
- 3.5.3. Board Members appointed by Constituent Councils will not be entitled to a sitting fee from the funds of the Authority.

### **3.6. Propriety of Board Members**

- 3.6.1. Subject to the express provisions of Schedule 2 to the Act and this Charter, all provisions governing propriety and duties of members of a Council and public officers under the law of South Australia will be applicable to Board Members.
- 3.6.2. Subject to clauses 20(6) and 20(7) of Schedule 2 to the Act, the provisions regarding conflict of interest prescribed in the Act apply to all Board Members as if they were members of a Council.
- 3.6.3. The Board Members will at all times act in accordance with their duties of confidence and confidentiality and individual fiduciary duties, including honesty and the exercise of reasonable care and diligence with respect to the performance and discharge of official functions and duties as required by Part 4, Division 1, Chapter 5 of the Act and clause 23 of Schedule 2, Part 2 of the Act.
- 3.6.4. The Authority must adopt a Code of Conduct for Board Members.
- 3.6.5. Each Board Member is required to submit returns under Chapter 5, Part 4, Division 2 of the Act as if the Board Member was a member of a Council.

### **3.7. Proceedings of the Board**

#### **3.7.1. Board Meetings**

- 3.7.1.1. Ordinary meetings of the Board will be held at such time and such place as the Board decides subject only to the requirement that there will be at least one (1) ordinary meeting of the Board every three (3) months.
- 3.7.1.2. An ordinary meeting of the Board will constitute an ordinary meeting of the Authority. The Board shall administer the business of the Authority at the ordinary meeting.



- 3.7.1.3. Any Constituent Council, the Chairperson or two Board Members may, by delivering a written request to the Executive Officer, require a special meeting of the Board to be held and any such special meeting shall constitute a special meeting of the Authority. The written request for a special meeting must be accompanied by the agenda for the special meeting or the request will be of no effect.
- 3.7.1.4. On receipt of a written request pursuant to clause 3.7.1.3 the Executive Officer must send a notice to all Board Members at least four hours prior to the commencement of the special meeting.
- 3.7.1.5. For the purposes of this clause 3.7.1, the contemporary linking together by telephone, audio-visual or other instantaneous means ('telecommunications meeting') of the Board Members provided that at least a quorum is present, is deemed to constitute a meeting of the Board. Each of the Board Members taking part in the telecommunications meeting must at all times during the telecommunications meeting be able to hear and be heard by each of the other Board Members present. At the commencement of the meeting, each Board Member must announce his or her presence to all other Board Members taking part in the meeting. A Board Member must not leave a telecommunications meeting by disconnecting his or her telephone, audio-visual or other communication equipment, unless that Board Member has previously notified the Chairperson of the meeting.
- 3.7.1.6. A proposed resolution in writing and given to all Board Members in accordance with procedures determined by the Board will be a valid decision of the Board where a majority of Board Members vote in favour of the resolution by signing and returning the resolution to the Executive Officer or otherwise giving written notice of their consent and setting out the terms of the resolution to the Executive Officer. The resolution will be as valid and effective as if it had been passed at a meeting of the Board duly convened and held.
- 3.7.1.7. Ordinary meetings of the Board will be open to the public unless the Board resolves to consider a matter in confidence in accordance with the provisions of Chapter 6, Part 3 of the Act. Chapter 6, Part 3 of the Act extends to the Authority as if the Authority were a Council and the Board Members were members of a Council. Where an order is made under this clause, a note must be made in the minutes of the making of the order and of the grounds on which it was made.
- 3.7.1.8. Where the Board has considered any information or a matter in confidence under clause 3.7.1.7, it may subsequently resolve to keep minutes and/or documents considered during that part of the meeting relating to that information or matter

confidential in accordance with section 91 of the Act as if the Authority were a Council.

### **3.7.2. Notice of Meetings**

3.7.2.1. Subject to clause 3.7.2.2, notice to Board Members and the public of all meetings of the Board will be given in accordance with the requirements applicable to a meeting of a Council under the Act as if the Authority were a Council, the Board Members were members of a Council and the Executive Officer a Chief Executive Officer of a Council.

3.7.2.2. The Executive Officer must, in relation to a notice of meeting of the Board for the purpose of considering the making of a recommendation to the Constituent Councils to wind up the Authority, provide the notice to all Board Members at least four (4) months before the date of the meeting.

### **3.7.3. Quorum**

No meeting of the Board will commence until a quorum of Board Members is present and no meeting may continue if there is not a quorum of Board Members present. A quorum of Board Members will comprise one-half of the Board Members in office, ignoring any fraction, plus one.

### **3.7.4. Majority Decision-Making**

3.7.4.1. Unless otherwise required at law or by this Charter, all matters for decision at a meeting of the Board will be decided by a simple majority of the Board Members present and entitled to vote on the matter.

3.7.4.2. All Board Members including the Chairperson present and entitled to vote on the matter are required to cast a vote.

3.7.4.3. All Board Members including the Chairperson are entitled to a deliberative vote only and if the votes are equal, the Chairperson (or person acting as the chairperson in accordance with this Charter) only will have a casting vote.

### **3.7.5. Confidentiality**

All Board Members must at all times keep confidential all documents and reports provided to them for their consideration prior to a meeting of the Board that is subject to an indication by the Executive Officer that information or matter contained in or arising from a document or report may, if the Authority determines be considered in confidence or that relates to a matter dealt with by the Board on a confidential basis in accordance with clause 3.7.1.7 and Chapter 6, Part 3 of the Act.

**3.7.6. Minutes**

- 3.7.6.1. The Executive Officer must cause minutes to be kept of the proceedings at every meeting of the Board and ensure that the minutes are presented to the next ordinary meeting of the Board for confirmation. Where the Executive Officer is excluded from attendance at a meeting of the Board pursuant to clause 3.7.1.7 the person presiding at the meeting shall cause the minutes to be kept.
- 3.7.6.2. The Executive Officer must, within five (5) days after a meeting of the Board, provide to each Board Member a copy of the draft minutes of the meeting of the Board.
- 3.7.6.3. A copy of the minutes of a meeting of the Board must be placed on the Authority website within five days after the meeting at which the minutes are confirmed.
- 3.7.6.4. Clause 3.7.6.3 does not apply to the minutes of a meeting of the Board that relates to information or a matter dealt with by the Board on a confidential basis in accordance with clause 3.7.1.7 and Chapter 6, Part 3 of the Act.

**3.7.7. Code of Practice**

- 3.7.7.1. The Board must adopt a Code of Practice for Meeting Procedures to apply to the proceedings and conduct of meetings of the Board. The Code of Practice for Meeting Procedures must not be inconsistent with the Act or this Charter.
- 3.7.7.2. The Code of Practice for Meeting Procedures may be reviewed by the Board at any time and must be reviewed at least once every four (4) years.
- 3.7.7.3. In the event of any inconsistency between this Charter and the Code of Practice for Meeting Procedures, this Charter shall prevail.

**3.7.8. Committees**

- 3.7.8.1. The Board may from time to time as it sees fit establish committees, including their associated terms of reference, for the purposes of assisting it in the performance of its functions. A committee established by the Board under this clause may be comprised of such persons that the Board determines.
- 3.7.8.2. Every committee shall operate in accordance with the terms of reference and general procedures applicable to the Board itself subject to any variation prescribed by the Board when establishing the committee.

## **4. STRATEGIC MANAGEMENT**

### **4.1. Strategic Plan**

- 4.1.1. The Authority must:
  - 4.1.1.1. prepare, and subject to clause 4.1.1.2, adopt a ten year Strategic Plan for the conduct of its business which will identify the Authority's objectives over the period of the Strategic Plan and the principal activities that the Authority intends to undertake to achieve its objectives;
  - 4.1.1.2. submit the Strategic Plan to the Constituent Councils for their approval; and
  - 4.1.1.3. in consultation with the Constituent Councils, review the Strategic Plan at least once in every four years.
- 4.1.2. In preparing and when reviewing a Strategic Plan, the Board must at a minimum have regard to the following:
  - 4.1.2.1. any State government agency waste plan then in force in relation to the area of a Constituent Council and any proposed changes to such plan;
  - 4.1.2.2. any initiatives proposed by the Commonwealth of Australia or the State Government which may impact upon or affect proper waste management in the area;
  - 4.1.2.3. any plan or policy of a Constituent Council for waste management then in force and any proposed changes to such plan or policy;
  - 4.1.2.4. the current strategic management plans of each Constituent Council; and
  - 4.1.2.5. the current annual business plan and budget of each Constituent Council.

### **4.2. Business Plan**

The Authority:

- 4.2.1. must in consultation with the Constituent Councils prepare and adopt an annual Business Plan linking the core business activities of the Authority to strategic, operational and organisational requirements with supporting financial projections setting out the estimates of revenue and expenditure as necessary for the period;
- 4.2.2. must before 31 March of each year submit a draft business plan and draft budget to the Constituent Councils for the ensuing Financial Year in accordance with the Act and obtain approval of the draft budget by an Absolute Majority of the Constituent Councils;

- 4.2.3. following approval of the draft business plan by the Constituent Councils, after 31 May and before 30 June each year, the Authority must adopt the draft business plan as the Business Plan for the ensuing Financial Year;
- 4.2.4. may, after consultation with the Constituent Councils, amend its Business Plan at any time; and
- 4.2.5. must ensure the contents of the Business Plan are in accordance with the Act.

### **4.3. Annual Report**

The Authority must submit to the Constituent Councils by 30 September in each financial year an annual report on the work and operations of the Authority detailing achievement of the objectives described in the Business Plan and incorporating the audited Financial Statements of the Authority for the preceding Financial Year and any other information or reports as required by the Constituent Councils.

### **4.4. Audit**

- 4.4.1. The Authority must cause adequate and proper books of account to be kept in relation to all the affairs of the Authority and must establish and maintain effective auditing of its operations.
- 4.4.2. The Authority must appoint an auditor in accordance with the Act on such terms and conditions as determined by the Authority.
- 4.4.3. The audited Financial Statements of the Authority, together with the accompanying report from the Auditor, shall be submitted to both the Board and the Constituent Councils by 30 September in each year.

### **4.5. Audit Committee**

- 4.5.1. The Authority will establish an audit committee as required by clause 30, Schedule 2 of the Act.

## **5. FINANCIAL MANAGEMENT**

### **5.1. Equity Interest**

- 5.1.1. The Authority will by the end of every calendar year prepare or update as required a schedule setting out the interest of each Constituent Council in the Net Assets of the Authority (**CCI Schedule**).
- 5.1.2. The CCI Schedule will set out each Constituent Council's Equity Interest in the Authority as at 30 June that year calculated in accordance with clause 5.1.3.
- 5.1.3. The Equity Interest of a Constituent Council as at the end of a Financial Year will be determined by adjusting the Equity Interest of the Constituent Council calculated for the previous Financial Year by the Annual Contribution of the Council.

- 5.1.4. The Equity Interest of a Constituent Council as at the date on which this Charter comes into operation will be equal to the cumulative tonnes of rubbish and waste deposited by the Constituent Council at a landfill operated by the Authority in period commencing 1 July 2001 until 30 June of the financial year immediately preceding the commencement of this Charter.

## **5.2. Annual Budget**

- 5.2.1. The Board will determine annually, and will include within the draft budget submitted to the Constituent Councils for approval, the funds required to enable the Authority to operate and to fulfil its purpose and undertake its functions.
- 5.2.2. The Authority must before 31 March of each year prepare and submit a draft budget (including proposed Fees and Financial Contributions) to the Constituent Councils for the ensuing Financial Year in accordance with the Act and obtain approval of the draft budget by an Absolute Majority of the Constituent Councils.
- 5.2.3. Following approval of the draft budget by the Constituent Councils, after 31 May and before 30 June each year, the Authority must adopt the draft budget as the Budget for the ensuing Financial Year in accordance with the Act.
- 5.2.4. The Authority may in a Financial Year, after consultation with the Constituent Councils, incur spending before adoption of its Budget for the year, but the spending must be provided for in the appropriate Budget for the year.
- 5.2.5. The Authority must each Financial Year provide a copy of its Budget to the Constituent Councils within five (5) business days after adoption by the Authority.
- 5.2.6. Reports summarising the financial position and performance of the Authority against the Budget shall be prepared and presented to the Board at each ordinary meeting of the Board and copies provided to the Constituent Councils.
- 5.2.7. The Authority must reconsider its Budget in accordance with the Act in a manner consistent with the Act and may with the approval of the Constituent Councils amend its Budget for a Financial Year at any time before the Financial Year ends.

## **5.3. Financial Contributions**

- 5.3.1. The Authority may include in the Budget submitted to the Constituent Councils for approval Financial Contributions to be paid by the Constituent Councils.
- 5.3.2. The Authority may during any Financial Year for purposes of genuine emergency, extraordinary circumstances or hardship determine that additional Financial Contributions are required by the Authority for the

continuing functioning of the Authority and request these funds from the Constituent Councils.

- 5.3.3. Any additional financial contributions to be paid by the Constituent Councils will be submitted to the Constituent Councils for approval.

#### **5.4. Financial Standards and Reporting**

- 5.4.1. The Authority must ensure that the Financial Statements of the Authority for each Financial Year are audited by the Authority's auditor.
- 5.4.2. The Financial Statements must be finalised and audited by 31 August each year.

#### **5.5. Long Term Financial Plan**

- 5.5.1. The Board must prepare a Long Term Financial Plan covering a period of at least ten (10) years and an Asset Management Plan in a form and including such matters which, as relevant, is consistent with section 122 of the Act and the *Local Government (Financial Management) Regulations 2011* as if the Authority were a Council.
- 5.5.2. The Authority must undertake:
- 5.5.2.1. a comprehensive review of its Long Term Financial Plan every four (4) years;
  - 5.5.2.2. a review of the Long Term Financial Plan as soon as practicable after the annual review of its Business Plan and concurrently with any review of its Strategic Plan and may undertake a review of the Long Term Financial Plan at any other time.
- 5.5.3. The Long Term Financial Plan and the Asset Management Plan will be taken to form part of the Strategic Plan.

#### **5.6. Banking**

- 5.6.1. The Authority must establish and maintain a bank account with such banking facilities and at a bank to be determined by the Authority. The Authority will appoint no less than two (2) authorised operators of the bank accounts at any one time. The authorised operators must be Board Members, Authority staff or Constituent Council staff.
- 5.6.2. All payments made by the Authority must be authorised by an authorised operator appointed under clause 5.6.1 and be in accordance with a finance management policy adopted by the Board.

### **6. ADMINISTRATIVE MATTERS**

#### **6.1. Executive Officer and Staff**

- 6.1.1. The Authority may employ staff and the Board must appoint an Executive Officer on a fixed term performance based employment

contract, which does not exceed five (5) years in duration and on such other terms as determined by the Board. The Board may at the end of the contract term enter into a new contract not exceeding five (5) years in duration with the same person.

- 6.1.2. The Executive Officer is responsible for appointing, managing, suspending and dismissing the other employees of the Authority on behalf of the Authority.
- 6.1.3. In the absence of the Executive Officer for any period exceeding three (3) weeks, the Executive Officer must after consultation appoint a suitable person as Acting Executive Officer. If the Executive Officer does not make or is incapable of making such an appointment, a suitable person must be appointed by the Board.
- 6.1.4. The functions of the Executive Officer include:
  - 6.1.4.1. ensuring the decisions of the Authority are implemented in a timely and efficient manner;
  - 6.1.4.2. carrying out such duties as the Authority may direct;
  - 6.1.4.3. attending at all meetings of the Board unless excluded by resolution of the Board;
  - 6.1.4.4. providing information to assist the Authority to assess the Authority's performance against the Strategic Plan and Business Plan;
  - 6.1.4.5. appointing, managing, suspending and dismissing all other employees of the Authority;
  - 6.1.4.6. determining the conditions of employment of all other employees of the Authority, within budgetary constraints set by the Board;
  - 6.1.4.7. providing advice and reports to the Authority on the exercise and performance of its powers and functions under this Charter or any Act;
  - 6.1.4.8. ensuring that the assets and resources of the Authority are properly managed and maintained;
  - 6.1.4.9. ensuring that records required under the Act or any other legislation are properly kept and maintained;
  - 6.1.4.10. achieving financial and other outcomes in accordance with adopted plans and budgets of the Authority;
  - 6.1.4.11. ensuring the efficient and effective management of the operations and affairs of the Authority; and



6.1.4.12. exercising, performing or discharging other powers, functions or duties conferred on the Executive Officer by or under the Act or any other Act or this Charter.

6.1.5. The Authority must undertake an annual performance review of the Executive Officer.

6.1.6. The Executive Officer and other senior staff of the Authority as determined by the Authority, are required to submit returns under Chapter 7, Part 4, Division 2 of the Act, as if the Executive Officer and other staff of the Authority were employees of a Council and the Authority was a Council.

6.1.7. The Executive Officer must act prudently in the handling of all financial transactions for the Authority and must provide quarterly financial and corporate reports to the Board and the Constituent Councils.

## **6.2. Engagement of Consultants and Advisers**

The Authority may engage consultants and advisers to provide services to the Authority to ensure the proper execution of its decisions, the efficient and effective management of the operations and affairs of the Authority and for giving effect to the general management objectives and principles of personnel management prescribed by this Charter.

## **7. DISPUTES BETWEEN CONSTITUENT COUNCILS**

### **7.1. General**

Where a dispute arises between the Constituent Councils or between a Constituent Council and the Authority (the parties to this Charter) which relates to this Charter or the Authority ('the Dispute'), the parties will use their best endeavours to resolve the Dispute and to act at all times in good faith.

### **7.2. Mediation**

7.2.1. A party is not entitled to initiate arbitration or court proceedings (except proceedings seeking urgent equitable or injunctive relief) in respect of a Dispute unless it has complied with this clause 7.2.

7.2.2. If the parties are unable to resolve the Dispute within thirty (30) days, the parties must refer the Dispute for mediation in accordance with the Mediation Rules of the Resolution Institute within seven (7) days of a written request by any party to the other party that the Dispute be referred for mediation, to:

7.2.2.1. a mediator agreed by the parties; or

7.2.2.2. if the parties are unable to agree on a mediator at the time the Dispute is to be referred for mediation, a mediator nominated by the President of the Law Society.

7.2.3. In the event the parties fail to refer the matter for mediation in accordance with clause 7.2.2, one or more of the parties may refer the matter for mediation in accordance with the Mediation Rules of the

Resolution Institute to a mediator nominated by the President of the Law Society.

- 7.2.4. The role of any mediator is to assist in negotiating a resolution of the dispute. A mediator may not make a decision that is binding on a party unless that party has so agreed in writing.
- 7.2.5. If mediation does not resolve the Dispute within twenty-eight (28) days of referral of the Dispute for mediation or such longer period agreed unanimously by the parties as evidenced by resolutions of each of the parties, any party may then refer the Dispute to Arbitration in accordance with clause 7.3.

### **7.3. Arbitration**

- 7.3.1. An arbitrator may be appointed by agreement between the parties.
- 7.3.2. Failing agreement as to an arbitrator, the Chief Executive Officer of the Resolution Institute or his or her successor shall nominate an arbitrator pursuant to these conditions.
- 7.3.3. A submission to arbitration shall be deemed to be a submission to arbitration within the meaning of the *Commercial Arbitration Act 2011*.
- 7.3.4. Upon serving a notice of arbitration, the party serving the notice shall lodge with the arbitrator a deposit by way of security for the cost of the arbitration proceedings.
- 7.3.5. Upon each submission to arbitration, the costs of and incidental to the submission and award shall be at the discretion of the arbitrator who may in his or her sole discretion determine the amount of costs, how costs are to be proportioned and by whom they are to be paid.
- 7.3.6. Whenever reasonably possible, performance of the obligations of the parties pursuant to this Charter shall continue during the mediation or arbitration proceedings and no payment by or to a party shall be withheld on account of the mediation and arbitration proceedings.

## **8. MISCELLANEOUS MATTERS**

### **8.1. Alteration to Charter**

- 8.1.1. Subject to the Act, this Charter may be amended at any time by the agreement of all Constituent Councils after taking into account the recommendations of the Authority.
- 8.1.2. This Charter will be reviewed by the Constituent Councils acting in concurrence at least once in every four (4) years.
- 8.1.3. The Executive Officer must ensure that the amended Charter is published as required by the Act and a copy of the amended Charter provided to the Minister.

## 8.2. Withdrawal of a Constituent Council

- 8.2.1. Subject to ministerial approval and clause 8.2.2, a Constituent Council may withdraw from the Authority by giving not less than twenty-four (24) months' notice of its intention to do so to the Board and to the Executive Officer, unless a shorter withdrawal period is agreed by the Constituent Councils and approved by the Board.
- 8.2.2. On receipt of a notice under clause 8.2.1, the Authority will undertake an assessment of the impact of the withdrawal on the Authority for the purposes of determining the ongoing viability of the Authority. Should the Authority resolve following a consideration of the assessment that the Authority will no longer be financially viable then the Constituent Councils (including the Constituent Council which has notified its intention to withdraw) will work together to determine an orderly winding up of the Authority under clause 8.4 and a notice provided under clause 8.2.1 will be of no further effect.
- 8.2.3. Subject to clause 8.2.2, a withdrawal becomes effective from 30 June (or such later date as agreed by the Constituent Councils) following the expiry of the twenty-four (24) month notice period. Until the date on which the withdrawal becomes effective (**Withdrawal Date**), the withdrawing Constituent Council:
- 8.2.3.1. must continue to pay Financial Contributions to the Authority as required by this Charter; and
  - 8.2.3.2. through its Board Members and Deputy Board Members, retains responsibility for ensuring the continued proper conduct of the affairs of the Authority.
- 8.2.4. A withdrawing Constituent Council will remain liable in proportion to the Constituent Council's Equity Interest Percentage calculated at the date of providing the notice under clause 8.2.1 for:
- 8.2.4.1. liabilities of the Authority up to the Withdrawal Date;
  - 8.2.4.2. Financial Contributions towards any actual or contingent deficiency in the Net Assets of the Authority at the end of the financial year in which the Withdrawal Date occurs; and
  - 8.2.4.3. any ongoing or newly arising liability of the Authority existing or arising after the Withdrawal Date which relates to circumstances existing or acts, omissions or decisions of the Authority prior to the Withdrawal Date.
- 8.2.5. Upon withdrawal taking effect and subject to clause 8.2.7, a Constituent Council will be entitled at the discretion of the Board to be paid not more than 50% of the Constituent Council's Equity Interest (**Equity Payment**).
- 8.2.6. The withdrawing Constituent Council will be entitled to receive the Equity Payment by quarterly instalments to be paid over a period of two

(2) years with the first instalment being due on 1 January following the Withdrawal Date.

- 8.2.7. A withdrawing Constituent Council will not be entitled to be paid any amount in respect of any reserve fund established by the Authority.

### **8.3. Addition of New Member**

- 8.3.1. Subject to the provisions of the Act and in particular ministerial approval to the admission of a new Constituent Council or Councils, this Charter may be amended by agreement of all of the Constituent Councils to provide for the admission of a new Constituent Council or Councils.
- 8.3.2. An incoming Constituent Council's Equity Interest will be calculated from the date on which the Constituent Council becomes a member of the Authority, subject to clause 8.3.3.
- 8.3.3. For the purposes of determining an incoming Council's Equity Interest, profits or liabilities of the Authority which relate to circumstances or acts, omissions or decisions of the Authority which existed or occurred prior to the incoming Council becoming a Constituent Council will be excluded in accordance with any applicable resolution of the Board.

### **8.4. Winding Up**

- 8.4.1. Subject to the Act, the Authority may be wound up by the Constituent Councils.
- 8.4.2. In the event that there is a proposal to wind up the Authority, initiated by the Authority, a Constituent Council or the Minister, the Authority will recommend to the Constituent Councils a process and timeframe for the orderly winding up of the Authority.
- 8.4.3. In the event of there being Net Assets upon dissolution and after realisation of all assets and meeting all liabilities, the Net Assets will be distributed to the Constituent Councils on the basis of their Equity Interest Percentage.
- 8.4.4. In the event of there being any unfunded liabilities of the Authority at the time of a winding up or otherwise, each Constituent Council will be responsible (as between the Constituent Councils) to fund a proportion of the unfunded liabilities calculated on the basis of the Equity Interest Percentage of that Constituent Council.

### **8.5. Insurance**

- 8.5.1. The Authority must obtain and maintain a prudent level of insurance to cover its anticipated risks and civil liabilities (including workers' compensation) and assets.
- 8.5.2. The Authority must take out a suitable policy of insurance insuring Board Members and their spouses or other persons who may be accompanying a Board Member against risks associated with the

performance or discharge of their official functions and duties or on official business of the Authority.

#### **8.6. Non-Derogation and Direction by Constituent Councils**

- 8.6.1. The establishment of the Authority does not derogate from the power of any of the Constituent Councils to act independently in relation to a matter within the jurisdiction of the Authority.
- 8.6.2. Provided that the Constituent Councils have all first agreed as to the action to be taken, the Constituent Councils may jointly direct and control the Authority by resolution passed by each Constituent Council expressed in the same or similar terms.
- 8.6.3. For the purpose of clause 8.6.2, any direction given by the Constituent Councils must be given in writing to the Executive Officer of the Authority together with a copy of the relevant resolutions of the Constituent Councils.
- 8.6.4. Where the Authority is required pursuant to the Act or this Charter to obtain the consent or approval of one or more of the Constituent Councils, that approval must only be granted and must be evidenced by a resolution passed by each of the Constituent Councils granting such approval.
- 8.6.5. Unless otherwise stated in this Charter, where the Authority is required to obtain the consent or approval of the Constituent Councils, this means the consent and approval of all the Constituent Councils expressed in the same or similar terms.

#### **8.7. Circumstances not provided for**

- 8.7.1. If any circumstance arises about which this Charter is silent, incapable of taking effect or being implemented according to its strict provisions, the Chairperson may decide the action to be taken to ensure achievement of the objects and purposes of the Authority and its effective administration.
- 8.7.2. The Chairperson shall report any such decision at the next ordinary meeting of the Authority.

**ADELAIDE HILLS COUNCIL  
ORDINARY COUNCIL MEETING  
Tuesday 28 January 2025  
AGENDA BUSINESS ITEM**

**Item:** 12.6

**Responsible Officer:** Zoë Gill  
Executive Governance Officer  
Office of the CEO

**Subject:** Nomination to the Libraries Board of South Australia

**For:** Decision

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**SUMMARY**

Following the resignation of LGA nominee Ms Megan Berghuis from the City of Unley, the LGA is seeking nominations from suitably qualified council members, or employees of a council, or other local government entity, for the Libraries Board of South Australia.

Board Members receive a sitting fee for attendance at meetings.

The purpose of this report is for Council to consider any nominations for the Board and, if so, to consider endorsing that candidate(s) to the LGA.

**RECOMMENDATION**

**Decision 1 (required if one candidate indicates intention to nominate)**

1. That the report be received and noted.
2. To endorse the nomination(s) of \_\_\_\_\_ for the Libraries Board of South Australia and authorise the Chief Executive Officer to lodge the completed nomination form(s) to the Local Government Association by noon, Friday 31 January 2025.

**Decision 2 (required if more than one candidate indicates intention to nominate)**

**Council resolves:**

1. That the report be received and noted.
2. To determine that the method of selecting the nominee to the LGA for the Libraries Board of South Australia 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 nomination and for the meeting to resume once the results of the indicative vote have been declared.

**Decision 3** (*required if meeting adjourned*)

- 1. To endorse the nomination(s) of \_\_\_\_\_ for the Libraries Board of South Australia and authorise the Chief Executive Officer to lodge the completed nomination form(s) to the Local Government Association by noon, Friday 31 January 2025.**
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**1. BACKGROUND**

Following the resignation of LGA nominee Ms Megan Berghuis from the City of Unley the LGA is seeking nominations from suitably qualified council members, or employees of a council, or other local government entity, for the Libraries Board of South Australia.

The Libraries Board SA is established under the *Libraries Act 1982*.

The functions of the board are to:

- formulate policies and guidelines for the provision of public library services
- establish, maintain and expand collections of library materials and, in particular, collections of such materials that are of South Australian origin, or have a particular relevance to this State
- administer the State Library
- establish and maintain such other public libraries and public library services as may best conduce to the public interest
- promote, encourage and assist in the establishment, operation and expansion of public libraries and public library services by councils and others
- collaborate with an administrative unit of the Public Service or any other public sector agency (within the meaning of the Public Sector Act 2009) and any other authority or body, in the provision of library and information services
- make recommendations to the Minister on the allocation of funds that are available for the purposes of public libraries and public library services
- initiate and monitor research and experimental projects in relation to public libraries and public library services; and
- keep library services provided in the State under continuing evaluation and review
- to carry out any other functions assigned to the Board under this or any other Act or by the Minister.

Current LGA nominees on the board are:

- Cr Joost den Hartog, City of Port Adelaide Enfield
- Ms Bridget Mather, Coorong District Council.

The Board meets 10 times per year at the State Library of South Australia from 10am – 12noon with sitting fees of \$590 per session and mileage paid for regional based members.

The *Libraries Act 1982* requires the LGA to provide a panel of three nominees to the Minister. In accordance with section 42 of the *Legislation Interpretation Act 2021* the panel of nominees must include at least one male and one female.

In accordance with the LGA Appointments and Nominations to Outside Bodies Policy (Policy) the Nominations Committee of the LGA Board of Directors may undertake preliminary consideration of nominees and make recommendations to the LGA Board of Directors. In the case of the Libraries Board of SA this may include the Nominations Committee undertaking interviews and/or requesting the details of referees.

LGA nominees may comprise:

- council members
- librarians employed in a public library
- community information officers employed by a council
- any other officers or employees of a council

Nominees must have local government knowledge and Experience. Representatives of regional councils are encouraged to nominate.

Only nominations submitted following a resolution of council will be considered.

Nominations are required to be received by noon, Friday 31 January 2025.

## 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 02.01 Demonstrate accountable and transparent decision making.

### ➤ Legal Implications

*Section 74 – General conflicts of interest* of the Act set out the provisions regarding General Conflicts of Interest. 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. For this matter, Council Members seeking to be appointed to the AHRWMA Board may have a General COI and should consider declaring the interest and acting in accordance with *s75B – Dealing with general conflicts of interest*.

*Section 75 – Material conflicts of interest* of the Act set out the provisions regarding Material Conflicts of Interest. 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. For this matter, Council Members seeking to be appointed to Libraries Board may have a Material COI and should consider declaring the interest and acting in accordance with *s75C – Dealing with material conflicts of interest*.

*Council's Information or Briefing Sessions Policy* created under *s90A(1)* sets out the provisions for the conduct of an Information or Briefing Session such as the session recommended for



the purposes of indicative voting. The above COI provisions do not apply to an Information Session, if it occurs.

➤ **Risk Management Implications**

As the Libraries Board is entirely separate from Adelaide Hills Council, there is no direct risk in relation to the operations of the Council itself. Further any actions or omissions of a Board Member (even one nominated by Council) in the conduct of their Board duties will not attract any liability to Council. Nevertheless careful management by the incumbent of fiduciary and conflict of interest roles and obligations is required in both fora.

The nomination of appropriately qualified persons and the management of conflicts of interest are pertinent risk issues in relation to this matter and there are existing controls in place to assist in managing 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)

Council has many internal controls that contribute to managing the above risk and therefore the subject of this report does not in itself have an additional mitigating impact on the residual risk.

➤ **Financial and Resource Implications**

Sitting fees are paid by the Libraries Board at the rate of \$590/meeting and mileage is paid for regional based members.

The *Council Member Allowance & Support Policy* does not provide for the reimbursement of any costs for attendance at bodies such as the Libraries Board and therefore there are no financial implications regarding nomination.

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

The community can reasonably expect that the AHC Council Members may have representation on external bodies relating to local government.

➤ **Sustainability Implications**

Not applicable.

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

Consultation on the development of this report was as follows:

*Council Committees:* Not Applicable

*Council Workshops:* Not Applicable

*Advisory Groups:* Not Applicable

*External Agencies:* Local Government Association

*Community:* Not Applicable

➤ **Additional Analysis**

Indicative Voting Process for Determining Council Appointed Positions

Due to the implications of the Material Conflict of Interest provisions under s75 (see Legal Implications above), 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 persons for the Authority Board Member and Deputy positions.

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:

1. On reaching the Agenda item, and prior to any motion being moved, the Mayor enquires as to how many members intend to nominate for the position of Board Member;
2. if only one (1) elected member indicates their candidacy, that member will declare a material conflict of interest and leave the meeting, whilst the Mayor invites a motion to appoint that member to the position (Decision 1);
3. the meeting will then deal with the motion;
4. if there are two (2) or more candidates, the Mayor will call for a formal motion to adjourn the meeting, until the conclusion of an informal secret ballot process (Decision 2);
5. once the meeting is adjourned, the Chief Executive Officer (or their delegate) will ask for confirmation of the candidates;
6. The method of voting will be by secret ballot utilising the preferential counting system;
7. Each Council Member (including the Mayor) shall have one vote;
8. Ballot papers will be provided to each Member;
9. The nominees' names will be drawn to determine the order on the ballot paper;
10. Each nominee will have two (2) minutes to speak in support of their candidacy. The speaking order will be as listed on the ballot paper.

11. 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 staff member) present.
12. 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.
13. After all votes have been counted, the Returning Officer shall formally declare the result of the election.
14. The ballot papers will be shredded.

Council can then resolve for the preferred person to be nominated as the Board candidate.

### **3. OPTIONS**

Council has the following options:

1. Endorse the nomination of a candidate(s) to the Libraries Board. (recommended)
2. Determine not to nominate to the Libraries Board. (not recommended)

### **4. APPENDICES**

- (1) Nomination Form and Selection Criteria.
- (2) LGA Appointments and Nominations to Outside Bodies Policy

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# **Appendix 1**

*Nomination Form and Selection Criteria*

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# Libraries Board SA — Nomination Form

## Instructions

*This form:*

- *Must be submitted by a council*
- *Must be emailed in PDF format to [nominationscoordinator@lga.sa.gov.au](mailto:nominationscoordinator@lga.sa.gov.au)*
- *Receipt of nomination will be acknowledged by return email*
- *CV and response to selection criteria (if applicable) may be emailed separately by the nominee and will be treated confidentially*

*This nomination form fulfils the requirements of the LGAs Appointments and Nominations to Outside Bodies Policy, [available here](#).*

**SECTION 1 to be completed by Council, SECTION 2 to be completed by Nominee.**

**Please refer to the *Call for Nominations* information sheet (PART A) for details of the Outside Body and the selection criteria to be met by the nominee.**

## SECTION 1: COUNCIL to complete

Libraries Board SA	
<b>Council Details</b>	
<b>Name of Council submitting the nomination</b>	
<b>Contact details of council officer submitting this form</b>	<b>Name:</b>
	<b>Position:</b>
	<b>Email:</b>
	<b>Phone:</b>
<b>Council meeting date and minute reference</b>	
<b>Nominee Full Name</b>	
elected member <input type="checkbox"/> OR employee of council <input type="checkbox"/> OR employee of local government entity <input type="checkbox"/>	
<i>Note: by submitting this nomination council is recommending the nominee is suitable for the role.</i>	

## SECTION 2: NOMINEE to complete

<b>Libraries Board SA</b>			
<b>Nominee Details</b>			
* Denotes a Mandatory Field. The information in this form is provided by the LGA to the relevant Minister/State Government Authority for the purposes of actioning an appointment to an outside body. Successful Nominees may be contacted directly by the relevant body using the information provided in this form.			
<b>First Name:*</b>		<b>Gender</b>	
<b>Middle Name:*</b>			
<b>Surname:*</b>			
<b>Home / Personal Postal Address:*</b>			
<b>Phone:</b>		<b>Mobile:</b>	
<b>Personal Email:</b>			
<b>Why are you interested in this role?</b>			
<b>CV</b>	attached <input type="checkbox"/> OR forwarding separately <input type="checkbox"/>		
<b>Response to selection criteria (if applicable)</b> <i>Please refer to the Call for Nominations information sheet for the selection criteria to be addressed.</i>	<i>Nominee to provide response to selection criteria (of no more than 2 pages) for consideration by the LGA Board of Directors.</i>  attached <input type="checkbox"/> OR forwarding separately <input type="checkbox"/>		
<b>Do you agree for your details to be retained on the LGA Nominees Database for a period of 12 months in order to be considered for other vacancies on Outside Bodies?</b>			
Yes <input type="checkbox"/> OR No <input type="checkbox"/>			
If Yes, please list any fields of interest or Outside Bodies of interest:			
<ul style="list-style-type: none"> <li>•</li> <li>•</li> <li>•</li> </ul>			
<b>Undertaking:</b>			
<i>The LGA Board resolved in January 2015 to ensure that appointees to external Boards and Committees remain current local government members or officers. If you leave local government for any reason during the term of your appointment, are you prepared to resign your appointment if requested to do so by the LGA?</i>			
Yes <input type="checkbox"/> No <input type="checkbox"/>			
Signature of Nominee: _____			

## Libraries Board SA — Call for Nominations

<b>Governing Statute (if applicable)</b>	section 9, <i>Libraries Act 1982</i>
<b>Purpose/Objective</b>	<p>The functions of the Libraries Board SA are to:</p> <ul style="list-style-type: none"> <li>• formulate policies and guidelines for the provision of public library services; and</li> <li>• establish, maintain and expand collections of library materials and, in particular, collections of such materials that are of South Australian origin, or have a particular relevance to this State; and</li> <li>• administer the State Library; and</li> <li>• establish and maintain such other public libraries and public library services as may best conduce to the public interest; and</li> <li>• promote, encourage and assist in the establishment, operation and expansion of public libraries and public library services by councils and others; and</li> <li>• collaborate with an administrative unit of the Public Service or any other public sector agency (within the meaning of the Public Sector Act 2009) and any other authority or body, in the provision of library and information services; and</li> <li>• make recommendations to the Minister on the allocation of funds that are available for the purposes of public libraries and public library services; and</li> <li>• initiate and monitor research and experimental projects in relation to public libraries and public library services; and</li> <li>• keep library services provided in the State under continuing evaluation and review; and</li> <li>• to carry out any other functions assigned to the Board under this or any other Act or by the Minister.</li> </ul>
<b>Administrative Details</b>	<ul style="list-style-type: none"> <li>• up to 10 meetings held per year</li> <li>• some intrastate travel required</li> <li>• appointments are for a period not exceeding 3 years</li> <li>• a sitting fee of \$590 per session is payable</li> </ul>

<p><b>Selection Criteria (to be addressed by applicant)</b></p>	<p>LGA nominees may comprise:</p> <ul style="list-style-type: none"> <li>• council members</li> <li>• librarians employed in a public library</li> <li>• community information officers employed by a council</li> <li>• any other officers or employees of a council</li> </ul> <p>Nominees must have local government knowledge and experience</p> <p>Representatives of regional councils are encouraged to nominate.</p>
<p><b>Liability and indemnity cover</b></p>	<p><i>The LGA requires that persons appointed to Outside Bodies be appropriately insured throughout the period of their appointment and seeks to collect details of the insurances provided by the Outside Body on an annual basis.</i></p>

**For more information contact:** LGA Nominations Coordinator at [nominationscoordinator@lga.sa.gov.au](mailto:nominationscoordinator@lga.sa.gov.au) or 8224 2000



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## **Appendix 2**

### *LGA Appointments and Nominations to Outside Bodies Policy*

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## Policy

### Procedure

### Work instructions

# LGA Appointments and Nominations to Outside Bodies — Policy

As endorsed 19/12/19 and as amended 19/3/20

## Purpose

The LGA is required by statute to make nominations to various state government or state agency boards or committees. In other cases, statute requires the relevant Minister to consult with the LGA prior to making an appointment to a state government board or committee. The LGA is also asked from time to time to nominate or appoint local government representatives to a range of non-statutory boards and working or advisory groups of relevance to local government or consult on the appointment of a local government representative. Collectively, these may be referred to as Outside Bodies.

The purpose of this Policy is to provide the principles by which the LGA will appoint or nominate local government representatives to Outside Bodies.

The intent of this Policy is to facilitate the LGA in taking a proactive approach to upcoming vacancies and provide for varied rigour in the examination of applicants that is commensurate with the responsibilities and strategic importance of the Outside Body.

This Policy should be read in conjunction with the LGA ***Appointments and Nominations to Outside Bodies—Procedure***.

*Note: The LGA also makes direct appointments to LGA related entities. These appointments are not covered by this Policy.*

## Part 1: Administration

This Part provides for the administrative arrangements necessary to support the LGA's appointment and nominations processes.

### 1.1. LGA Nominations Coordinator

The LGA Secretariat will assign a staff member as the LGA Nominations Coordinator, with responsibility for facilitating the appointments and nominations processes in accordance with this Policy.

### 1.2. LGA Outside Bodies Database

The LGA Secretariat will maintain an *Outside Bodies Database*.

The *Outside Bodies Database* will record the particulars of each Outside Body and will be primarily used by the LGA Secretariat to:

- Forward-plan upcoming vacancies and proactively commence appointment and nomination processes when possible
- Implement the applicable appointment or nomination process for the Outside Body based on its classification
- Ensure the relevant mandatory and special selection criteria (as applicable) are included in the call for nominations
- Track current local government representatives and ensure ongoing engagement and support is provided by the LGA Secretariat
- Assign a relevant LGA staff member to each Outside Body, with responsibility for providing the LGA Board of Directors with strategic policy advice, assisting the LGA Nominations Coordinator with the appointment and nomination processes, and being the ongoing LGA liaison for the local government representative

The LGA Board of Directors will review the *Outside Bodies Database* periodically and assess the classification of bodies and special selection criteria for alignment with strategic objectives, emerging policy issues for local government, diversity, and any recommendations by the LGA Secretariat or Nominations Committee.

### 1.3. LGA Nominees Database

The LGA Secretariat will maintain a *Nominees Database*.

The *Nominees Database* will record the particulars of nominees who have agreed to be considered for other vacancies for a period of twelve months.

A nominee agreeing to appear on the *Nominees Database* does not prevent that nominee from being otherwise nominated for any other Outside Body during that twelve months.

The LGA Secretariat will utilise the *Nominees Database* only to assist with meeting nomination requirements when insufficient nominations are received in response to the call for nominations (including where there is a gender imbalance and the LGA is required by statute to provide at least one male and one female nominee).

The LGA Secretariat will not disclose information on the *Nominees Database* to a third party without the express permission of the relevant nominee.

A nominee taken from the *Nominees Database* **will not** require a new council nomination.

Where suitable nominees are not registered on the *Nominees Database* the LGA Secretariat will conduct a second call for nominations.

### 1.4. Classification of Outside Bodies

The LGA Board of Directors will assign each Outside Body to one of the following classifications in order to determine the appropriate appointment or nomination process:

- LGA Direct Appointments to boards or committees (excluding LGA related entities)
- LGA Priority Nominations:
  - Class A — Authorities and Commissions and other Outside Bodies of strategic importance

- Class B — Skills Based Advisory Boards and Committees or other Outside Bodies of key interest (not otherwise captured by Class A)
- Class C — Advisory Boards and Committees requiring only local government knowledge (not otherwise captured by Class A or Class B)
- Joint Nominations
- Appointments or Nominations to non-statutory working or advisory groups

The intent of classification is to acknowledge that some Outside Bodies require greater expertise and time commitment as well as offer higher remuneration than others and the level of examination and consideration of nominees should be commensurate with the position. It is also to reflect that some Outside Bodies have greater strategic importance to the LGA and the local government sector and therefore the appropriate representative on those Outside Bodies should receive a more thorough examination.

#### **1.4 Special selection criteria for Outside Bodies**

This Policy permits the LGA Board of Directors to set its own special selection criteria for appointment or nomination of a local government representative to any Outside Body (that will apply in addition to any mandatory criteria set by statute and/or the Outside Body). Selection criteria set by the LGA Board of Directors may address, but is not limited to, specific skills or experience deemed important, alignment of strategic objectives and policy positions of local government, proof of relevant qualifications, and diverse representation of local government.

The special selection criteria will be set by the LGA Board of Directors in the *Outside Bodies Database* and reviewed periodically to ensure relevancy.

A call for nominations must ensure that adequate information is sought from an applicant to satisfy the assessment of the applicant against the special selection criteria (in addition to any mandatory criteria set by statute and/or the Outside Body).

#### **1.5 LGA Right to Decline Appointment or Nomination**

The LGA Board of Directors reserves the right to decline to appoint or nominate a person to an Outside Body unless it is required by statute.

The LGA Secretariat may provide a report to the LGA Board of Directors with its recommendation(s) and reason(s) for declining to appoint or nominate. The LGA Board of Directors may also on its own motion determine to not proceed with an appointment or nomination unless it is required by statute.

#### **1.6 Delegation of Decision Making**

In accordance with the LGA Constitution, the LGA Board of Directors must nominate local government representatives to Outside Bodies where statute requires the LGA's nomination to the Governor or Minister. This responsibility cannot be delegated, but the LGA Board of Directors may be informed in its decision making by a Nominations Committee (See *Nominations Committee*) and/or the LGA Secretariat.

The LGA Board of Directors may delegate to the LGA CEO and LGA President the power and responsibility to nominate or appoint local government representatives to non-statutory boards and working or advisory groups where there is no statutory role for the LGA.

There are some Outside Bodies where the Minister is either required by statute or may elect to consult with the LGA prior to making appointments. The LGA Board of Directors may delegate via resolution to

the LGA CEO and the LGA President the power and responsibility to undertake this consultative role, with the delegate(s) to exercise discretion to escalate the matter to the LGA Board of Directors.

Following exercise of the delegated power, the CEO or President (as applicable) must notify the LGA Board of Directors of the actions taken.

Using the classifications assigned below, responsibility for decision making is as follows:

**Table 1: Appointment and nomination responsibilities**

LGA Direct Appointments to boards or committees	LGA Board of Directors
LGA Priority Nominations <ul style="list-style-type: none"> <li>- Class A</li> <li>- Class B</li> <li>- Class C</li> </ul>	LGA Board of Directors
Joint Nominations	LGA Board of Directors
Appointments or Nominations to non-statutory working or advisory groups	LGA Board of Directors. May be delegated to LGA CEO and LGA President
Ministerial Consultation Only	LGA Board of Directors. May be delegated to LGA CEO and LGA President

### 1.7 Insurance

Where an Outside Body is a statutory board or committee of the state government or a state agency, the South Australian Insurance Corporation (SAICORP) provides insurance cover. Where SAICORP insurance is not available, the LGA Secretariat through contact with the Outside Body or LGA Mutual Pty Ltd will ensure that an appointee or nominee of the LGA is adequately covered.

### 1.8 Nominations Committee

The LGA Board of Directors may establish a Nominations Committee comprising four Board Directors, being two metropolitan council and two regional council Directors. The purpose of the Nominations Committee is to assess applicants (including referee checks and interviews where applicable) and make recommendations to the Board of Directors to assist the selection process.

The Nominations Committee will also periodically assess the classification of bodies and special selection criteria for alignment with strategic objectives, emerging policy issues for local government, diversity, and make recommendations to the LGA Board of Directors.

The Nominations Committee will be convened by the LGA Nominations Coordinator on a sessional basis when a call for nominations is made for a relevant Outside Body or when a review of the *Outside Bodies Database* is to be conducted.

The business of the Nominations Committee will primarily be conducted via email.

The Nominations Committee will receive secretariat support from the LGA Nominations Coordinator.

The Nominations Committee may seek the assistance of specialist members to assist with making informed assessment of technical or specialist roles and may be engaged for any part of the assessment process, including as a member of the interview panel.

The Nominations Committee may request the LGA Nominations Coordinator to complete referee checks on its behalf with written reports of the checks to be provided to the Nominations Committee.

Where referee checks and interviews are conducted, the Nominations Committee must include written advice on the outcomes in its report to the LGA Board of Directors.

The Nominations Committee may determine on a case by case basis that certain sensitivities or policy issues warrant sending the applications directly to the full LGA Board of Directors for consideration.

## 1.9 Confidentiality

All LGA appointment and nomination processes under this Policy will be conducted in confidence. This includes the consideration of applicants by the Nominations Committee and the LGA Board of Directors.

## Part 2: Eligibility for appointment or nomination

This part outlines the eligibility requirements for appointment or nomination to an Outside Body as the local government representative. These eligibility requirements are **in addition** to the examinations to be made by the Board of Directors regarding an applicant's suitability for the position and any applicable mandatory or special criteria.

### 2.1 Nominees must be current council members or local government employees

Appointees or nominees to Outside Bodies will, unless the LGA Board of Directors determines otherwise, be current council members, council employees or employees of another local government entity.

### 2.2 Membership of multiple Outside Bodies

Local government representatives to Outside Bodies should not hold more than three positions on Outside Bodies, unless the LGA Board of Directors believes there are circumstances that make further representation beneficial to local government, such as where certain expertise is uncommon.

The LGA Board of Directors will consider diversity in its appointment and nomination processes to ensure broad sector representation that accurately reflects the composition of local government.

### 2.3 Council Nominations only

The LGA will only accept endorsed nominations sent by member councils; The LGA will not accept nominations from individuals such as councillors, potential nominees or council employees, unless the LGA Board of Directors determines otherwise.

Only two (2) nominations will be accepted from any one council.

The LGA will not accept incomplete nominations. Nominations must include all information requested in the call for nominations.

Nominations received from member councils after the deadline stipulated in the call for nominations will be flagged as having been received late, but this does not mean that such nominations are invalid.

The LGA Board of Directors may nominate candidates for positions on their own motion.

### 2.4 Re-appointment

Local government representatives on Outside Bodies will not have an automatic right to reappointment.

If permitted by the Outside Body, a current appointee reaching the end of their term may reapply for appointment or nomination to the Outside Body during the call for nominations.

Generally, reappointments will not be made for a period of more than two full terms per Outside Body unless the LGA Board of Directors considers there is special circumstances, such as strategic value to local government, in retaining the membership for a longer period.

## **Part 3: Expectations of local government representatives on Outside Bodies**

This part outlines the general expectations of all local government representatives on Outside Bodies.

### **3.1 Annual Report**

The LGA Secretariat, on behalf of the LGA Board of Directors, will request copies of the annual reports of all Outside Bodies to which the LGA appoints or nominates a member, where such reports are produced by the Outside Body. The annual reports (or relevant link) may be posted on the LGA website for the information of members.

Where the Outside Body does not produce an annual report, a local government representative of an Outside Body may be asked by the LGA Secretariat to provide an annual short written report (subject to any confidential considerations of the Outside Body) outlining the activities and outcomes of the Outside Body that are likely to be of interest to local government. In requesting a written report, the LGA Secretariat must provide a period of not less than four (4) weeks for the member to submit the report.

### **3.2 Strategic engagement with the LGA**

LGA appointed or nominated members on Outside Bodies are not required to represent local government or the views of any stakeholders or interest groups. The representatives are expected to apply their skills and experience, particularly their skills and experience arising from participation in local government to the betterment of the work and understanding of the Outside body to which they are appointed. However, the LGA expects the local government representative on an Outside Body to welcome LGA communication regarding strategic or policy issues that the LGA believes relevant to the Outside Body and that benefits the local government sector.

### **3.3 Resignation**

When an LGA appointed or nominated representative on an Outside Body ceases to be a council member, council employee or an employee of another local government entity, the LGA Board of Directors will request that the person resign from the Outside Body. At call for nominations, an applicant will be required to sign an undertaking that they will resign from an Outside Body, if requested to do so by the LGA, should they cease to be a council member, council employee or an employee of another local government entity.

However, the LGA Board of Directors may waive its request for resignation in circumstances where the person:

- has unique qualifications, experience or other personal qualities which allow him or her to continue to remain on the Outside Body; and/or
- is appointed directly by the Minister or Governor for a fixed term, and the appointment is specific to that person.

## Part 4: LGA Direct Appointments to boards or committees

This part outlines the factors to be considered by the LGA Board of Directors in making direct appointments to boards or committees (noting that direct appointments to LGA related entities are excluded from this Policy).

### 4.1 considerations relevant to all appointments

The following considerations will be applied to all LGA direct appointments to boards or committees:

#### a) *Merit Selection*

All appointments will be based on merit.

#### b) *Mandatory Criteria*

Mandatory selection criteria for appointments (whether statutory or set by the Outside Body) must be met by the applicant.

#### c) *Special Selection Criteria*

Any special selection criteria set by the LGA Board of Directors in accordance with paragraph 1.4. must be met by the applicant.

#### d) *Body Composition*

Outside Bodies should have members with an appropriate mix of expertise, experience, backgrounds, and gender balance. A local government representative should add value to the work of the Outside Body and possesses skills and experience that complement other members.

#### e) *Knowledge and Experience*

An applicant's knowledge and experience in local government and their explanation for why they are interested in the Outside Body.

#### f) *Skills, Expertise and Attributes*

Core competencies relevant to a board or committee may include accountability, strategic thinking, networking, and teamwork. It may be desirable to appoint a member with specific expertise needed by the Outside Body in areas such as finance, law, business, or human resources.

#### g) *Availability and Commitment*

Applicants should be prepared to make the necessary commitment to the Outside Body and provide a self-assessment of their availability.

#### h) *Referee Reports*

Referee reports may be used to clarify, confirm or counterbalance information presented in the application.

The call for nominations will ask the applicant to provide 2-3 referees who can attest to the applicant abilities relevant to the criteria requested by the call for nominations.

#### i) *Interview*

Interviews may be conducted to ensure that the applicant has the necessary knowledge and experience, skills, expertise and attributes for appointment to the Outside Body.



The Nominations Committee will be the interview panel. The Nominations Committee may seek the assistance of specialist members to assist with making informed assessment of technical or specialist roles. This person may be engaged for any part of the assessment process, including as a member of the interview panel.

## Part 5: LGA Priority Nominations to Outside Bodies

This Part outlines the factors to be considered by the LGA Board of Directors in making nominations to the following classes of Outside Bodies:

### LGA Priority Nominations

- Class A — Authorities and Commissions and other Outside Bodies of strategic importance
- Class B — Skills Based Advisory Boards and Committees or other Outside Bodies of key interest (not otherwise captured by Class A)
- Class C — Advisory Boards and Committees requiring only local government knowledge (not otherwise captured by Class A or Class B)

### 5.1 factors relevant to all priority nomination classifications

The following considerations will be applied to all LGA priority nominations:

#### **a) Gender balance and panel of nominees**

Where the nomination is for a statutory body and is to be made to the Governor or Minister, the provisions of section 36A of the *Acts Interpretation Act 1915* apply regarding gender balance and the number of nominees to be provided from which the Governor or Minister will select the appointee.

#### **b) Merit Selection**

All nominations will be based on merit.

#### **c) Mandatory Criteria**

Mandatory selection criteria for nominees (whether statutory or set by Outside Body) must be met by the applicant.

#### **d) Knowledge and Experience**

An applicant's knowledge and experience in local government and their explanation for why they are interested in the Outside Body.

#### **e) Curriculum Vitae**

An up-to date curriculum vitae highlighting the relevant knowledge and experience and interest of the nominee must be included with the nomination.

*Note, it is a requirement of state government or state agency boards and committees that a CV is provided for consideration by the Governor or Minister.*

## 5.2 Class A — Authorities and Commissions

In addition to the factors specified in paragraph 5.1, the LGA Board of Directors will consider:

### *a) Special Selection Criteria*

Any special selection criteria set by the LGA Board of Directors in accordance with paragraph 1.4 must be met by the applicant.

### *b) Referee Reports*

Referee reports may be used to clarify, confirm or counterbalance information presented in the application.

The call for nominations will ask the applicant to provide 2-3 referees who can attest to the applicant's abilities relevant to the criteria requested by the call for nominations.

### *c) Interview*

Interviews may be conducted to ensure that the applicant has the necessary knowledge and experience, skills, expertise and attributes for nomination to the Outside Body.

The Nominations Committee will be the interview panel.

The LGA Board of Directors and/or Nominations Committee may seek the assistance of specialist members to assist with making informed assessment of technical or specialist roles. This person may be engaged for any part of the assessment process, including as a member of the interview panel.

## 5.3 Class B — Skills based Advisory Boards and Committees

In addition to the factors specified in paragraph 5.1, the LGA Board of Directors will consider:

### *a) Special Selection Criteria*

Any special selection criteria set by the LGA Board of Directors in accordance with paragraph 1.4 must be met by the applicant.

The LGA Board of Directors and/or Nominations Committee may seek the assistance of specialist members to assist with making informed assessment of technical or specialist roles. This person may be engaged for any part of the assessment process.

## 5.4 Class C — Advisory Boards and Committees requiring only local government knowledge

The LGA Board of Directors will only consider the factors specified in paragraph 5.1.

**Table 2: Processes for Primary Nominations**

	<b>Class A</b>	<b>Class B</b>	<b>Class C</b>
Nominees to be current	√	√	√
Council submission	√	√	√
Gender balance and panel requirements	√	√	√
Merit Selection	√	√	√
Mandatory Criteria	√	√	√

Knowledge and Experience	√	√	√
Curriculum Vitae	√	√	√
Special Criteria (if any)	√	√	
Specialist Members	Optional	Optional	
Nominations Committee	Optional		
Referee Reports	Optional		
Interviews	Optional		

## Part 6: Joint Nominations

This Policy acknowledges that the process for joint nominations will differ depending on the position and approach of the relevant Minister.

Where the Minister asks the LGA to put forward a panel of nominees from which the Minister may select a joint nominee, the LGA will use the same nominations process as for Class A or Class B nominations, which will be assigned to that Outside Body in the *Outside Bodies Database*.

Where the Minister asks for the LGA Board of Directors to support a specified candidate, the LGA will consider that candidate. Where the LGA Board of Directors does not support that candidate, the LGA will ask the Minister to allow it to conduct a call for nominations process in accordance with this Policy.

## Part 7: Appointments or Nominations to non-statutory working or advisory groups

This Policy acknowledges that the process for appointments or nominations to non-statutory working or advisory groups will differ depending on the position and approach of the Outside Body.

Where a delegation to the LGA President and LGA CEO is in place, the President and CEO will exercise discretion regarding the appropriate process for appointments and nominations for an Outside Body. They will be guided but not bound by the processes outlined in this Policy.

## Review

The effectiveness of this Policy will be reviewed and evaluated every two years or earlier if required to enhance the effectiveness of the Policy.

## Availability

This Policy is available on the LGA's intranet.

**ADELAIDE HILLS COUNCIL  
ORDINARY COUNCIL MEETING  
Tuesday 28 January 2025  
AGENDA BUSINESS ITEM**

**Item:** 12.7

**Responsible Officer:** Zoë Gill  
Executive Governance Officer  
Office of the CEO

**Subject:** CEO PRP Presiding Member Appointment

**For:** Decision

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**SUMMARY**

The Chief Executive Officer Performance Review Panel (the CEO PRP) is created under Section 41 of the *Local Government Act 1999* (the 'Act').

Since the expiry of Cr Grant's term on 30 November 2024, there is no Presiding Member of the CEO PRP. Under clause 7.1 of the Terms of Reference of the CEO PRP, Council must appoint a Presiding Member.

The purpose of this report is to seek Council's appointment of the Presiding Member of the CEO PRP for a specified term.

The Presiding Member can be any member of the CEO PRP.

The current members of the CEO PRP are Cr Kirsty Parkin, Cr Lucy Huxter, Cr Adrian Cheater, the elected member in the role of Deputy Mayor (Cr Melanie Selwood until 27 January 2025) and Vanessa Godden (Independent Member).

Council will consider nominations for the Deputy Mayor position at the 28 January 2025 Council meeting as the current Deputy Mayor has tendered their resignation and, as per the CEO PRP Terms of Reference, the appointee will become a member of the Panel in their capacity as Deputy Mayor.

The Independent Member Vanessa Godden has indicated she is intending to nominate for the position of Presiding Member.

**RECOMMENDATION**

**Council resolves:**

**Decision 1** ([\*required if one candidate indicates intention to nominate\*](#))

1. That the report be received and noted.

2. To appoint \_\_\_\_\_ to the position of CEO Performance Review Panel Presiding Member to commence 29 January 2025 and conclude on 10 December 2025 (inclusive).

**Decision 2** *(required if more than one candidate indicates intention to nominate)*

1. That the report be received and noted.
2. To determine that the method of selecting the CEO Performance Review Panel Presiding Member be by an indicative vote to determine the preferred person for the position 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 Presiding Member role and for the meeting to resume once the results of the indicative vote have been declared.

**Decision 3** *(required if meeting adjourned)*

1. To appoint \_\_\_\_\_ to the position of CEO Performance Review Panel Presiding Member to commence 29 January 2025 and conclude on 10 December 2025 (inclusive).
- 

**1. BACKGROUND**

Panel Membership

Council resolved to appoint Cr Kirsty Parkin and Cr Adrian Cheater to the CEO PRP for a term of 12 months at the 10 December 2024 meeting.

**MOTION AS AMENDED**

Moved Cr Leith Mudge  
S/ Cr Pauline Gill

448/24

**Council resolves:**

1. To appoint Cr Kirsty Parkin and Cr Adrian Cheater as members of the CEO Performance Review Panel Committee to commence 10 December 2024 and conclude at the end of 12 months.
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.
4. That the Deputy Mayor writes to Cr Chris Grant expressing Council's gratitude for his role as Presiding Member of the CEO Performance Review Panel from 30 November 2022 to 30 November 2024.

Carried
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Cr Lucy Huxter was appointed to the Panel at the 10 September 2024 meeting.

Moved Cr Mark Osterstock  
S/- Cr Chris Grant

326/24

**Decision 2**

**Council resolves:**

1. 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).
2. To authorise the Chief Executive Officer to advise the CEO PRP of Council's resolutions.

Carried Unanimously
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Council appointed Independent Member, Ms Vanessa Godden for a three year term at the 23 January 2024 meeting.

**19.4.1 CEO Performance Review Panel Independent Member Appointment – Confidential Item**

**Moved Cr Chris Grant  
S/- Cr Kirsty Parkin**

**13/24**

**Council resolves:**

- 1. That the report be received and noted**
- 2. To appoint Vanessa Godden to the position of CEO Performance Review Panel Independent Member for a term to commence from 19 January 2024 to 20 January 2027 (inclusive).**

<b>Carried Unanimously</b>
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Deputy Mayor Melanie Selwood was appointed to the panel in her capacity as Deputy Mayor commencing 1 June 2024.

**Moved Cr Mark Osterstock  
S/- Cr Adrian Cheater**

**185/24**

**Council resolves:**

- 1. That the report on the Deputy Mayor Appointment be received and noted.**
- 2. To appoint Cr Melanie Selwood to the position of Deputy Mayor for a 12 month term to commence 1 June 2024 and conclude on 31 May 2025 inclusive.**

<b>Carried Unanimously</b>
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Previous Presiding Member

Cr Chris Grant was the Presiding Member of the CEO PRP until the conclusion of his term on 30 November 2024, as per Council's resolution on 5 February 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 and Presiding Member**

The relevant elements of the Panel's Terms of Reference (TOR) regarding the panel membership, including the person in the role of Deputy Mayor, are in clause 5, and are 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.

Clause 7 of the TOR specify that Council must appoint a Presiding Member and outline the role of 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.

**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.

*Section 74 – General conflicts of interest* of the Act set out the provisions regarding General Conflicts of Interest. 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. For this matter, Council Members seeking to be appointed to the AHRWMA Board may have a General COI and should consider declaring the interest and acting in accordance with *s75B – Dealing with general conflicts of interest*.

*Section 75 – Material conflicts of interest* of the Act set out the provisions regarding Material Conflicts of Interest. 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. For this matter, Council Members seeking to be appointed to the AHRWMA Board may have a Material COI and should consider declaring the interest and acting in accordance with *s75C – Dealing with material conflicts of interest*.

Council’s *Information or Briefing Sessions Policy* created under s90A(1) sets out the provisions for the conduct of an Information or Briefing Session such as the session recommended for the purposes of indicative voting. The above COI provisions do not apply to an Information Session, if it occurs

➤ **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 Presiding Member role. 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 \$443.45 monthly for a Presiding Member who is an Elected Member.

If the Independent Member is appointed as Presiding Member, they would be paid a sitting fee of \$575 per attended meeting. Council resolved the sitting fee at the 24 August 2021 meeting.

**12.14 S41 Committee – Independent Member Sitting Fees**

Moved Cr Nathan Daniell  
S/- Cr Mark Osterstock

184/21

Council resolves:

- 1. That the report be received and noted.
- 2. That in relation to the Audit Committee and the Chief Executive Officer Performance Review Panel:
  - a. To determine the sitting fees for Members, effective 1 December 2021, as follows:
    - i. Independent Presiding Member - \$575 (excl GST) per attended meeting.
    - ii. Independent Ordinary Member - \$450 (excl GST) per attended meeting.
    - iii. Authorised Training - \$75 (excl GST) per hour of training attended excluding travel time but with a travel allowance being paid at the standard Council rate.
  - b. That in the event that an Independent Ordinary Member is required to preside at a meeting in the absence of the Presiding Member, then that Member receives the \$575 (excl GST) sitting fee for that meeting.

Carried Unanimously
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➤ **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 appointment of the Presiding Member to the CEOPRP.

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**

Term of Appointment

It is proposed that the term of appointment concludes on the 10 December 2025 in order to correlate with current membership terms.

Indicative Voting Process for Determining Council Appointed Positions

Due to the implications of the Material Conflict of Interest provisions under s75 (see Legal Implications above), 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 persons for the Authority Board Member and Deputy positions.

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:

1. On reaching the Agenda item, and prior to any motion being moved, the Mayor enquires as to how many members intend to nominate for the position of CEO PRP Presiding Member;

2. if only one (1) elected member indicates their candidacy, that member will declare a material conflict of interest and leave the meeting, whilst the Mayor invites a motion to appoint that member to the position (Decision 1);
3. the meeting will then deal with the motion;
4. if there are two (2) or more candidates, the Mayor will call for a formal motion to adjourn the meeting, until the conclusion of an informal secret ballot process (Decision 2);
5. once the meeting is adjourned, the Chief Executive Officer (or their delegate) will ask for confirmation of the candidates;
6. The method of voting will be by secret ballot utilising the preferential counting system;
7. Each Council Member (including the Mayor) shall have one vote;
8. Ballot papers will be provided to each Member;
9. The nominees' names will be drawn to determine the order on the ballot paper;
10. Each nominee will have two (2) minutes to speak in support of their candidacy. The speaking order will be as listed on the ballot paper.
11. 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 staff member) present.
12. 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.
13. After all votes have been counted, the Returning Officer shall formally declare the result of the election.
14. The ballot papers will be shredded.

Council can then resolve for the preferred person to be nominated as the CEO PRP Presiding Member.

### **3. OPTIONS**

Council has the following options:

- I. To approve to appoint a Council Member or Independent Member of CEO Performance Review Panel Committee to the Presiding Member role commencing on the 29 January 2025 and concluding on 10 December 2025 (inclusive).
- II. To determine not to appoint a CEO PRP Presiding Member at this time. Doing so would cause disruption to the CEO PRP membership and not comply with the CEO PRP Terms of Reference. (Not Recommended).

### **4. APPENDICES**

- (1) CEO PRP Terms of Reference

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# **Appendix 1**

*CEO PRP Terms of Reference*

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**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 28 January 2025  
AGENDA BUSINESS ITEM**

**Item:** 13.1

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

**Subject:** Climate Change Adaptation Governance and Risk Update

**For:** Information

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**SUMMARY**

The purpose of this report is to provide an update on an approach to incorporating climate risk into Council's governance framework. A Climate Risk Governance Assessment (the Assessment) was presented at an Audit Committee meeting on Monday 17 February 2020, a subsequent update on Monday 19 October 2020 and a further update on Monday 18 November 2024. At this meeting it was resolved to provide an information report to Council.

The Assessment was the first South Australian pilot of Climate Planning's Informed.City™ climate risk governance assessment process and was undertaken with four partner councils from Resilient South and Resilient Hills & Coasts – Adelaide Hills, Mount Barker, Marion and Onkaparinga.

However, without undertaking another Assessment utilising the same process and model it is challenging to gauge changes and improvements. There has also been further developments and understanding of how councils can respond to climate risk especially taking into consideration the local context.

The Local Government Association of SA (LGASA) has recently developed and provided climate risk information including a suite of training and engagement tools on climate risk for South Australian councils. The Administration consider that this approach needs to be considered and will be undertaking a review of these tools and information as part of embedding climate risk within Council's Risk Management Framework.

**RECOMMENDATION**

**Council resolves:**

1. That the report on Climate Change Adaptation Governance and Risk Update be received and noted.
2. To note the Administration will undertake a review of the Local Government Association of South Australia's climate risk and governance approach to consider incorporating into the Council's Risk Management Framework.

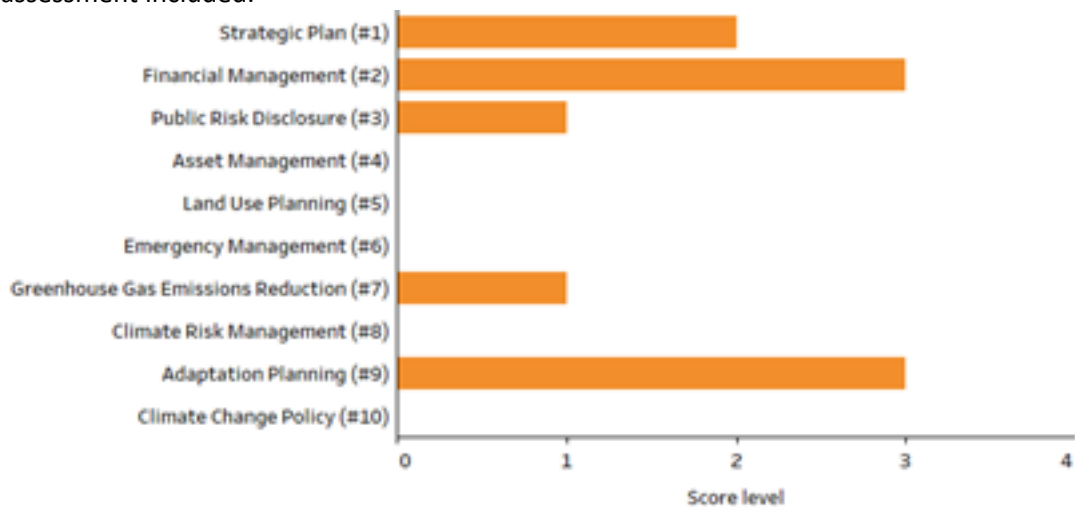
## 1. BACKGROUND

There is growing recognition of the need for councils to manage their exposure to climate related risks (including legal and financial). In response in 2019, four partner councils from Resilient South and Resilient Hills & Coasts – Adelaide Hills, Mount Barker, Marion and Onkaparinga – participated in the first South Australian pilot of Climate Planning’s Informed.City™ climate risk governance assessment process.

The councils were assessed against ten quantitative and seven qualitative key performance indicators and specific recommendations were provided to each council about how to lift performance against each indicator.

The assessments indicated that while there are sound foundations for effective climate risk governance, notable gaps leave partner councils exposed to legal and financial liabilities. Councils can address these gaps to a reasonable level by systematically and incrementally following the recommendations laid out in the Assessment.

The main topics used for the quantitative component and results achieved within this assessment included:



Adelaide Hills Council was above average of the assessed councils for Strategic Planning, Financial Management and Adaptation Planning and on-par with the average for Public Risk Disclosure and Greenhouse Gas Emissions Reduction. Council had a basic score or above for five of the ten climate change adaptation governance indicators and importantly scored high for Financial Management which is very rare for any council in Australia. This was mainly due to the inclusion of climate change adaptation and biodiversity funding within the Long-Term Financial Plan (LTFP).

The Assessment was presented at an Audit Committee meeting on 17 February 2020. The next step in the process was to present at a Council Workshop but with the start of COVID-19 and associated implications this did not happen and instead a summary was provided to Council Members via an email. However, the Assessment was presented as part of a broader climate adaptation and mitigation update at a Council Workshop on 13 October 2020. An update was also provided to the Audit Committee on 19 October 2020. As Council has not

undertaken a further formal assessment utilising the Informed.city tool the update was an estimate only to gauge progress against the initial assessment.

At this update it was identified that Council had improved its position substantially by the completion of the draft Emergency Management Plan, the increase in further solar PV panel installation, ongoing energy efficiency improvements, incorporation of reference to climate change in the asset management plans and changing the majority of streetlights to LEDs.

At the Audit Committee meeting on Monday 18 November 2024 it was resolved as follows:

**8.5. Climate Change Adaption Governance and Risk Report**

Moved Cr Melanie Selwood

S/- David Moffatt

AC52/24

The Audit Committee resolves:

1. That the report on Climate Change Adaptation Governance and Risk Update be received and noted.
2. To refer the Climate Change Adaptation Governance and Risk Report to Council for information.
3. To note that the Administration will investigate the LGASA climate risk and governance approach recently developed for incorporation into the Risk Management Framework.

Carried Unanimously

Council has continued to progress actions against the indicators to improve the climate risk governance of Council. Refer **Appendix 1** for an updated Climate Risk and Governance Assessment Against Quantitative and Qualitative Indicators as identified with the Assessment.

**2. ANALYSIS**

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

*Strategic Plan 2024*

Goal	Natural Environment
Objective NE1	Pursue our adopted pathway to achieve net zero carbon emissions
Priority NE1.1	Deliver actions in the corporate carbon management plan to decarbonise Council operations, including embedded emissions.
Priority NE1.2	Continue to decarbonise the vehicle fleet and other energy consuming processes.
Priority NE1.3	Investigate opportunities for direct energy purchasing from renewable energy producers (power purchase agreement) and/or community virtual power plants.
Priority NE1.4	Demonstrate responsible governance by incorporating sustainable procurement (ISO 20400) into Council processes.

Within the guiding principles section of the Strategic Plan 2024 there is also a statement on climate change as follows:

*We are dedicated to reducing our impact upon climate change and seek to mitigate and adapt to its impacts inline with our declaration of a climate emergency.*

Consideration of climate change risk and ongoing actions are in alignment with the Strategic Plan to improve a resilient approach for Council.

In addition, Council is also a partner of Resilient Hills and Coasts (RH&C). This project is a partnership between local government, Landscape Boards and State and Federal governments to develop and implement a Regional Climate Change Action Plan for the Adelaide Hills, Fleurieu Peninsula and Kangaroo Island region.

➤ **Legal Implications**

*Climate Change and Greenhouse Emissions Reduction Act 2007*

*“An Act to provide for measures to address climate change with a view to assisting to achieve a sustainable future for the State; to set targets to achieve a reduction in greenhouse gas emissions within the State; to promote the use of renewable sources of energy; to promote business and community understanding about issues surrounding climate change; to facilitate the early development of policies and programs to address climate change; and for other purposes. “*

Sector agreements are formal cooperative agreements between the SA Government and specific business entities, industries, community groups and regions to help tackle climate change. They are not legally binding contracts. Resilient Hills and Coasts signed a renewed Sector Agreement along with all the other project partners on 27 October 2020. A further Sector Agreement will be presented to Council in November 2024.

The *Regional Climate Change Adaptation Plan* (Adaptation Plan) is consistent with Council’s roles and functions as set out in the *Local Government Act 1999*, and further, meets the region’s obligation under South Australia’s Strategic Plan Target 62 to develop a regional climate change adaptation plan.

The development of a Risk Management Framework including reducing climate change risk to Council aligns with the legislation and the Adaptation Plan.

➤ **Risk Management Implications**

Councils are at the forefront of legal, social, economic and environmental risks associated with a changing climate specifically responding to increasing extreme weather events. Councils that fail to mitigate, manage and disclose climate risks in their governance and decision making will expose themselves to legal liabilities. Climate risks are also being addressed by the finance and insurance sectors and those organisations that are not addressing climate risks will find it increasingly difficult to access finance and insurance. There is growing recognition of the need for councils to manage their exposure to climate related legal and financial risks. The Assessment was not intended to measure ‘on-ground’ actions but rather for Council to understand current documented climate risk governance

arrangements in order to establish if there were gaps that may expose Council to legal or financial liability.

The preparation of a Risk Management Framework incorporating climate change implications will assist in mitigating the risk of:

*Lack of acknowledgement and understanding about climate risk and exposure leading to increased legal and financial liabilities.*

Inherent Risk	Residual Risk	Target Risk
Extreme (4B)	High (3B)	Medium (3C)

Investigation and reviewing the LGASA approach will assist Council in incorporating climate risk information within the Risk Management Framework. The intention is to embed climate risk into corporate processes and frameworks to improve Council's climate change adaptation governance and reduce legal and financial risk.

➤ **Financial and Resource Implications**

There are no financial implications associated with this report or the LGASA investigation of their climate risk assessment and planning approach.

➤ **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:

*Council Committees:* Not Applicable  
*Council Workshops:* Not Applicable  
*Advisory Groups:* Not Applicable  
*External Agencies:* Not Applicable  
*Community:* Not Applicable

➤ **Additional Analysis**

Local councils have a responsibility to mitigate, manage and disclose climate risk in their governance and decision making. With Council participating in the first South Australian pilot of Climate Planning's Informed.City™ climate risk governance assessment process this provided an awareness to embed these requirements within Council's business as usual activities. At the time of the pilot the intent was to revisit the approach after approximately 5 years and undertake a further assessment of the model if required. However, the challenge is that an approach to climate risk is changing and moving quickly. There have been further developments and understanding of how councils can respond to climate risk especially taking into consideration the local context.



The Local Government Association of SA has recently prepared information including a suite of educational and engagement tools to raise awareness and build capability within councils for climate risk management. These are freely available on the LGA SA Climate Change Resource Hub website. These tools will provide guidance and help improve an understanding about climate risk management, helping councils to make well-informed decisions.

These tools will benefit South Australian councils and their communities by providing:

- a consistent approach to climate risk training across councils
- highlighting the latest risk frameworks for climate change impacts including physical, transitional, legal and financial risks
- links to processes and guides for the management of strategic and operational climate risk with local government.

A key component of the information is a Climate Risk Training and Engagement package. This package includes core training modules covering three major areas:

- **Climate Risk and Council:** This introduces key concepts of climate risk for councils, the role of council including duties and consequences, and climate-related financial disclosures.
- **Climate Governance:** This builds on the concepts of the first module by addressing how climate risk can be integrated with a council's risk management framework and what good climate risk governance looks like.
- **Climate Risk Assessment:** This details the steps of completing a climate risk assessment.

The LGASA developed the materials in collaboration with expert consultants, input from councils and technical advice from Local Government Risk Services.

These tools have been developed for the local South Australian context and provide a very recent review of climate risk and the necessary requirements from a local government perspective. One key direction within the tools that have been developed is to take into consideration the Risk Management Framework of Council. Therefore, the Administration consider that this is the now the preferred approach and will be undertaking a review of the tools and information to incorporate within the updated Risk Management Framework.

### 3. OPTIONS

The Council has the following options:

- I. Receiving the report and noting the Administration will undertake a review of the LGASA climate risk and governance approach to consider incorporating into the Risk Management Framework. (Recommended)
- II. Not receiving the report (Not Recommended)

### 4. APPENDICES

- (1) Climate Risk and Governance Assessment Update November 2024

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# **Appendix 1**

*Climate Risk and Governance Assessment Update*

*November 2024*

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## Appendix 1

### Climate Risk and Governance Assessment Update November 2024

#### Against Quantitative and Qualitative indicators

Assessment themes	Update
<b>Quantitative indicators</b>	
Strategic Plan/Corporate Plan	Climate change references and priorities incorporated within the new Strategic Plan. Climate change is one of the guiding principles.
Financial Management	Ongoing – incorporated within the Long Term Financial Plan and within the 2024-2025 budget. Budget is provided for energy efficiency, fleet transition, emergency management and biodiversity projects.
Public Risk Register and Disclosure	No progress
Asset Management	Ongoing-incorporated within the new template for Asset Management Plans and asset management plans.
Land Use Planning	No progress-Reliant on State Government Planning changes. Advocacy role in providing information to be incorporated into the Greater Adelaide Regional Plan.
Emergency Management	Incorporated and included within the Council Ready Emergency Management Plan (EMP) EMP has been completed which includes climate change implications and references.
Greenhouse Gas Emissions	Achieved the 100% renewable energy use target through the incorporation of the GreenPower Program. Investigations are ongoing to purchase renewable electricity direct from a supplier through a Power Purchase Agreement. Ongoing program of reducing emissions through the installation of solar PV and energy efficiency including the changeover of numerous facilities lights to LED's. Procurement Policy has been revised to incorporate ISO 20400-Sustainable procurement guidance. A new Carbon Management Plan is in progress.
Climate Risk Management	Resilience Team building resilience and community capacity for community members impacted by the Cudlee Creek fires. New Risk Management Framework has commenced.
Adaptation Planning	Ongoing- continue to be part of the Resilient Hills and Coasts regional climate adaptation group. A new Regional Climate Action Plan has been prepared along with a recommitment to a regional Sector Agreement. This information was presented to Council in November 2024.
Climate Change Policy	No progress-could be undertaken by the Local Government Association of SA for all councils
<b>Qualitative indicators</b>	
Climate risk assessments	A suite of training and engagement tools to raise awareness within councils regarding risk management has been developed by the LGA for South Australian councils. This information could be used as the basis to undertake and prepare the Risk Management Framework and risk assessments.
Climate legal risk	To be incorporated within the Risk Management Framework.
Staff capacity and resource allocation	Refer above regarding the Resilience Team
Community/stakeholder engagement	Through the recent development of the Carbon Management Plan and the formation of a community focus group to inform the Plan.

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# **Correspondence for Noting**

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## GAWLER RIVER FLOODPLAIN MANAGEMENT AUTHORITY

PO Box 366 Seacliff Park, SA 5049

P: 0407 717 368

E: [eo@grfma.com](mailto:eo@grfma.com)

W: [www.gawler.sa.gov.au/grfma](http://www.gawler.sa.gov.au/grfma)

16 December 2024

Mr. Greg Georgopoulos  
Chief Executive Officer  
Adelaide Hills Council  
63 Mount Barker Road  
Stirling SA 5152  
By email [mail@ahc.sa.gov.au](mailto:mail@ahc.sa.gov.au)

Dear Greg,

### Gawler River Flood Mitigation

I write to provide a brief update on how the GRFMA is progressing toward finalising the Gawler River Flood Management Business Case.

You will recall the GRFMA received support from all six constituent councils for inclusion of \$150,000 in the 2024/2025 GRFMA budget, to support further development of the Business Case, as recommended by the Infrastructure SA Assurance Review Report.

The Department for Environment and Water have also provided a grant to the GRFMA of \$140,000 toward completion of the Business Case.

The ISA Assurance Report identified several deficiencies in the Business Case documented in late 2023. Many of these deficiencies have now been addressed, including finalising an updated hydrology study, risk register and risk management process, multi-criteria analysis, and economic analysis.

The key remaining issues are ensuring the existing Bruce Eastick North Para Flood Mitigation Dam has the structural integrity to support an increase in height of up to 10 metres, which I expect to resolve by March 2025, and the development of a feasible funding arrangement, which I consider the most important and challenging issue we face.

To assist the completion of the Business Case, a Steering Committee is being established comprising representatives from the Department of Infrastructure and Transport, SA Water, Department of Housing and Urban Development, the South Australian State Emergency Service

CEOs of three of the GRFMA's constituent councils (Town of Gawler, Adelaide Plains Council, and City of Playford) will also be invited to participate.

I will chair this new Steering Committee.



The GRFMA has determined several key principles that will guide development of the funding strategy aimed at securing over \$200 million in capital to raise the dam and upgrade levees downstream along the Gawler River.

These principles include the long-term ownership of the dam, the importance of working collaboratively with the State and Federal Governments, and the need to raise significant funding from the beneficiaries of the flood mitigation works especially property developers.

I have commenced discussion with Mr Nick Champion MP, Minister for Housing and Urban Development, Minister for Housing Infrastructure, Minister for Planning, on how we can secure the necessary funding to deliver what is critical State and local infrastructure.

I expect to have a further discussion with the Minister early 2025.

Clearly any funding principles will require final support of the constituent councils of the GRFMA, and I will contact you further following my discussions with Minister Champion.

Yours sincerely



Lino Di Lernia  
**CHAIRMAN/INDEPENDENT MEMBER, GRFMA**  
[chair@grfma.com](mailto:chair@grfma.com)

**GAWLER RIVER FLOODPLAIN MANAGEMENT AUTHORITY**

PO Box 366 Seacliff Park, SA 5049

P: 0407 717 368

E: [eo@grfma.com](mailto:eo@grfma.com)

W: [www.gawler.sa.gov.au/grfma](http://www.gawler.sa.gov.au/grfma)

18 December 2024

Mr Greg Georgopoulos  
Chief Executive Officer  
Adelaide Hills Council  
65 Mount Barker Road  
Stirling SA 5152  
Via email: [mail@ahc.sa.gov.au](mailto:mail@ahc.sa.gov.au)

Dear Greg

**Adelaide Hills Council – GRFMA Membership**

I refer to your letter dated 5 December 2024 concerning the Adelaide Hills Council's decision to write to the Minister for Local Government, by 31 December 2024, seeking approval to withdraw from the GRFMA, as required by Clause 19 of GRFMA's Charter.

The GRFMA Board considered this matter at its meeting on 12 December 2024 and resolved that it did not support the withdrawal and asked me to advise you of this decision.

As we have previously discussed, the current focus of the GRFMA is to finalise the Business Case as this will help determine the feasibility of the flood mitigation strategies identified (as Option 8) in the current draft of the Business Case.

We have made significant progress on the Business Case, which we expect to finalise over the next six months or so.

Accordingly, I hope that your council can reconsider its position and defer seeking Ministerial approval on withdrawing until the Business Case is finalised and its ramifications are clearly understood.

Yours sincerely



Lino Di Lernia  
**CHAIRMAN/INDEPENDENT MEMBER, GRFMA**  
[chair@grfma.com](mailto:chair@grfma.com)



14 January 2025

Mr Andrew Excell  
Executive Director  
Transport Strategy and Planning  
Department for Infrastructure and Transport  
GPO Box 1533  
ADELAIDE SA 5001

Email: [Andrew.excell@sa.gov.au](mailto:Andrew.excell@sa.gov.au)

Dear Andrew

I would like to acknowledge receipt of the correspondence received from Hon Tom Koutsantonis MP, Minister for Infrastructure and Transport, on 24 December 2024 regarding a State Government contribution toward the resolution of ongoing stormwater issues on Junction Road, Balhannah.

I am pleased to advise that the offer is accepted in principle, subject to acceptance and execution of a suitable funding agreement. I look forward to working with the Department on this important project.

Council's primary contact in relation to the further negotiations of the funding agreement is David Waters, Director Environment and Infrastructure. He may be contacted on 8408 0557 or [dwaters@ahc.sa.gov.au](mailto:dwaters@ahc.sa.gov.au)

Yours sincerely



Greg Georgopoulos  
**Chief Executive Officer**



The Hon Tom Koutsantonis MP

ADELAIDE HILLS COUNCIL  
RECEIVED

24 DEC 2024

24MIT16701



Government  
of South Australia

Minister for Infrastructure  
and Transport  
Minister for Energy and  
Mining

Level 14, 83 Pirie Street  
Adelaide SA 5000

GPO Box 1533  
Adelaide SA 5001

Tel 08 7133 1100

minister.koutsantonis@sa.gov.au

Mr Greg Georgopoulos  
Chief Executive Officer  
Adelaide Hills Council  
63 Mount Barker Road  
STIRLING SA 5152

Dear Mr Georgopoulos

Thank you for meeting with me on 5 March 2024, to discuss historical flooding issues that have occurred to residents between 47 and 55 Junction Road, Balhannah.

I understand that responsibility for stormwater runoff onto Junction Road from pipe outlets at the Junction Road/Jones Road intersection and from Adelaide Hills Council (Council) installed stormwater infrastructure under the Australian Rail Track Corporation (ARTC) rail line is approximately 80 percent Council's and 20 percent the Department for Infrastructure and Transport (the Department)/ARTC's.

I am advised that since Council approved development in 2007, during intense rain events, flows exceeded the existing stormwater pipe outlets and water sheets across Junction Road towards the properties at 47 to 55 Junction Road, Balhannah. Subsequently, there have been reported flooding incidents between these properties.

Prior to the land division (Development Application (DA) 473/D076/06), stormwater runoff was able to drain freely into the then undeveloped land at 47 to 55 Junction Road, Balhannah, and had an uninterrupted path to Junction Creek. The undeveloped site was relatively flat with a gentle slope, and the stormwater followed the natural overland path across the site to Junction Creek.

For an area to be developed, any stormwater/drainage requirements are captured under the Development Approval requirements (for example, the proposed development should accommodate any impacts to stormwater/drainage), specifically when the natural water flow path has been altered.

As part of Council's development approval for this location, a stormwater easement was placed between properties 47 and 49 Junction Road, Balhannah and the stormwater infrastructure is inadequate for the catchment. Subsequently, flooding issues have occurred at the five properties approved under this development.

As you are aware, the Department, in conjunction with Council, has prepared a design to improve the long-term capture and conveyance of stormwater runoff along Junction Road, which will significantly mitigate the likelihood of the properties at 49 to 55 Junction Road and Balhannah Road being flooded once the works are completed.

In undertaking these design works, the Department has completed a detailed engineering survey, environmental and heritage studies, hydrology and hydraulic assessments, concept design optioneering, vegetation survey, utilities identification and detailed design at a total cost of \$350,000 (excluding GST).

In mid-2023, the Department undertook maintenance works on the existing stormwater infrastructure of Junction Road, which included enhancing existing swales, pipe clearing and vegetation trimming. I am pleased to report that there have been no reported incidents of flooding since these maintenance works were undertaken.

The Department has advised that Council is able to undertake the remaining works at an estimated project cost of \$780,466.77 (excluding GST), which is based on the Department's current 'Issued for Construction' design. This estimate includes some minor realignment of pipework to use the existing easement already in place in the Minister for Infrastructure and Transport's rail parcel of land. I can confirm that the Department will provide up to \$390,233 (excluding GST) towards the construction of the stormwater works.

I also understand Council is reviewing the design the Department has developed with the intent to potentially value-manage the project further. I look forward to any development in this area.

I would like to take this opportunity to reconfirm that although stormwater is Council's responsibility, the Department is most sympathetic of the situation for residents residing at 47 to 55 Junction Road, Balhannah. As mentioned during our meeting on 5 March 2024, I am committed to working with Council to have this matter resolved.

For any further enquiries on this matter, please contact Mr Andrew Excell, Executive Director, Transport Strategy and Planning at the Department, via email at [Andrew.Excell@sa.gov.au](mailto:Andrew.Excell@sa.gov.au), or telephone on 0407 080 149.

Yours sincerely



**Hon Tom Koutsantonis MP**  
Minister for Infrastructure and Transport

16/12/2024

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# **Minutes of Committees**

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**ADELAIDE HILLS COUNCIL  
MINUTES OF SPECIAL COUNCIL ASSESSMENT PANEL MEETING  
WEDNESDAY 4 DECEMBER 2024  
ALDGATE VILLAGE WELL, 54 STRATHALBYN ROAD, ALDGATE  
AND  
LIVE STREAMING**

***[Please Note: These minutes are unconfirmed until 11 December 2024]***

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**In Attendance**

**Presiding Member**

Geoff Parsons

**Members**

Ross Bateup  
Paul Mickan  
Myles Somers  
Leith Mudge

**In Attendance**

Jess Charlton	Director Community & Development
Deryn Atkinson	Assessment Manager
James Booker	Team Leader Statutory Planning
Blake O'Neil	Senior Statutory Planner
Sebastien Paraskevopoulos	Statutory Planner
Tom Portas	ICT Support Officer
Sarah Kimber	Minute Secretary

**1. Commencement**

The meeting commenced at 6:18pm

**2. Opening Statement**

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

**3. Apologies/Leave of Absence**

3.1 Apologies  
Nil

3.2 Leave of Absence  
Nil

**ADELAIDE HILLS COUNCIL  
MINUTES OF SPECIAL COUNCIL ASSESSMENT PANEL MEETING  
WEDNESDAY 4 DECEMBER 2024  
ALDGATE VILLAGE WELL, 54 STRATHALBYN ROAD, ALDGATE  
AND  
LIVE STREAMING**

***[Please Note: These minutes are unconfirmed until 11 December 2024]***

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**4. Previous Minutes**

4.1 Meeting held 13 November 2024

**The minutes were adopted by consensus of all members** (41)

**That the minutes of the meeting held on 9 October 2024 be confirmed as an accurate record of the proceedings of that meeting.**

**5. Presiding Member's Report**

Nil

**6. Declaration of Interest by Members of Panel**

Leith Mudge advised that with respect to *Item 8.1 - 5 Ravenswood Lane, Balhannah*, one of the representors, Michael Cornish is an acquaintance of his as a resident of Bridgewater and member of the Activating Bridgewater Committee. However, they have never discussed or had any communication over this application. As he has no pecuniary interest and has not had conversation or contact with this representor regarding this application, which might lead to a perception of bias, Leith advised he will remain in the meeting when this application is considered.

**7. Matters Lying on the Table/Matters Deferred**

7.1 Matters Lying on the Table

Nil

7.2 Matters Deferred

Nil

**ADELAIDE HILLS COUNCIL  
MINUTES OF SPECIAL COUNCIL ASSESSMENT PANEL MEETING  
WEDNESDAY 4 DECEMBER 2024  
ALDGATE VILLAGE WELL, 54 STRATHALBYN ROAD, ALDGATE  
AND  
LIVE STREAMING**

***[Please Note: These minutes are unconfirmed until 11 December 2024]***

**8. Development Assessment Applications – Planning, Development and Infrastructure Act**

**8.1 Development Application 22007004 by Luxury Lodge Group for Tourist accommodation comprising 20 units with ancillary lodge and shop (personal services establishment in the form of a day spa), water tanks, access road and associated earthworks at 5 Ravenswood Lane, Balhannah**

**8.1.1 Representations**

The following representors addressed the Panel as indicated, and answered questions from the Panel:

<b>Name of Representor</b>	<b>Address of Representor</b>	<b>Nominated Speaker</b>
Johnathan Nitschke	PO Box 473, Hahndorf	Self
Sandra Nitschke	PO Box 473, Hahndorf	Jeremy Roberts - Hahndorf Community Assoc.
Carl Nitschke	PO Box 473, Hahndorf	Adam Williams - MasterPlan
Cathryn Nitschke	PO Box 4, Hahndorf	Self
John Nitschke	PO Box 4, Hahndorf	Self
Lyn Nitschke	PO Box 4, Hahndorf	David Billington – Botten Levinson
Nicol Morrison	PO Box 105, Balhannah	Cathryn Nitschke
Deborah Warland	PO Box 44, Balhannah	Adam Williams - MasterPlan
Greg Jamieson	PO Box 258, Hahndorf	Self
Brenton Kelly	PO Box 45, Kent Town	Darren Kelly
Elizabeth Kirkby	PO Box 225, Hahndorf	Harold Gallasch
Grant Coleman	PO Box 132, Balhannah	David Billington – Botten Levinson
Valentina Zaytseva	1 Hawke Street, Ridgehaven	Peter Goss – Archer Environmental
Meegan Pezzotta	28A Karawirra Avenue, Rostrevor	Self
Richard Shipman	29A Leonard Road, Hahndorf	Did not attend

**ADELAIDE HILLS COUNCIL  
MINUTES OF SPECIAL COUNCIL ASSESSMENT PANEL MEETING  
WEDNESDAY 4 DECEMBER 2024  
ALDGATE VILLAGE WELL, 54 STRATHALBYN ROAD, ALDGATE  
AND  
LIVE STREAMING**

***[Please Note: These minutes are unconfirmed until 11 December 2024]***

Andrew Webber	PO Box 158, Hahndorf	Self
Alister Haigh	37 Wellington Square, North Adelaide	Peter Goss – Archer Environmental
Susan Haigh	PO Box 161, Balhannah	David Billington – Botten Levinson
Stephen Symons	26 Ravenswood Lane, Balhannah	Self
Belinda Symons	26 Ravenswood Lane, Balhannah	Stephen Symons
Carolyn Symons	26 Ravenswood Lane, Balhannah	Stephen Symons
Georgina Symons	26 Ravenswood Lane, Balhannah	Stephen Symons
Sandra Loveband	7 Avenue Road, Highgate	Adam Williams - MasterPlan
David Loveband	7 Avenue Road, Highgate	Adam Williams - MasterPlan
Pauline Willy	20 Wood Road, Paradise	Darren Kelly
Ethel Stanton	PO Box 491, Hahndorf	Self
Joshua Silwood	53 Hurling Drive, Mount Barker	Peter Goss – Archer Environmental
Perry Kelly	14A Hooking Avenue Royston Park	Darren Kelly
Marge Kelly	14A Hooking Avenue Royston Park	Darren Kelly
Kylie Hewitt	5 Corbusier Drive, St Agnes	Jeremy Roberts – Hahndorf Community Assoc.
Richard Harris	PO Box 732, Hahndorf	Ron Watts
Valerie Harris	PO Box 732, Hahndorf	Ron Watts
Christine Reed	8 Paech Brothers Road, Hahndorf	Self
Debby Nulty	PO Box 343, Hahndorf	Self
Chris McMichael	PO Box 91, Balhannah	Lyn Nitschke
Matt Kelly	23 Paech Brothers Road, Hahndorf	Self
Darren Kelly	PO Box 530, Hahndorf	David Billington – Botten Levinson

**ADELAIDE HILLS COUNCIL  
MINUTES OF SPECIAL COUNCIL ASSESSMENT PANEL MEETING  
WEDNESDAY 4 DECEMBER 2024  
ALDGATE VILLAGE WELL, 54 STRATHALBYN ROAD, ALDGATE  
AND  
LIVE STREAMING**

***[Please Note: These minutes are unconfirmed until 11 December 2024]***

Katrina Pollard	PO Box, Hahndorf	Self
Crystal Bihun	PO 380, Woodside	Self
Sam Underwood	PO Box 136, Hahndorf	Katrina Pollard
Austen Oxlade	40 Jones Road, Balhannah	Self
Teneal Elliot	19 Bligh Avenue, Panorama	Josephine Gray
Roslyn Hendrick	141 Birchmore Road, Hahndorf	Robert Becker

The applicant's representatives, James Hilditch (Hilditch Lawyers), Damien Ellis (INTRO) and Anthony Gatti (INTRO) addressed the Panel, and answered questions from the Panel.

#### 8.1.2 Decision of Panel

**The following was adopted by consensus of all members** (42)

**The Council Assessment Panel resolved that:**

- 1) Pursuant to Section 107(2)(c) of the Planning, Development and Infrastructure Act 2016, and having undertaken an assessment of the application against the Planning and Design Code, the application is NOT seriously at variance with the provisions of the Planning and Design Code; and**
- 2) Development Application Number 21019844 by Luxury Lodge Group for tourist accommodation comprising 20 units with ancillary lodge and shop (personal services establishment in the form of a day spa), water tanks, access road and associated earthworks at 5 Ravenswood Lane, Balhannah is REFUSED Planning Consent for the following reasons:**
  1. The proposed development is of a design, siting, scale and intensity that would detract significantly from the rural character and scenic qualities of the surrounding landscape, contrary to PO 1.1, 2.2, 6.1, 6.2, 6.3, 6.4 and 11.1 of the Productive Rural Landscape Zone.
  2. The proposal will not contribute positively to the area's natural, cultural or historical context by virtue of its scale, intensity and significant external impacts, contrary to PO 1.1 and 1.2 of the General Policies (Tourism Development).



**ADELAIDE HILLS COUNCIL  
MINUTES OF SPECIAL COUNCIL ASSESSMENT PANEL MEETING  
WEDNESDAY 4 DECEMBER 2024  
ALDGATE VILLAGE WELL, 54 STRATHALBYN ROAD, ALDGATE  
AND  
LIVE STREAMING**

***[Please Note: These minutes are unconfirmed until 11 December 2024]***

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3. The proposed development would adversely impact upon the amenity of nearby sensitive uses by way of its intensity and a loss of outlook, contrary to PO 1.2, 2.1 of the General Policies (Interface between Land Uses).
4. The proposed earthworks associated with the development are considered to result in significant disturbance and scarring of the natural topography, contrary to PO 8.1 and 8.3 of the General Policies (Design).

**ADVISORY NOTES**

**General Notes**

- 1) **Appeal rights – General rights of review and appeal exist in relation to any assessment, request, direction or act of a relevant authority in relation to the determination of this application, including conditions.**

9. **Development Assessment Applications – Development Act**  
Nil
10. **Development Assessment Applications – Review of Decisions of Assessment Manager**  
Nil
11. **ERD Court Appeals**  
Nil
12. **Policy Issues for Advice to Council**  
Nil
13. **Other Business**  
Nil
14. **Order for Exclusion of the Public from the Meeting to debate Confidential Matters**  
Nil

**ADELAIDE HILLS COUNCIL  
MINUTES OF SPECIAL COUNCIL ASSESSMENT PANEL MEETING  
WEDNESDAY 4 DECEMBER 2024  
ALDGATE VILLAGE WELL, 54 STRATHALBYN ROAD, ALDGATE  
AND  
LIVE STREAMING**

***[Please Note: These minutes are unconfirmed until 11 December 2024]***

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- 15. Confidential Item**  
Nil
- 16. Next Meeting**  
The next ordinary Council Assessment Panel meeting will be held on Wednesday 11 December 2024.
- 17. Close meeting**  
The meeting closed at 12:13am on 5 December 2024.

**ADELAIDE HILLS COUNCIL  
MINUTES OF COUNCIL ASSESSMENT PANEL MEETING  
WEDNESDAY 11 December 2024  
63 MOUNT BARKER ROAD, STIRLING  
AND  
ZOOM VIRTUAL MEETING ROOM**

*[Please Note: These minutes are unconfirmed until 8 January 2025]*

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**In Attendance**

**Presiding Member**

Geoff Parsons

**Members**

Ross Bateup  
Paul Mickan  
Myles Somers  
Leith Mudge

**In Attendance**

Jess Charlton	Director Community & Development
Deryn Atkinson	Assessment Manager
James Booker	Team Leader Statutory Planning
Doug Samardzija	Senior Statutory Planner
Blake O'Neil	Senior Statutory Planner
Tim Mason	Statutory Planner
Mike O'Donnell	ICT Support Officer
Sarah Kimber	Minute Secretary

**1. Commencement**

The meeting commenced at 6:30pm

**2. Opening Statement**

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

**3. Apologies/Leave of Absence**

3.1 Apologies  
Nil

3.2 Leave of Absence  
Nil

**ADELAIDE HILLS COUNCIL  
MINUTES OF COUNCIL ASSESSMENT PANEL MEETING  
WEDNESDAY 11 December 2024  
63 MOUNT BARKER ROAD, STIRLING  
AND  
ZOOM VIRTUAL MEETING ROOM**

***[Please Note: These minutes are unconfirmed until 8 January 2025]***

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**4. Previous Minutes**

4.1 Meeting held 4 December 2024

**The minutes were adopted by consensus of all members (43)**

**That the minutes of the meeting held on 4 December 2024 be confirmed as an accurate record of the proceedings of that meeting.**

**5. Presiding Member's Report**

Nil

**6. Declaration of Interest by Members of Panel**

Nil

**7. Matters Lying on the Table/Matters Deferred**

7.1 Matters Lying on the Table

Nil

7.2 Matters Deferred

Nil

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**8. Development Assessment Applications – Planning, Development and Infrastructure Act**

**8.1 Development Application 23022828 by Mark Kwiatkowski & Jamie Smith for change of land use to include private depot for parking of 3x trucks exceeding 3 tonne tare weight & construction of retaining walls at 86 Gillman Road, Oakbank**

**8.1.1 Representations**

<b>Name of Representor</b>	<b>Address of Representor</b>	<b>Nominated Speaker</b>
Michael and Maureen Gannon	83 Gillman Road, Oakbank	Peter Meline
David and Joanne Garner	63 Gillman Road, Oakbank	Peter Meline
Matthew and Lucy Lawson	60 Gillman Road, Oakbank	Peter Meline
Luciano Agustino and Natalie Stanco	68 Gillman Road, Oakbank	Peter Meline
Elizabeth Keogh	42 Gillman Road, Oakbank	Peter Meline

The applicant, Mark Kwiatkowski, addressed the Panel and answered questions from the Panel.

**8.1.2 Decision of Panel**

**The following was adopted by consensus of all members (44)**

**The Council Assessment Panel resolved that:**

- 1) Pursuant to Section 107(2)(c) of the Planning, Development and Infrastructure Act 2016, and having undertaken an assessment of the application against the Planning and Design Code, the application is NOT seriously at variance with the provisions of the Planning and Design Code; and**

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- 2) Development Application Number 23022828 by Mark Kwiatkowski & Jamie Smith for change of land use to include private depot for parking of 3x trucks exceeding 3 tonne tare weight & construction of retaining walls at 86 Gillman Road, Oakbank is GRANTED Planning Consent subject to the following conditions:

**CONDITIONS**

**Planning Consent**

- 1) The development granted shall be undertaken and completed in accordance with the stamped plans and documentation, except where varied by conditions below.
- 2) A maximum of three (3) trucks associated with the approved use shall be kept on site at any one time, with two trucks associated with the depot and one associated with horse keeping.
- 3) All equipment, machinery and vehicle parking associated with the depot shall only be stored and parked in the building and the nominated hardstand area on the site plan prepared by Quartz Building Design, revision A, dated 02 August 2024. All materials stored within the hardstand area shall be stored in a tidy manner to the reasonable satisfaction of Council
- 4) No mechanical maintenance, vehicle refuelling, vehicle servicing or, washing of machinery and equipment associated with the approved use shall occur on site.
- 5) No bulk storage of chemicals, oils or lubricants associated with the approved use is to occur on-site.
- 6) Operating days and hours of the depot shall be Monday to Friday 6:30am to 5:00pm. Movement of trucks and heavy vehicles associated with the depot use shall be limited to these hours of operation.
- 7) Trucks and heavy vehicles must not be started earlier than 6:30am.
- 8) Trucks and heavy vehicles associated with the civil business must be reverse parked so they can leave in a forward direction prior to 7am.
- 9) Access to the property shall be upgraded in accordance with the following requirements and maintained at all times to the reasonable satisfaction of Council:

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- Bitumen seal shall be laid for a distance of 10 metres from the Gillman Rd carriageway edge to inside the property boundary. Construction shall include 100mm of compacted rubble base and 40mm AC10 bitumen.
  - Left-hand side access entry must be widened to 3m. Newly widened crossover is not to restrict *or alter* existing roadside stormwater flows
  - Driveway to be constructed in accordance with Council Standard Detail drawing for Piped Entrance for rural verge crossover
- 10) All external lighting associated with the depot use shall be restricted to that necessity for security purposes only and shall be directed away from residential development and, shielded if necessary to prevent light spill causing nuisance to the occupiers of nearby residential properties.
- 11) All stormwater infrastructure including a gross pollutant trap shall be installed within 3 months of Development Approval being granted. All roof run-off generated by the development hereby approved shall be managed on-site to the satisfaction of Council using design techniques such as:
- Rainwater tanks
  - Grassed swales
  - Stone filled trenches
  - Small infiltration basins

Stormwater overflow management shall be designed so as to not permit trespass into the effluent disposal area. Stormwater should be managed on site with no stormwater to trespass onto adjoining properties.

**ADVISORY NOTES**

**General Notes**

- 1) No work can commence on this development unless a Development Approval has been obtained. If one or more consents have been granted on this Decision Notification Form, you must not start any site works or building work or change of use of the land until you have received notification that Development Approval has been granted.
- 2) Appeal rights – General rights of review and appeal exist in relation to any assessment, request, direction or act of a relevant authority in relation to the determination of this application, including conditions.

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- 3) This Planning Consent is valid for a period of twenty-four (24) months commencing from the date of the decision, subject to the below or subject to an extension having been granted by the relevant authority. If applicable, Building Consent must be obtained prior to expiration of the Planning Consent.
- 4) Where an approved development has been substantially commenced within 2 years from the operative date of approval, the approval will then lapse 3 years from the operative date of the approval (unless the development has been substantially or fully completed within those 3 years, in which case the approval will not lapse).

**8.2 Development Application Number 24021301 by Designing Places for the Expansion of existing transport depot into South-East corner of allotment, associated semi-permeable rubble hardstand and stormwater control, retaining walls, combined retaining wall and fencing and culvert at 4 Brettig Road, Lobethal**

**8.2.1 Representations**

<b>Name of Representor</b>	<b>Address of Representor</b>	<b>Nominated Speaker</b>
Leanne Noske	Unit 5/6 Euston Avenue, Highgate	Self

The Applicant's Representative, Duane Hughes, addressed the Panel and answered questions from the Panel

**8.2.1 Decision of Panel**

**The following was adopted by consensus of all members (45)**

**The Council Assessment Panel resolved that:**

- 1) Pursuant to Section 107(2)(c) of the Planning, Development and Infrastructure Act 2016, and having undertaken an assessment of the application against the Planning and Design Code, the application is NOT seriously at variance with the provisions of the Planning and Design Code; and



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- 2) Development Application Number 24021301 by Designing Places for the Expansion of existing transport depot into South-East corner of allotment, associated semi-permeable rubble hardstand and stormwater control, retaining walls, combined retaining wall and fencing and culvert at 4 Brettig Road, Lobethal is GRANTED Planning Consent subject to the following conditions:

**CONDITIONS**

**Planning Consent**

- 1) The development granted shall be undertaken and completed in accordance with the stamped plans and documentation, except where varied by conditions below.
- 2) No mechanical maintenance, vehicle refueling, vehicle servicing or, washing of machinery and equipment associated with the approved use shall occur on the land subject to this approval.
- 3) A total of 50 heavy vehicles to be parked on the site at any time of which a maximum of 30 heavy vehicles located in the on the subject land in this application.
- 4) No bulk storage of chemicals, oils or lubricants associated with the approved use is to occur on the land subject to this approval.
- 5) Operating days and hours of the depot shall be Monday to Friday 4:30am to 8:00pm. Movement of trucks and heavy vehicles associated with the approved use shall be limited to these hours of operation.
- 6) All vehicle movements associated with the depot use are to only occur through the existing access point shown on the approved site plan.
- 7) The screen of trees on the eastern boundary, as shown on site plan PA02 prepared by Designing Places dated 11 July 2024, shall be planted to a minimum height of 1m with a dense screen of shrubs and trees along the eastern and southern boundaries of the subject land. Landscaping shall be established in the next planting season after the civil works are complete (whichever comes first) and maintained in good health and condition at all times with any dead or diseased plants being replaced in the next planting season.

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- 8) All stormwater from the development site shall be managed in accordance with the approved stormwater management report prepared by DBN Consulting Engineers Pty Ltd dated 12 July 2024 and stormwater management plan (Drawing PA05 dated 11 July 2024) prepared by Designing Places. The stormwater management system shall be installed and operational prior to commencement of the approved development.
- 9) Fencing shown on site plan PA 02 dated 11 July 2024 prepared by Designing Places shall be installed prior to commencement of the approved development.
- 10) All external lighting on the subject land shall be designed and constructed to conform to Australian Standard AS/NZS 4282-1997, and shall be directed away from adjacent residential properties to prevent light spill nuisance.
- 11) Prior to commencement of work, straw bales (or other soil erosion control methods as approved by Council) shall be placed and secured below areas of excavation and fill to prevent soil moving off the site during construction.

**ADVISORY NOTES**

**General Notes**

- 1) No work can commence on this development unless a Development Approval has been obtained. If one or more consents have been granted on this Decision Notification Form, you must not start any site works or building work or change of use of the land until you have received notification that Development Approval has been granted.
- 2) Appeal rights – General rights of review and appeal exist in relation to any assessment, request, direction or act of a relevant authority in relation to the determination of this application, including conditions.
- 3) This Planning Consent is valid for a period of twenty-four (24) months commencing from the date of the decision, subject to the below or subject to an extension having been granted by the relevant authority. If applicable, Building Consent must be obtained prior to expiration of the Planning Consent.

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- 4) Where an approved development has been substantially commenced within 2 years from the operative date of approval, the approval will then lapse 3 years from the operative date of the approval (unless the development has been substantially or fully completed within those 3 years, in which case the approval will not lapse).
- 5) Management of the property during construction shall be undertaken in such a manner as to prevent denudation, erosion or pollution of the environment.
- 6) The applicant is reminded of their general environmental duty, as required by Section 25 of the Environment Protection Act 1993, to take all reasonable and practical measures to ensure that the activities on the whole site, including during construction, do not pollute the environment in a way which causes, or may cause, environmental harm.

**8.3 Development Application 24022394 by Certified Planning and Development for filling of land (46.231m<sup>3</sup>) & tree damaging activity to Significant Tree (*Eucalyptus viminalis subsp. cygnetensis* (Rough-barked Manna Gum) - at 30 Teringie Drive, Teringie**

**8.3.1 Representations**

<b>Name of Representer</b>	<b>Address of Representer</b>	<b>Nominated Speaker</b>
Grace Barbaro	117 Woodland Way, Teringie	Did not attend

The applicant's representative, Darren Smith (Zaina Stacey) and the Owner, Scott Davies, were invited to answer questions from the Panel

**8.3.1 Decision of Panel**

**The following was adopted by consensus of all members (46)**

**The Council Assessment Panel resolved that:**

- 1) Pursuant to Section 107(2)(c) of the Planning, Development and Infrastructure Act 2016, and having undertaken an assessment of the application against the Planning and Design Code, the application is NOT seriously at variance with the provisions of the Planning and Design Code; and

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- 2) Development Application Number 24022394 by Certified Planning and Development for filling of land (46.231m<sup>3</sup>) & tree damaging activity to Significant Tree (*Eucalyptus viminalis subsp. cygnetensis* (Rough-barked Manna Gum) - at 30 Teringie Drive, Teringie is GRANTED Development Approval subject to the following conditions:

**CONDITIONS**

**Planning Consent**

- 1) The development granted shall be undertaken and completed in accordance with the stamped plans and documentation, except where varied by conditions below.
- 2) All exposed excavations and fill shall be:
  - rounded off and battered to match and blend with the natural contours of the land;
  - covered with approximately 100mm of topsoil;
  - seeded to avoid erosion and visual concerns; and
  - screened with trees, shrubs and ground coversAll works must be completed within 3 months of the approved development to the reasonable satisfaction of Council.
- 3) The tree management works in relation to the *Eucalyptus viminalis subsp. cygnetensis* (Rough-barked Manna Gum) tree outlined in the Arborist's Report prepared by Old Growth Arboriculture dated 10 September 2024 and submitted as a strategy for management of the significant tree are to be undertaken simultaneously with any works on the site. The works are to be completed within 3 months of Development Approval date.
- 4) Prior to commencement of work, straw bales (or other soil erosion control methods as approved by Council) shall be placed and secured below areas of excavation and fill to prevent soil moving off the site during construction.

**ADVISORY NOTES**

**General Notes**

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- 1) No work can commence on this development unless a Development Approval has been obtained. If one or more consents have been granted on this Decision Notification Form, you must not start any site works or building work or change of use of the land until you have received notification that Development Approval has been granted.
- 2) Appeal rights – General rights of review and appeal exist in relation to any assessment, request, direction or act of a relevant authority in relation to the determination of this application, including conditions.
- 3) This Planning Consent is valid for a period of twenty-four (24) months commencing from the date of the decision, subject to the below or subject to an extension having been granted by the relevant authority. If applicable, Building Consent must be obtained prior to expiration of the Planning Consent.
- 4) Where an approved development has been substantially commenced within 2 years from the operative date of approval, the approval will then lapse 3 years from the operative date of the approval (unless the development has been substantially or fully completed within those 3 years, in which case the approval will not lapse).

8.4 **Development Application 24017988 by Tom Walker and Dragi Stojanov for a Store at 32 Devils Gully Road, Kersbrook**

8.4.1 **Representations**

N/A

The applicants, Tom Walker & Dragi Stojanov and the applicant's representative, Peter Meline, were invited to answer questions from the Panel.

8.4.2 **Decision of Panel**

Moved Leith Mudge  
S/- Myles Somers

Carried  
(47)

The Council Assessment Panel resolved that:

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- 1) Pursuant to Section 107(2)(c) of the Planning, Development and Infrastructure Act 2016, and having undertaken an assessment of the application against the Planning and Design Code, the application is NOT seriously at variance with the provisions of the Planning and Design Code; and
- 2) Development Application Number 24017988 by Tom Walker and Dragi Stojanov for a Store at 32 Devils Gully Road, Kersbrook is REFUSED Planning Consent subject for the following reasons:

**Productive Rural Landscape Zone**

**Performance Outcome 4.1:**

The proposal is not considered to constitute value adding development in association with existing primary production, nor is it directly related or ancillary to primary production. It is considered to be contrary to Performance Outcome 4.1

**Overlays**

**Character Preservation District**

**Performance Outcome 3.5:**

Development is proposed to be located outside an existing cluster of buildings on the allotment, creating fragmented pockets of development on the subject land as to be contrary to Character Preservation District Overlay Performance Outcome 3.5.

**Native Vegetation**

**Performance Outcome 1.1:**

The proposal requires the clearance of existing vegetation that is unwarranted and contrary to Native Vegetation Overlay Performance Outcome 1.1 when considering the proposal is too large relative to the provisions of the associated Zone and is not considered to be reasonable development.

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**General Development Policies**

**Design**

**Performance Outcome 8.1:**

**The proposal requires earthworks to facilitate development that are contrary to General Development Design Performance Outcome 8.1.**

- 9. Development Assessment Applications – Development Act**  
Nil
- 10. Development Assessment Applications – Review of Decisions of Assessment Manager**  
Nil
- 11. ERD Court Appeals**  
Deryn provided a verbal update on the ongoing PC Infrastructure (OTR) Appeal at 160 Longwood Road, Heathfield.
- 12. Policy Issues for Advice to Council**
- Myles raised the proposal by the State Planning Commission to initiate an amendment to the Planning & Design Code – Tourism Development Code Amendment with a focus on the wine regions
  - Leith raised concern on the lack of policy regarding Native Vegetation and conservation in the PRL Zone
- 13. Other Business**
- Myles requested an update on the Mount Lofty Golf Club application and staff provided an update
  - Presiding Member congratulated Jess Charlton on gaining the permanent position of Director Community & Development
  - Presiding Member thanked the Panel for their input and the staff for their support over the year
- 14. Order for Exclusion of the Public from the Meeting to debate Confidential Matters**  
Nil

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- 15. Confidential Item**  
Nil
- 16. Next Meeting**  
The next ordinary Council Assessment Panel meeting will be held on Wednesday 8 January 2025.
- 17. Close meeting**  
The meeting closed at 9:27pm on 11 December 2024.



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**In Attendance**

**Presiding Member**

Geoff Parsons

**Members**

Ross Bateup  
Paul Mickan  
Myles Somers  
Leith Mudge

**In Attendance**

Jess Charlton	Director Community & Development
Deryn Atkinson	Assessment Manager
James Booker	Team Leader Statutory Planning
Doug Samardzija	Senior Statutory Planner
Chandhini Kumar	Statutory Planner
Mike O'Donnell	ICT Support Officer
Sarah Kimber	Minute Secretary

**1. Commencement**

The meeting commenced at 6:30pm

**2. Opening Statement**

"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".

**3. Apologies/Leave of Absence**

3.1 Apologies  
Nil

3.2 Leave of Absence  
Nil

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**4. Previous Minutes**

4.1 Meeting held 11 December 2024

**The minutes were adopted by consensus of all members** (1)

**That the minutes of the meeting held on 11 December 2024 be confirmed as an accurate record of the proceedings of that meeting.**

**5. Presiding Member's Report**

Nil

**6. Declaration of Interest by Members of Panel**

Nil

**7. Matters Lying on the Table/Matters Deferred**

7.1 Matters Lying on the Table

Nil

7.2 Matters Deferred

Nil

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**8. Development Assessment Applications – Planning, Development and Infrastructure Act**

**8.1 Development Application Number 24008556 by Quartz Building Design for tourist accommodation at 15 Hughes Place, Lobethal**

**8.1.1 Representations**

<b>Name of Representor</b>	<b>Address of Representor</b>	<b>Nominated Speaker</b>
Roland Temesi & Racheal Thomas-Temesi	PO Box 241, Woodside	Roland Temesi
Leeanne Noske	Unit 5, 6 Euston Avenue, Highgate	Leeanne Noske

The applicant's representative, Phil Harnett and the landowner, Jason King, addressed the Panel and answered questions from the Panel.

**8.1.2 Decision of Panel**

**The following was adopted by consensus of all members (2)**

**The Council Assessment Panel resolved that:**

- 1) Pursuant to Section 107(2)(c) of the Planning, Development and Infrastructure Act 2016, and having undertaken an assessment of the application against the Planning and Design Code, the application is NOT seriously at variance with the provisions of the Planning and Design Code; and**
  
- 2) Development Application Number 24008556 by Quartz Building Design for tourist accommodation at 15 Hughes Place, Lobethal is GRANTED Planning Consent subject to the following conditions:**

**CONDITIONS**

**Planning Consent**

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- 1) The development granted shall be undertaken and completed in accordance with the stamped plans and documentation, except where varied by conditions below.
- 2) The applicant/owner shall maintain the car parking and the driveway areas in good condition to provide safe vehicle navigation at all times to the reasonable satisfaction of Council.
- 3) The person(s) having the benefit of this consent shall refrain from permitting the use of the buildings (or any part thereof) for provision long term accommodation or as separate dwellings. The tourist accommodation shall be used and operated on a short term rental arrangement with a maximum of a ninety day stay per occupancy.

A logbook shall be kept of all occupancies for each calendar year and made available for inspection by the Council upon request.

- 4) The maximum combined capacity of the tourist accommodation shall be four (4) persons at any one time.
- 5) The tourist accommodation approved herein and any associated activities shall be managed and conducted at all times in a manner as to cause no undue nuisance or adverse effect to any neighbouring landowners or to other land uses within the locality.
- 6) All external lighting associated with the tourist accommodation use shall be restricted to that necessity for security purposes only and shall be directed away from residential development and, shielded if necessary to prevent light spill causing nuisance to the occupiers of nearby residential properties.
- 7) Prior to commencement of work, straw bales (or other soil erosion control methods as approved by Council) shall be placed and secured below areas of excavation and fill to prevent soil moving off the site during construction.
- 8) All roof runoff generated by the development hereby approved shall be managed on-site to the satisfaction of Council within one month of the roof cladding being installed using design techniques such as:
  - Rainwater tanks

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- Grassed swales
- Stone filled trenches
- Small infiltration basins

Stormwater overflow management shall be designed so as to not permit trespass into the effluent disposal area. All stormwater including hard surface runoff shall be managed on site with no stormwater to trespass onto adjoining properties.

- 9) Access to habitable buildings where the distance from the public road to the building is greater than 60 m shall be designed and constructed to facilitate the safe and effective:

access, operation and evacuation of fire-fighting vehicles and emergency personnel evacuation of residents, occupants and visitors.

Driveways shall be:

- no greater than 600m in length
- constructed with a formed, all-weather surface
- connected to a formed, all-weather public road with the transition area between the road and driveway having a gradient of not more than 7 degrees (1-in-8)
- a gradient of not more than 16 degrees (1-in-3.5) at any point along the driveway
- crossfall of not more than 6 degrees (1-in-9.5) at any point along the driveway
- a minimum formed width of 3m (4m where the gradient of the driveway is steeper than 12 degrees (1-in-4.5)) plus 0.5 metres clearance either side of the driveway from overhanging branches or other obstructions, including buildings and/or structures
- incorporate passing bays with a minimum width of 6m and length of 17m every 200m
- provide overhead clearance of not less than 4.0m between the driveway surface and overhanging branches or other obstructions, including buildings and/or structures
- allow fire-fighting services (personnel and vehicles) to travel in a continuous forward movement around driveway curves by constructing the curves with a minimum external radius of 12.5m
- allow fire-fighting vehicles to safely enter and exit an allotment in a forward direction by using a 'U' shaped drive through design or by incorporating at the end of the driveway either:
  - a) a loop road around the building OR

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- b) a turning area with a minimum radius of 12.5m OR
- c) a 'T' or 'Y' shaped turning area with a minimum formed length of 11m and minimum internal radii of 9.5m (Figure 4)
- incorporate solid, all-weather crossings over any watercourse that support fire-fighting vehicles with a gross vehicle mass (GVM) of 21 tonnes.

Conditions imposed by Native Vegetation Council under Section 122 of the Act

- 10) Native Vegetation and trees retained in close proximity to the construction activity zone are to be protected with barriers (i.e. fencing or flagging) in accordance with the Australian Standard for Protection of Trees on Development Sites AS 4970-2009
- 11) Stockpiled materials, including cleared vegetation and excavated soil is not to be placed under native trees or on top of native understorey outside the approved area
- 12) Construction vehicles, equipment or materials are not to be stored or placed on top of native vegetation outside the approved clearance area
- 13) Pruning is to be conducted in accordance with the Australian Standard for Pruning Amenity Trees (AS4373-2007). Branches or limbs are to be cut cleanly back to the nearest fork.

**ADVISORY NOTES**

**General Notes**

- 1) No work can commence on this development unless a Development Approval has been obtained. If one or more consents have been granted on this Decision Notification Form, you must not start any site works or building work or change of use of the land until you have received notification that Development Approval has been granted.
- 2) Appeal rights – General rights of review and appeal exist in relation to any assessment, request, direction or act of a relevant authority in relation to the determination of this application, including conditions.

**ADELAIDE HILLS COUNCIL  
MINUTES OF COUNCIL ASSESSMENT PANEL MEETING  
WEDNESDAY 8 January 2025  
63 MOUNT BARKER ROAD, STIRLING  
AND  
ZOOM VIRTUAL MEETING ROOM**

***[Please Note: These minutes are unconfirmed until 12 February 2025]***

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- 3) This Planning Consent is valid for a period of twenty-four (24) months commencing from the date of the decision, subject to the below or subject to an extension having been granted by the relevant authority. If applicable, Building Consent must be obtained prior to expiration of the Planning Consent.
- 4) Where an approved development has been substantially commenced within 2 years from the operative date of approval, the approval will then lapse 3 years from the operative date of the approval (unless the development has been substantially or fully completed within those 3 years, in which case the approval will not lapse).

**Advisory Notes imposed by Native Vegetation Council under Section 122 of the Act**

- 5) The clearance of native vegetation must be undertaken in accordance with the approval of the Native Vegetation Council under the *Native Vegetation Act 1991* as set out in Decision Notification 2024/3126/473.

**8.2 Development Application Number 24040887 by Scott Butler for variation to DA 23034228 realignment of retaining walls and, increase in height of retaining walls, realignment of tennis court area as well as relocation of tennis court lights and fence at 47 Lesley Crescent, Crafers**

**8.2.1 Representations**  
N/A

The Applicant's Representative, Helen Morriss and the landowner, Scott Hunter, addressed the Panel and answered questions from the Panel

**8.2.1 Decision of Panel**

**The following was adopted by consensus of all members (3)**

**The Council Assessment Panel resolved that:**

- 1) Pursuant to Section 107(2)(c) of the Planning, Development and Infrastructure Act 2016, and having undertaken an assessment of the application against the Planning and Design Code, the application is NOT seriously at variance with the provisions of the Planning and Design Code; and

**ADELAIDE HILLS COUNCIL  
MINUTES OF COUNCIL ASSESSMENT PANEL MEETING  
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ZOOM VIRTUAL MEETING ROOM**

***[Please Note: These minutes are unconfirmed until 12 February 2025]***

---

- 2) Development Application Number 24040887 by Scott Butler for variation to DA 23034228 realignment of retaining walls and, increase in height of retaining walls, realignment of tennis court area as well as relocation of tennis court lights and fence at 47 Lesley Crescent, Crafers is GRANTED Planning Consent subject to the following conditions:

**CONDITIONS**

**Planning Consent**

- 1) The development granted shall be undertaken and completed in accordance with the stamped plans and documentation except, where varied by conditions below.
- 2) Prior to undertaking any earthworks or construction within the Tree Protection Zone (TPZ) of trees 1, 2 or 3 the Revised Tree Management Plan contained in the Revised Tree Report prepared by Comphort Technical Services and received on 8 January 2025 must be implemented. The TPZ and Tree Management Plan must be maintained for the duration of the construction of the dwelling and associated structures.
- 3) Landscaping, as detailed in the Landscaping Plan V6 prepared by Dan Davis of Ellava Garden Consultancy & Design dated 2 January 2025, shall be planted in the planting season following occupation and, maintained in good health and condition at all times. Any such vegetation shall be replaced in the next planting season if it dies or, becomes seriously diseased.
- 4) Except where varied by this authorisation, all other conditions, plans and details relating to Development Authorisation 23034228 continue to apply to this amended authorisation.

**ADVISORY NOTES**

**General Notes**

- 1) No work can commence on this development unless a Development Approval has been obtained. If one or more consents have been granted on this Decision Notification Form, you must not start any site works or building work or change of use of the land until you have received notification that Development Approval has been granted.



**ADELAIDE HILLS COUNCIL  
MINUTES OF COUNCIL ASSESSMENT PANEL MEETING  
WEDNESDAY 8 January 2025  
63 MOUNT BARKER ROAD, STIRLING  
AND  
ZOOM VIRTUAL MEETING ROOM**

***[Please Note: These minutes are unconfirmed until 12 February 2025]***

---

- 2) **Appeal rights – General rights of review and appeal exist in relation to any assessment, request, direction or act of a relevant authority in relation to the determination of this application, including conditions.**
- 3) **This Planning Consent is valid for a period of twenty-four (24) months commencing from the date of the decision, subject to the below or subject to an extension having been granted by the relevant authority. If applicable, Building Consent must be obtained prior to expiration of the Planning Consent.**
- 4) **Where an approved development has been substantially commenced within 2 years from the operative date of approval, the approval will then lapse 3 years from the operative date of the approval (unless the development has been substantially or fully completed within those 3 years, in which case the approval will not lapse).**

9. **Development Assessment Applications – Development Act**  
Nil
10. **Development Assessment Applications – Review of Decisions of Assessment Manager**  
Nil
11. **ERD Court Appeals**  
Nil
12. **Policy Issues for Advice to Council**  
Nil
13. **Other Business**  
Nil
14. **Order for Exclusion of the Public from the Meeting to debate Confidential Matters**  
Nil

**ADELAIDE HILLS COUNCIL  
MINUTES OF COUNCIL ASSESSMENT PANEL MEETING  
WEDNESDAY 8 January 2025  
63 MOUNT BARKER ROAD, STIRLING  
AND  
ZOOM VIRTUAL MEETING ROOM**

***[Please Note: These minutes are unconfirmed until 12 February 2025]***

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- 15. Confidential Item**  
Nil
- 16. Next Meeting**  
The next ordinary Council Assessment Panel meeting will be held on Wednesday 12 February 2025.
- 17. Close meeting**  
The meeting closed at 8:03pm on 8 January 2025.

**ADELAIDE HILLS COUNCIL  
CEO PERFORMANCE REVIEW PANEL COMMITTEE  
MINUTES OF MEETING  
WEDNESDAY 18 DECEMBER 2024  
63 Mount Barker Rd Stirling**

---

In Attendance

**Presiding Member:** The position of Presiding Member was vacant

**Members:**

Cr Lucy Huxter	
Cr Melanie Selwood	
Cr Kirsty Parkin	
Cr Adrian Cheater	
Ms Vanessa Godden	Independent Member

In Attendance:

Dr Zoë Gill	Executive Governance Officer
Greg Georgopoulos	Chief Executive Officer
Collette Ordish	HR Consultant, Perks People Solutions
Michael Kelledy	Lawyer, Kelledy Jones (virtual attendance)

**1. COMMENCEMENT**

The meeting commenced at 6:00pm.

With leave of the meeting Cr Melanie Selwood presided at the meeting.

**OPENING STATEMENT**

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.

**2. APOLOGIES/LEAVE OF ABSENCE**

**3.1 Apology**

Nil

**3.2 Leave of Absence**

Nil

---

Presiding Member \_\_\_\_\_ 5 February 2025

**ADELAIDE HILLS COUNCIL  
CEO PERFORMANCE REVIEW PANEL COMMITTEE  
MINUTES OF MEETING  
WEDNESDAY 18 DECEMBER 2024  
63 Mount Barker Rd Stirling**

---

**3.3 Absent**

Nil

**3. MINUTES OF PREVIOUS MEETINGS**

**4.1 CEO Performance Review Panel Meeting – 18 September 2024**

Moved Cr Lucy Huxter

S/- Cr Kirsty Parkin

PRP 43/24

That the minutes of the CEO Performance Review Panel meeting held on 18 September 2024 as distributed, be confirmed as an accurate record of the proceedings of that meeting

<b>Carried Unanimously</b>
----------------------------

**4. PRESIDING MEMBER'S OPENING COMMENTS**

Nil

**5. DELEGATION OF AUTHORITY**

The CEO Performance Review Panel operates in accordance with the relevant sections of the *Local Government Act 1999*, and its Terms of Reference.

**6. DECLARATION OF CONFLICT OF INTEREST BY MEMBERS OF THE COMMITTEE**

Nil

**7. OFFICER REPORTS – DECISION ITEMS**

Nil

**8. MOTIONS WITHOUT NOTICE**

Nil

**9. QUESTIONS WITHOUT NOTICE**

Nil

**ADELAIDE HILLS COUNCIL  
CEO PERFORMANCE REVIEW PANEL COMMITTEE  
MINUTES OF MEETING  
WEDNESDAY 18 DECEMBER 2024  
63 Mount Barker Rd Stirling**

---

**10. CONFIDENTIAL ITEMS**

**10.1 CEO Key Performance Indicators – Exclusion of the Public**

Moved Cr Lucy Huxter  
S/- Cr Adrian Cheater

PRP 44/24

The Committee resolves:

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

- Greg Georgopoulos, Chief Executive Officer
- Zoë Gill, Executive Governance officer
- Collette Ordish, HR Consultant, Perks People Solutions
- Michael Kelledy, Lawyer, Kelledy Jones

be excluded from attendance at the meeting for Agenda Item 10.1: Key Performance Indicators Report in confidence.

The Panel is satisfied that it is necessary that the public, with the exception of Council staff in attendance as specified above, be excluded to enable the Panel 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 (living or dead).

Accordingly, on this basis the principle that meetings of the Panel should be conducted in a place open to the public

<b>Carried Unanimously</b>
----------------------------

**ADELAIDE HILLS COUNCIL  
CEO PERFORMANCE REVIEW PANEL COMMITTEE  
MINUTES OF MEETING  
WEDNESDAY 18 DECEMBER 2024  
63 Mount Barker Rd Stirling**

---

**10.1.1 CEO Key Performance Indicators – Confidential Item**

**ADELAIDE HILLS COUNCIL  
CEO PERFORMANCE REVIEW PANEL COMMITTEE  
MINUTES OF MEETING  
WEDNESDAY 18 DECEMBER 2024  
63 Mount Barker Rd Stirling**

---

**10.1.2 CEO Key Performance Indicators – Duration of Confidentiality**

Moved Cr Kirsty Parkin  
S/- Cr Huxter

PRP 46/24

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 10.1 in confidence under sections 90(2) and 90(3)(a) 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 further Order
Minutes	Until further Order
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.

<b>Carried Unanimously</b>
----------------------------

8.55 PM – With leave of the meeting, the Deputy Mayor adjourned the meeting for 2 minutes.

8.57 PM – The meeting resumed.

**ADELAIDE HILLS COUNCIL  
CEO PERFORMANCE REVIEW PANEL COMMITTEE  
MINUTES OF MEETING  
WEDNESDAY 18 DECEMBER 2024  
63 Mount Barker Rd Stirling**

---

**10.2 2024 CEO Remuneration Review Process – Exclusion of the Public**

Moved Ms Vanessa Godden  
S/- Cr Kirsty Parkin

PRP 47/24

The Committee resolves:

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

- Greg Georgopoulos, Chief Executive Officer
- Zoë Gill, Executive Governance officer
- Michael Kelledy, Lawyer, Kelledy Jones

be excluded from attendance at the meeting for Agenda Item 10.2 (2024 CEO Remuneration Review Process) in confidence.

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

Section 90(3) (a) of the Local Government Act, 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 (living or dead);

Accordingly, on this basis the principle that meetings of the Panel should be conducted in a place open to the public

<b>Carried Unanimously</b>
----------------------------

9.00pm Collette Ordish left the meeting and did not return.



**ADELAIDE HILLS COUNCIL  
CEO PERFORMANCE REVIEW PANEL COMMITTEE  
MINUTES OF MEETING  
WEDNESDAY 18 DECEMBER 2024  
63 Mount Barker Rd Stirling**

---

**10.2.1 2024 CEO Remuneration Review Process – Confidential Item**

**ADELAIDE HILLS COUNCIL  
CEO PERFORMANCE REVIEW PANEL COMMITTEE  
MINUTES OF MEETING  
WEDNESDAY 18 DECEMBER 2024  
63 Mount Barker Rd Stirling**

---

9:17pm Michael Kelledey left the meeting and did not return.

**10.2.2 2024 Remuneration Review – Duration of Confidentiality**

Moved Cr Kirsty Parkin  
S/- Cr Lucy Huxter

PRP 50/24

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 10.2 in confidence under sections 90(2) and 90(3)(a) 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 further order
Minutes	Until further order
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.

<b>Carried Unanimously</b>
----------------------------

**11. NEXT MEETING**

The next ordinary meeting of the CEO Performance Review Panel will be held on 5 February 2025 from 6.00pm at 63 Mt Barker Road Stirling.

**12. CLOSE MEETING**

The meeting closed at 9.35pm.

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**Confidential Items**

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**ADELAIDE HILLS COUNCIL  
ORDINARY COUNCIL MEETING  
Tuesday 28 January 2025  
CONFIDENTIAL AGENDA BUSINESS ITEM**

**Item:** 19.1

**Responsible Officer:** Gary Lewis  
Director Corporate Services  
Corporate Services

**Subject:** S184 - Recovery of Unpaid Rates

**For:** Decision

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**1. S184 - Recovery of Unpaid Rates – 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 Environment & Infrastructure, David Waters
- Director Corporate Services, Gary Lewis
- Manager Financial Services, Bruce Smith
- Director Community & Development, Jess Charlton
- Executive Governance Officer, Zoe Gill
- Minute Secretary, Skye Ludzay
- IT Support, Tom Portas

be excluded from attendance at the meeting for Agenda Item 19.1: (S184 - Recovery of unpaid rates) in confidence.

The Council is satisfied that it is necessary that the public, except for 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)(i) of the *Local Government Act 1999 (SA)*, the information to be received, discussed or considered in relation to this Agenda Item is information relating to actual litigation, or litigation that the Council or Council Committee believes on reasonable grounds that will take place, involving the Council or an employee of the Council, the disclosure of which could reasonably be expected to prejudice the legal processes required to progress the sale of land.

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. Sale of Land for the Recovery of Unpaid Rates – Confidential Item**

**3. S184 - Recovery of Unpaid Rates – 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 in the performance of the duties and responsibilities of office, Council, having considered Agenda Item 18.1 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 either the negotiations for sale are completed or a settlement reached or until legal proceedings have concluded, but no longer than 12 months.
Related Attachments	Until either the negotiations for sale are completed or a settlement reached or until legal proceedings have concluded, but no longer than 12 months.
Minutes	Until either the negotiations for sale are completed or a settlement reached or until legal proceedings have concluded, but no longer than 12 months.
Other (presentation, documents, or similar)	Nil

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.

**ADELAIDE HILLS COUNCIL  
ORDINARY COUNCIL MEETING  
Tuesday 28 January 2025  
CONFIDENTIAL AGENDA BUSINESS ITEM**

**Item:** 19.2 Motion on Notice

**Originating from:** Cr Nathan Daniell

**Subject:** Behavioural Matter

---

**1. Motion on Notice – Cr Nathan Daniell - Behavioural Matter – 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 Environment & Infrastructure, David Waters
- Director Corporate Services, Gary Lewis
- Director Community & Development, Jess Charlton
- Executive Governance Officer, Zoe Gill
- Minute Secretary, Skye Ludzay
- IT Support, Tom Portas

be excluded from attendance at the meeting for Agenda Item 19.2.: (Behavioural Matter) 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)(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 (living or dead);

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. Motion on Notice – Cr Nathan Daniell - Behavioural Matter – Confidential Item**



**3. Motion on Notice – Cr Nathan Daniell – Behavioural Matter – 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 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)(a) 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:

<b>Item</b>	<b>Duration of Confidentiality NB: Item to be reviewed every 12 months if not released</b>
Report	Until Further Order
Related Attachments	Until Further Order
Minutes	Until Further Order
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.

**ADELAIDE HILLS COUNCIL  
ORDINARY COUNCIL MEETING  
Tuesday 28 January 2025  
CONFIDENTIAL AGENDA BUSINESS ITEM**

**Item:** 19.3

**Responsible Officer:** Zoë Gill  
Executive Governance Officer  
Office of the CEO

**Subject:** Review into the accuracy of reports

**For:** Information

---

**1. Review into the accuracy of reports – 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 Environment and Infrastructure, David Waters
- Director Corporate Services, Gary Lewis
- Director Community and 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 (Review into the accuracy of reports) 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)(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 (living or dead).

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. Review into the accuracy of reports– Confidential Item**

**3. Review into the accuracy of reports – 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 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)(a) 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:

<b>Item</b>	<b>Duration of Confidentiality NB: Item to be reviewed every 12 months if not released</b>
Report	Until Further Order
Related Attachments	Until Further Order
Minutes	Nil
Other (presentation, documents, or similar)	Nil

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 Office.

**ADELAIDE HILLS COUNCIL  
ORDINARY COUNCIL MEETING  
Tuesday 28 January 2025  
CONFIDENTIAL AGENDA BUSINESS ITEM**

**Item:** 19.4

**Responsible Officer:** Zoë Gill  
Executive Governance Officer  
Office of the CEO

**Subject:** Review into the frequency of late reports

**For:** Information

---

**1. Review into the frequency of late reports – Exclusion of the Public**

Pursuant to section 90(2) of the Council orders that all members of the public, except:

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

be excluded from attendance at the meeting for Agenda Item 19.4 (Review into the frequency of late reports) 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)(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 (living or dead)

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. Review into the frequency of late reports– Confidential Item**

**3. Review into the frequency of late reports – 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 in the performance of the duties and responsibilities of office, Council, having considered Agenda Item 19.4 in confidence under sections 90(2) and 90(3)(a) 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:

<b>Item</b>	<b>Duration of Confidentiality NB: Item to be reviewed every 12 months if not released</b>
Report	Until Further Order
Related Attachments	Until further Order
Minutes	Nil
Other (presentation, documents, or similar)	Nil

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 Office.

**ADELAIDE HILLS COUNCIL  
ORDINARY COUNCIL MEETING  
Tuesday 28 January 2025  
CONFIDENTIAL AGENDA BUSINESS ITEM**

**Item:** 19.5

**Responsible Officer:** Zoë Gill  
Executive Governance Officer  
Office of the CEO

**Subject:** CEO PRP Recommendations – 2024 CEO Remuneration Review Process

**For:** Decision

---

**1. CEO PRP Recommendations – 2024 CEO Remuneration Review Process – 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 Environment & Infrastructure, David Waters
- Director Corporate Services, Gary Lewis
- 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 19.5: (CEO PRP Recommendations – 2024 CEO Remuneration Review Process) 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)(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 (living or dead)

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. CEO PRP Recommendations – 2024 CEO Remuneration Review Process – Confidential Item**

**3. CEO PRP Recommendations – 2024 CEO Remuneration Review Process – 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 in the performance of the duties and responsibilities of office, Council, having considered Agenda Item 19.5 in confidence under sections 90(2) and 90(3)(a) 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:

<b>Item</b>	<b>Duration of Confidentiality NB: Item to be reviewed every 12 months if not released</b>
Report	Until Further Order
Related Attachments	Until Further Order
Minutes	Until Further Order
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.

**ADELAIDE HILLS COUNCIL  
ORDINARY COUNCIL MEETING  
Tuesday 28 January 2025  
CONFIDENTIAL AGENDA BUSINESS ITEM**

<b>Item:</b>	<b>19.6</b>
<b>Responsible Officer:</b>	<b>Zoë Gill Executive Governance Officer Office of the CEO</b>
<b>Subject:</b>	<b>CEO PRP Recommendations to Council – CEO Key Performance Indicators</b>
<b>For:</b>	<b>Decision</b>

---

**1. CEO PRP Recommendations to Council – CEO Key Performance Indicators – 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 Environment & Infrastructure, David Waters
- Director Corporate Services, Gary Lewis
- Director Community & Development, Jess Charlton
- Executive Governance Officer, Zoe Gill
- Minute Secretary, Skye Ludzay
- IT Support, Tom Portas

be excluded from attendance at the meeting for Agenda Item 19.6: (CEO PRP Recommendations to Council – CEO Key Performance Indicators) 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)(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 (living or dead);

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. CEO PRP Recommendations to Council – CEO Key Performance Indicators – Confidential Item**

**3. CEO PRP Recommendations to Council – CEO Key Performance Indicators – 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 in the performance of the duties and responsibilities of office, Council, having considered Agenda Item 19.6 in confidence under sections 90(2) and 90(3)(a) 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:

<b>Item</b>	<b>Duration of Confidentiality NB: Item to be reviewed every 12 months if not released</b>
Report	Until Further Order
Related Attachments	Until Further Order
Minutes	Until Further Order
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.