



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 11 March 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 written over a horizontal line.

Greg Georgopoulos
Chief Executive Officer



ORDINARY COUNCIL MEETING

AGENDA FOR MEETING
Tuesday 11 March 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

3.2.1. Cr Leith Mudge, 5 March 2025 to 7 April 2025, approved at Council 25 February 2025.

3.3. Absent

4. MINUTES OF PREVIOUS MEETINGS

Council Meeting – 25 February 2025

That the minutes of the ordinary meeting held on 25 February 2025 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)

10. QUESTIONS ON NOTICE

- 10.1. CEO Annual Performance Review – Cr Mark Osterstock
As Council embarks on this year’s CEO performance review, in order for Council to be in an informed position, in terms of meaningfully assessing the CEO’s achievements and performance, can the CEO identify for Council 10 key achievements and provide details?

11. MOTIONS ON NOTICE

- 11.1. Legal Fees – Behavioural Standards Investigation (Mayor Wisdom) – Cr Mark Osterstock
 - 1. Council notes resolution 430/24 – Behavioural Standards Complaint – Determination of Action - Mayor WISDOM. (Appendix 1)
 - 2. Council notes item 3 (j) of resolution 430/24:
 - a) 3 (j) *“That Council requests that the Mayor repay Council for the costs of the investigation and report into this behavioural matter as soon as possible, but in any event by 31 January 2025.*
 - 3. Council notes that the Mayor has demonstrated an interest in the legal costs (and fees) incurred by Council in light of the fact that the Mayor placed a series of questions on notice at the Ordinary Council meeting of 27 August 2024 concerning, amongst other matters, such expenditure. (Appendix 2).
 - 4. Council notes, with concern, that the Mayor has failed to comply with Councils request to repay the legal costs Council has incurred associated with the subject Behavioural Standards Complaint Investigation [Resolution 430/24 – Behavioural Standards Complaint – Determination of Action – Mayor WISDOM, item 3 (j)], being the sum of approximately \$48,000.00 (Appendix 3)
 - 5. Council requests that the CEO writes to the Mayor, on behalf of Council [and the residents and ratepayers of Adelaide Hills Council], requesting that, within 30 calendar days of this resolution, the Mayor pay the sum of

\$48,000.00, being the legal costs incurred by Council as a result of the Behavioural Standards Investigation.

- 11.2. Acknowledgement for Mr Don Herrmann – Cr Lucy Huxter
1. *The Council acknowledges the 30-year tenure of Mr Don Herrmann as Presiding Member of the Lobethal Centennial Hall Committee*
 2. *The CEO writes to Mr Herrmann on behalf of the Adelaide Hills Council congratulating him on his achievements in this role, and thanking him for his dedication to ensuring that the iconic Lobethal Centennial Hall is cared for and preserved for many generations*
 3. *The CEO writes to the new Presiding Member of the Lobethal Centennial Hall Committee providing details of the relevant contacts within the Council Administration that will be able to offer support and advice, including on the new draft Lease or Management Agreement that are to be confirmed*

12. ADMINISTRATION REPORTS – DECISION ITEMS

- 12.1. Review of Volunteer Engagement Policy
1. *That the report be received and noted*
 2. *With an effective date of 11 March 2025 to revoke the Volunteer Engagement Policy 22 February 2022 and to adopt the Volunteer Engagement Policy 11 March 2025 (Appendix 1).*
 3. *That the Chief Executive Officer be authorised to make any formatting, nomenclature or other minor changes to the Volunteer Engagement Policy 11 March 2025.*
- 12.2. Adelaide Hills Region Waste Management Authority Deputy Board Member Appointment
- Decision 1 (required if one candidate 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 Deputy Board Member position for a term to commence from 11 March 2025 and conclude on 28 January 2027 (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 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 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 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 Deputy Board Member position for a term to commence from 11 March 2025 and conclude on 28 January 2027 (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.

12.3. Eastern Waste Management Authority Deputy Board Member Appointment

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 Eastern Waste Management Authority Board:
 - a. To appoint _____ to the Deputy Board Member position for a term to commence from 11 March 2025 and conclude on 29 November 2025 (inclusive)
3. To authorise the Chief Executive Officer to lodge all required documentation to give effect to Council's resolutions regarding Eastern Waste Management Authority Board Membership.

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 Eastern Waste Management Authority 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 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 Eastern Waste Management Authority Board:
 - a. To appoint _____ to the Deputy Board Member position for a term to commence from 11 March 2025 and conclude on 29 November 2025 (inclusive)
2. To authorise the Chief Executive Officer to lodge all required documentation to give effect to Council's resolutions regarding Eastern Waste Management Authority Board Membership.

12.4. Council Resolutions Status Update

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

12.5. Elector Representation Review (Community Consultation Outcomes)

1. That the report be received and noted.

2. *That the Elector Representation Review Community Consultation Outcomes Report at Appendix 1 containing 58 valid submissions and 2 petitions is received and noted.*
4. *The following proposal for the future composition and structure of the Adelaide Hills Council be carried into effect as follows:*
 - a) *The principal member of Council continues to be a Mayor, elected by the electors for the area.*
 - b) *The Council elected body comprise a Mayor and twelve councillors.*
 - c) *The Council area be divided into three wards (as per the structure presented in the Representation Review Report dated November 2024 at Appendix 2).*
 - d) *The proposed wards be identified as the _____, _____ and the _____ Ward, with each Ward being represented by four Councillors.*
5. *The Chief Executive Officer be authorised to prepare and forward the necessary final report and documents to the Electoral Commissioner, pursuant to the provisions of Section 12 of the Local Government Act 1999.*

13. ADMINISTRATION REPORTS – INFORMATION ITEMS

- 13.1. LGRS Risk Profiling 2024 Results Report
That the LGRS Risk Profiling Report and appendices be received and noted.

14. CORRESPONDENCE FOR NOTING

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
Nil
- 18.2. Audit Committee
Nil
- 18.3. CEO Performance Review Panel
Nil

- 18.4. Boundary Change Committee
Nil

19. CONFIDENTIAL ITEMS

- 19.1. Technology Risk and Opportunities Review

20. NEXT MEETING

Tuesday 25 March 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
JANUARY 2025			
Wednesday 15 January	CAP	Stirling	TBA
Tuesday 28 January	Ordinary Council	Stirling	Skye Ludzay
FEBRUARY 2025			
Monday 3 February	Workshop	Woodside	N/A
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
MARCH 2025			
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
Saturday 22 March	Workshop	Stirling	N/A
Tuesday 25 March	Ordinary Council	Stirling	Skye Ludzay
Wednesday 26 March	CEO PRP	Stirling	Zoë Gill
APRIL 2025			
Wednesday 2 April	CEO PRP	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	Stirling	Zoë Gill
Tuesday 22 April	Ordinary Council	Stirling	Skye Ludzay
MAY 2025			
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
JUNE 2025			
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
JULY 2025			
Monday 7 July	Workshop	Woodside	N/A

DATE	TYPE	LOCATION	MINUTE TAKER
Tuesday 8 July	Ordinary Council	Stirling	Rebekah Lyons
Wednesday 9 July	CAP	Stirling	TBA
Tuesday 15 July	Professional Development	Stirling	N/A
Tuesday 22 July	Ordinary Council	Stirling	Skye Ludzay
AUGUST 2025			
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
SEPTEMBER 2025			
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
OCTOBER 2025			
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
NOVEMBER 2025			
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
DECEMBER 2025			
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 Feb 25 (WS)	F	AP	F	F	AP	F	AP	F	F	F	F	AP	F
18 Feb 25 (WS)	P	AP	F	F	F	P	AP	F	LOA	F	F	F	F
3 Mar 25 (WS)	F	F	F	F	F	F	F	AP	AP	F	F	AP	F

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 Jan 25	AP	F	AP	AP	F	LOA	F	AP	F	F	F	F	F
11 Feb 25	F	AP	LOA	F	F	F	F	F	AP	F	F	F	LOA
25 Feb 25	AP	F	F	F	F	F	F	F	LOA	F	F	LOA	F

Conflict of Interest Disclosure Form

CONFLICTS MUST BE DECLARED VERBALLY DURING MEETINGS

Date: _____

Meeting Name (please tick one)

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

Item No **Item Name:**

(Only one conflict of interest entry per form)

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

GENERAL

MATERIAL

GENERAL

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

MATERIAL

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

The nature of my conflict of interest is as follows:

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

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

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

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

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

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

8. DEPUTATIONS

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

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

8.3 PUBLIC FORUM

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

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

Questions on Notice

**ADELAIDE HILLS COUNCIL
ORDINARY COUNCIL MEETING
Tuesday 11 March 2025
AGENDA BUSINESS ITEM**

Item: 10.1 Question on Notice

Originating from: Cr Mark Osterstock

Subject: CEO Annual Performance Review

1. QUESTION

As Council embarks on this year's CEO performance review, in order for Council to be in an informed position, in terms of meaningfully assessing the CEO's achievements and performance, can the CEO identify for Council 10 key achievements and provide details?

2. BACKGROUND

It has been approximately 12 months since the last CEO annual performance review took place.

3. OFFICER'S RESPONSE – Greg Georgopoulos, Chief Executive Officer

The CEO last undertook a review process as part of the CEO Probation Review Process. This process concluded on 12 December 2023 when the CEO's employment was confirmed.

An annual CEO performance review process was developed and endorsed by Council on 24 September 2024. This process included a mid-point review which was conducted in December 2024 and a full review which is currently being undertaken. The first stage of the full review process began on the 3 March 2025 and is expected to be completed in April 2025.

The following table outlines 10 key milestones achieved by Council under the leadership of the Chief Executive Officer since December 2023:

Key Achievement 1	Strategic Plan: Your Place Your Space	Developed contemporary strategic plan to set Council's vision for the future, including a focus on a green agenda.
Key Achievement 2	Junction Road Drainage	Secured \$380,000 of State Government funding to go along with \$380,000 of funding allocated from the Commonwealth Local Roads and Community Infrastructure Program to enable important flood mitigation work to proceed.
Key Achievement 3	Amy Gillett Bikeway	

		Secured State funding in a three-way funding agreement between the Council and the State and Federal Government. Commenced the construction of the \$5.7m 6km Mount Torrens to Birdwood extension. Works are proceeding within budget and are due to be completed in 2025.
Key Achievement 4	Cox Creek Biodiversity Program	Secured \$1.97m in Federal Government funding for the restoration of a 6km section of Cox Creek, Bridgewater. Works are underway.
Key Achievement 5	Transparent Finances	Provided a budget that represented a transparent and accurate reflection of Council's operating costs, establishing a foundation for supporting financial sustainability.
Key Achievement 6	CRM Upgrade	Successfully deployed a new Salesforce CRM (Customer Relationship Management) system to support best practice customer service.
Key Achievement 7	Fabrik Launch and Business Plan	Completed the Fabrik Arts and Heritage redevelopment with the new Hub officially opening on the 20 th September 2024. The redeveloped space features a gallery space, retail store and event space alongside artist studios and accommodation for artists in residence.
Key Achievement 8	Values Program	Introduced best practice organisational cultural initiatives characterised by the Values Program.
Key Achievement 9	Towards Community Led Resilience Program	Developed the state and federal award winning 'Towards Community Led Resilience Program'. The program supports communities to prepare for bushfires and other emergencies, taking learnings from bushfire events that have affected the Adelaide Hills district.
Key Achievement 10	Innovate Reconciliation Action Plan	Developed the 'Innovate Reconciliation Action Plan', cementing Adelaide Hills Council's

		commitment to reconciliation and achieving meaningful outcomes.
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4. APPENDIX

Nil

Motions on Notice

**ADELAIDE HILLS COUNCIL
ORDINARY COUNCIL MEETING
Tuesday 11 March 2025
AGENDA BUSINESS ITEM**

Item: 11.1 Motion on Notice

Originating from: Cr Mark Osterstock

Subject: Legal Fees – Behavioural Standards Investigation

1. MOTION

I move that:

1. Council notes resolution 430/24 – Behavioural Standards Complaint – Determination of Action - Mayor WISDOM. (Appendix 1)
2. Council notes item 3 (j) of resolution 430/24:
 - a) 3 (j) “That Council requests that the Mayor repay Council for the costs of the investigation and report into this behavioural matter as soon as possible, but in any event by 31 January 2025.
3. Council notes that the Mayor has demonstrated an interest in the legal costs (and fees) incurred by Council in light of the fact that the Mayor placed a series of questions on notice at the Ordinary Council meeting of 27 August 2024 concerning, amongst other matters, such expenditure. (Appendix 2).
4. Council notes, with concern, that the Mayor has failed to comply with Councils request to repay the legal costs Council has incurred associated with the subject Behavioural Standards Complaint Investigation [Resolution 430/24 – Behavioural Standards Complaint – Determination of Action – Mayor WISDOM, item 3 (j)], being the sum of approximately \$48,000.00 (Appendix 3)
5. Council requests that the Deputy Mayor writes to the Mayor, on behalf of Council [and the residents and ratepayers of Adelaide Hills Council], requesting that, within 30 calendar days of this resolution, the Mayor pay the sum of \$48,000.00, being the legal costs incurred by Council as a result of the Behavioural Standards Investigation.

2. BACKGROUND

On the 26th of November 2024, Council considered item 19.1, Behavioural Standards Complaint (Mayor WISDOM). A complaint was made against Mayor WISDOM alleging multiple breaches of the Behavioural Standards for Council Members.

This complaint was (independently) inquired into in accordance with the processes set out in Council's Behavioural Management Policy. In accordance with s4.5.4 of the Policy, a report was prepared summarising the matter and setting out findings, conclusions and recommendations. Procedural fairness was provided to all parties during this process. The report found that Mayor WISDOM had breached a number of the behavioural standards. Pursuant to s4.5.4 of the Policy, the relevant parties to the complaint were contacted to test whether they could agree to a path for resolution in relation to the breach of the behavioural standards. The parties failed to reach agreement as to the resolution of the matter. That section of the Policy provides: Where the finding is that a breach of the behavioural requirements has occurred and the parties to the complaint have failed to reach agreement as to the resolution of the matter a final report should be presented to Council for determination.

Accordingly, consistent with the report's recommendations, Council determined a variety of sanctions, requirements and requests commensurate with the Mayor's wrongdoings.

Item 3 (j) of resolution 430/24, 26th of November 2024, requested that Mayor WISDOM repay Council for the costs associated with the investigation and report into this behavioural matter by no later than the 31st of January 2025.

The legal costs associated with this investigation and report are approximately \$48,000.00 (Appendix 3).

On the 25th of February 2025, Council considered item 12.9, Budget Review 2, which highlighted, amongst other matters, an increase in Councils Operating Deficit, attributed, in part, to increased legal fees.

Repayment of the monies sought by Council would see a reduction in Councils Operating Deficit by approximately \$48,000.00.

As at the 11th of March 2025, the Mayor has failed to comply with Council's request for these monies to be repaid.

3. OFFICER'S RESPONSE – Zoë Gill

➤ 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**

Nil

➤ **Risk Management Implications**

The motion on notice may assist in mitigating the risk of:

Poor Council Member conduct resulting in a breach of obligations and loss of community confidence.

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

➤ **Financial and Resource Implications**

The approximate legal costs associated with the behavioural complaint matter are \$48,000.

➤ **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.

4. ANALYSIS

At its 26th November 2024 meeting, Council resolved to request that Mayor Jan-Claire Wisdom repay Council for costs associated with an independent investigation and report into a behavioural matter by no later than the 31st of January 2025.

The legal costs incurred by Council amount to approximately \$48,000.

Following on from the meeting, on the 29th of November, the Deputy Mayor sent a letter regarding resolution 430/24 to the Mayor for her response.

The letter specifically sought the Mayor's response to Part 3(j) of Council's resolution, amongst other questions, and stated that the Deputy Mayor would inform Council of the Mayor's response.

To date neither the Deputy Mayor nor any member of the Administration has received a response from the Mayor in regards to Part 3(j) of Council's resolution.

5. APPENDICES

- (1) Council Minutes Extract - Resolution 430/24
- (2) Council Agenda Item 10.2 Staffing and Legal Advice Questions
- (3) Council Minutes Extract – 26 November Council Resolutions Question on Notice

Appendix 1
Council Minutes Extract - Resolution 430/24

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

APPENDIX 1

19.1.3 Behavioural Standards Complaint – Determination of Action

Moved Cr Chris Grant
S/- Cr Mark Osterstock

Council resolves:

Decision 2

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

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

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

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

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

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FORMAL MOTION

Moved Cr Kirrilee Boyd

S/- Cr Louise Pascale

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

Motion Lost

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

Moved Cr Chris Grant

S/- Cr Mark Osterstock

430/24

Council resolves:

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

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

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

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

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

Carried

Deputy Mayor Selwood did not use her casting vote

Appendix 2
Council Agenda Item 10.2 Staffing and Legal Advice Questions

**ADELAIDE HILLS COUNCIL
ORDINARY COUNCIL MEETING
Tuesday 27 August 2024
AGENDA BUSINESS ITEM**

Item: 10.2 Question on Notice

Originating from: Mayor Jan-Claire Wisdom

Subject: Staffing and Legal Advice Questions

1. QUESTION

1. How many staff (in numbers) have left AHC organisation in total in the last financial year 2023-2024 - broken down by senior staff (directors and managers) and other staff?
2. What recruitment and backfilling staff costs are we expected to face especially given the additional financial impact is generally recognised to be 30-50% for each employee replaced.
3. How many of those people have been replaced to date; and of the remainder how many are we intending to replace in the 2024-2025 year?
4. What is the total expenditure for legal fees for financial year 2024-2025 (broken down by directorate as before by Director of Corporate, and by service provider).
5. What is the total cost of legal advice/fees for providing services to enquire into Elected Member behavioural complaints?
6. How many complaints against Elected Members have been or attempted to have been resolved informally and internally rather than through legal firms?

2. BACKGROUND

Given our recent workshop regarding our financial position, personnel and other expenditures are going to be critical. Two areas that have had a lot of changes in the past year are staffing and elected member complaint numbers. The chamber needs to be fully informed as to how we are travelling with these challenges especially since this financial year is an enterprise agreement negotiation year.

3. OFFICER'S RESPONSE –

1. **How many staff (in numbers) have left AHC organisation in total in the last financial year 2023-2024 - broken down by senior staff (directors and managers) and other staff?**

5. **What is the total cost of legal advice/fees for providing services to enquire into Elected Member behavioural complaints?**

In 2024-25 Council have been invoiced for \$2368.30.

6. **How many complaints against Elected Members have been or attempted to have been resolved informally and internally rather than through legal firms?**

In 2024-25 Council has received one complaint that has been resolved informally.

4. **APPENDIX**

Nil

4. Question - What is the total expenditure for legal fees for financial year 2024-2025 (broken down by directorate as before by Director of Corporate, and by service provider)

	2024/25 Aug Actuals	2024/25 Budget	Legal Consultants					
			Norman Waterhouse	Kelley Jones	Mellor Olsen	EMA Legal	Scott Lawyers	ARMA Group
Corporate Services								
Governance & Performance	16,291	50,000	8,629	5,509		2,153		
People and Culture & WHS	2,343	20,000		2,343				
Information Management	1,448	1,100		1,448				
Rates	2,620	65,050					1,485	1,135
	22,702	136,150	8,629	9,300	0	2,153	1,485	1,135
Community & Development								
C&D Director's Office		1,100						
Animal Management		6,400						
Parking and By-Laws	492	1,100	492					
Development Services	9,715	96,280	9,715					
	10,207	104,880	10,207	0	0	0	0	0
Environment & Infrastructure								
E&I Director's Office		3,000						
Property Management	2,516	20,000	683		1,833			
	2,516	23,000	683	0	1,833	0	0	0
Total Gross Legal Costs	35,425	264,030	19,519	9,300	1,833	2,153	1,485	1,135
2a) Rates Revenue Other Charges								
RATES Recoverables: Legal Fees								
2f) Other Income Sundry								
DEVELOPMENT: Recoverables: Legal Fees								
Net Legal Costs	27,273	185,490						

In the 2023/24 financial year 49 staff left the organisation. This included six who were senior (employed on contract).

	Number of staff	Average length of service
Director	3	8.1
Manager	3	6.3
Community & Development	14	9.2
Corporate Services	10	8.2
Environment & Infrastructure	9	10.5
Civil	3	9
Open space	7	2.2

Considering all staff who left the organisation, the following is the profile of their length of service.

Length of service	Frequency
0-1	3
1-2	8
2-5	8
5-10	13
10-20	10
20-30	4

In addition to the above, three staff did not complete their probation periods.

- 2. What recruitment and backfilling staff costs are we expected to face especially given the additional financial impact is generally recognised to be 30-50% for each employee replaced.**

With regards to backfilling costs, Council has set a target saving through the 'Vacancy Management' process of \$500,000 in 2024/25. This is a process at Adelaide Hills Council whereby positions are kept vacant for a period of time to make a financial saving. Establishing the actual saving made at any point in time can be complex as some high priority tasks that would have been carried out by staff have to be outsourced normally to a contractor (backfilling). Therefore, the savings are estimated retrospectively through the

normal financial reporting processes, and this requires positions to be held vacant until sufficient savings have been documented.

Therefore, the expected 'net backfilling' costs is a saving of \$500,000.

3. Question - How many of those people have been replaced to date; and of the remainder how many are we intending to replace in the 2024-2025 year?

In 2023/24, 23 of these positions were filled. Two roles were made redundant, and two roles were restructured into a new position. 22 roles are currently vacant.

For both 2022/23 and 2024/25 Council has required financial savings to be made through 'vacancy management'. The required saving in 2023/24 was \$300,000 and this rose to \$500,000 in 2024/25. Meeting these targets is a priority that has to be balanced with service delivery.

Current recruitment activities include five appointments in process of being finalised, five roles being advertised as well as three internal Expression of Interest. There are also two recruitment processes that are currently proceeding through final stages.

Of the remaining roles some are being held vacant awaiting the completion of the Strategic Plan to give the Administration the flexibility to consider how best to resource Councils ambitions. Additionally, some roles may also be held vacant subject to the service review.

There is currently no plan to reduce total FTE staff levels.

Appendix 3
Council Minutes Extract – 26 November Council Resolutions
Question on Notice

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APPENDIX 3

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?

Mayor _____

28 January 2025

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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?

Mayor _____

28 January 2025

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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.

Mayor _____

28 January 2025

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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

Carried Unanimously

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

Mayor _____

28 January 2025

**ADELAIDE HILLS COUNCIL
ORDINARY COUNCIL MEETING
Tuesday 11 March 2025
AGENDA BUSINESS ITEM**

Item: 11.2 Motion on Notice

Originating from: Cr Lucy Huxter

Subject: Mr Don Herrmann Acknowledgement

1. MOTION

I move that:

- 1. The Council acknowledges the 30-year tenure of Mr Don Herrmann as Presiding Member of the Lobethal Centennial Hall Committee**
- 2. The CEO writes to Mr Herrmann on behalf of the Adelaide Hills Council congratulating him on his achievements in this role, and thanking him for his dedication to ensuring that the iconic Lobethal Centennial Hall is cared for and preserved for many generations**
- 3. The CEO writes to the new Presiding Member of the Lobethal Centennial Hall Committee providing details of the relevant contacts within the Council Administration that will be able to offer support and advice, including on the new draft Lease or Management Agreement that are to be confirmed**

2. BACKGROUND

Mr Don Herrmann has been President Lobethal Centennial Hall Committee from 1995 until he stepped down at the AGM on 28 February 2025. Mr Herrmann also served on the committee prior to 1995.

Mr Herrmann is the longest serving Presiding Member of the Lobethal Centennial Hall Committee.

Some of Mr Herrmann's greatest achievements during his tenure as President of the Lobethal Centennial Hall Committee include:

- Extension of the Hall, including new meeting room, new stage and upstairs storage area (which was fully funded by the Committee using funds raised by members)
- Conversion of movie projection from analogue to digital
- Re-painting of the Hall

Mr Herrmann was awarded a Civic Service Award in 2023 for his outstanding commitment to his community.

Mr Herrmann should be acknowledged and thanked for the countless hours he has poured into maintaining and improving the Lobethal Centennial Hall. This Hall is a space for young and old, for people near and far, and is a huge part of Lobethal's history.

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

Principle:

Connection - We value community and other stakeholder input to decision making. We encourage volunteering, creativity, cultural expression and collaboration in the achievement of shared objectives.

Goal 2	Community Wellbeing
Objective CW2	Enrich, empower and support connected communities
Priority CW2.4	Support community members to gain skills, experience, and connections through our volunteering programs, and strengthen pathways to external volunteering opportunities in our region.

➤ Legal Implications

Not applicable.

➤ Risk Management Implications

Not applicable.

➤ Financial and Resource Implications

Not applicable.

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

Recognition is a key part of volunteer engagement. Recognition of community-based volunteers demonstrates the value of volunteering to the broader community.

➤ **Sustainability Implications**

Not applicable.

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

Not applicable.

4. ANALYSIS

There are no operational impacts or impediments to executing the direction contemplated by this motion.

5. APPENDICES

Nil

Administration Reports Decision Items

**ADELAIDE HILLS COUNCIL
ORDINARY COUNCIL MEETING
Tuesday 11 March 2025
AGENDA BUSINESS ITEM**

Item: 12.1

Responsible Director: Jess Charlton
Director Community and Development
Community & Development

Subject: Volunteer Engagement Policy Review

For: Decision

SUMMARY

The *Volunteer Engagement Policy* (the Policy) has been reviewed and minor amendments proposed for consideration. The purpose of this report is to seek Council adoption of the *Volunteer Engagement Policy (Appendix 1)*.

The Policy outlines Council's commitment to volunteering and provides a best practice framework for the management of volunteers to ensure consistent practices are undertaken across Council.

RECOMMENDATION

Council resolves:

1. That the report be received and noted
 2. With an effective date of 11 March 2025 to revoke the Volunteer Engagement Policy 22 February 2022 and to adopt the Volunteer Engagement Policy 11 March 2025 (Appendix 1).
 3. That the Chief Executive Officer be authorised to make any formatting, nomenclature or other minor changes to the Volunteer Engagement Policy 11 March 2025.
-

1. BACKGROUND

Council supports a range of volunteer opportunities and programs that serve the community. These services are particularly focused around Libraries and Community Development and include but are not limited to:

- Transport
- Youth Leadership
- Library services
- Community Centre
- Community Sheds
- Positive Ageing programs
- Fabrik Arts + Heritage

- Advisory and Working Group Roles

To confirm Council’s volunteer management practices are contemporary and meet best practice, the Policy was updated from the previous document to ensure its currency, to more clearly articulate Council’s ongoing commitment to volunteering.

2. ANALYSIS

➤ Strategic Management Plan

Strategic Plan 2024 – Your Place, Your Space

Goal 2 Community Wellbeing

Objective CW2 Enrich, empower and support connected communities

Priority CW2.4 Support community members to gain skills, experience, and connections through our volunteering programs, and strengthen pathways to external volunteering opportunities in our region.

The Volunteer Engagement Policy ensures that volunteers are managed consistently across Council.

➤ Legal Implications

The Volunteer Engagement Policy covers the following Acts:

- *Volunteer Protection Act 2001*
- *Volunteers Protection Regulations (SA) 2019*
- *Children and Young People (Safety) Act 2017*
- *Work Health Safety Act 2012*
- *Work Health Safety Regulations 2012*
- *Equal Opportunity Act 1984*
- *Local Government Act 1999*
- *The State Records Act 1997*

The Policy covers the legal requirements of involving volunteers and ensures appropriate processes are in place to manage volunteers in Council. Legal requirements are further supported through compliance to the National Standards for Volunteer Involvement 2024 (Volunteering Australia) which sets out best practice guidelines for managing volunteers.

➤ Risk Management Implications

The adoption of the Volunteer Engagement Policy will assist in mitigating the risk of:

Those registered as Council volunteers being inappropriately engaged in the organisation which leads to inconsistent management practices, increased risk of workplace injury, decreased retention and overall reduction in human capital to achieve organisational goals.

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

This Policy and associated processes are existing controls.

➤ **Financial and Resource Implications**

There are no new financial and resource implications of adopting this Policy as they reflect existing practice and resource allocations.

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

This Policy highlights the commitment Council has to volunteering. It provides a best practice framework for the management of volunteers articulating the structure and expectations around how volunteers are managed for the benefit of Council, the community and those individuals participating in the program.

➤ **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>	Desktop audit of other organisations policies Consultation with Council Volunteer Leaders
<i>Community:</i>	Not Applicable

➤ **Additional Analysis**

The minor amendments to the Policy ensure the value and impact of volunteering is clearly articulated to stakeholders and a consistent and effective approach towards volunteer management is defined. The changes made to the Policy are reflected in **Appendix 1** and are discussed below.

The Policy reflects current practice and legislative requirements in the stated Acts.

The updated Policy contains the following amendments:

- Reference to Council's Strategic Plan *Your Place, Your Space*
- Inclusion of Fabrik Arts + Heritage Volunteer Program

The Policy continues to reference roles and responsibilities of Council and volunteers in order to clearly set expectations, accepted behaviours and confirm boundaries. The Policy also reflects that Council may vary its response to bushfire, pandemic and disaster management.

The Policy gives direction and structure to the way that volunteers are managed for the benefit of Council, the community and for the individuals participating in the program. This is achieved by stating the Council's expectations and standards and rights and responsibilities for volunteers.

An accompanying Volunteer Management Manual exists to provide ongoing support to Volunteer Leaders.

3. OPTIONS

Council has the following options:

- I. To receive and note the report adopt the revised *Volunteer Engagement Policy* in **Appendix 1**. (Recommended)
- II. Not to adopt the revised *Volunteer Engagement Policy* (Not Recommended).
- III. To adopt the Grant Giving Policy as per **Appendix 1** with amendments. (Not Recommended)

Should the Council identify the need for substantial amendments to the revised Policy, it is recommended that they be referred to staff for review to allow for analysis of the implications of the amendments, prior to the matter being brought back to the Council for further consideration.


4. APPENDICES

- (1) Volunteer Engagement Policy 2025

Appendix 1

Volunteer Engagement Policy 2025

COUNCIL POLICY

 <p>Adelaide Hills COUNCIL</p>	<h2>Volunteer Engagement Policy</h2>
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<p>Policy Number:</p>	<p>The Governance team will allocate the policy number</p>
<p>Responsible Department(s):</p>	<p>Community Development</p>
<p>Relevant Delegations:</p>	<p>As per the Delegations Register and as detailed in this Policy</p>
<p>Other Relevant Policies:</p>	<p>WHS & IM Policy</p>
<p>Relevant Procedure(s):</p>	<p>Volunteer Management Manual 2023 Code of Conduct for a Child Safe Organisation Criminal and Relevant History Screening Procedure Code of Conduct for Volunteers Access and Inclusion Plan 2020-2024</p>
<p>Relevant Legislation:</p>	<p><i>Volunteer Protection Act 2001 (SA)</i> <i>Volunteers Protection Regulations 2019 (SA)</i> <i>Children and Young People (Safety) Act 2017 (SA)</i> <i>Work Health Safety Act 2012 (SA)</i> <i>Work Health Safety Regulations 2012 (SA)</i> <i>Equal Opportunity Act 1984 (SA)</i> <i>Local Government Act 1999 (SA)</i> <i>The State Records Act 1997 (SA)</i></p>
<p>Policies and Procedures Superseded by this policy on its Adoption:</p>	<p>Volunteer Engagement Policy 2022</p>
<p>Adoption Authority:</p>	<p>Council</p>
<p>Date of Adoption:</p>	<p><i>To be entered administratively</i></p>

Effective From:	<i>To be entered administratively</i>
Minute Reference for Adoption:	<i>To be entered administratively</i>
Next Review:	March 2028

Version Control

Version No.	Date of Effect	Description of Change(s)	Approval
1.1	08/03/2022	Minor amendments to reflect changes in AHC Strategic Plan and updating the Volunteering Coordinator role and responsibilities and that a volunteer role may be terminated	<i>[To be added following Council adoption]</i>
1.2	11/03/2025	Updated to include the following: <ul style="list-style-type: none"> • Children and Young People (Safety) Act 2017 Updated National Standards for Volunteer Involvement (2024) • Volunteering Strategy for South Australia (2021 – 2027) • Strategic Plan 2024 Your Place, Your Space • Access and Inclusion Plan 2020-2024 • Volunteer Management Manual 2023 	

VOLUNTEER ENGAGEMENT POLICY

1. INTRODUCTION

- 1.1 Adelaide Hills Council recognises the importance and the role of volunteering in strengthening connections and understanding between people which promotes a sense of belonging and social wellbeing for individuals, communities and society.
- 1.2 Council acknowledges volunteers are motivated by diverse factors and is committed to engaging volunteers in meaningful activities suited to their skills and interests. Council provides the support and recognition needed to assist volunteers perform their roles effectively. Council values diversity and we are committed to supporting a diverse volunteer base which is representative of our community.
- 1.3 Council demonstrates effective volunteer engagement delivered through a volunteer management framework and in accordance with the 'National Standards for Volunteer Involvement' (Volunteering Australia 2024).

2. OBJECTIVES

- 2.1 This policy confirms Council's commitment to volunteering and provides a best practice framework for the management of volunteers by:
- articulating the basis for involving and providing direction and structure to the way volunteers are managed for the benefit of Council, the community and those individuals participating in the programs
 - providing understanding of Council's expectations and standards for volunteers and the rights and responsibilities of volunteers in accordance with the National Standards for Volunteer Involvement.
- 2.2 The Policy demonstrates Council's compliance with the:
- *Volunteer Protection Act 2001 (SA) and Volunteers Protection Regulations 2019 (SA)*
 - *Children and Young People (Safety) Act 2017 (SA)*
 - *Work Health Safety Act 2021 (SA)*
 - *Equal Opportunity Act 1984 (SA)*
 - *Local Government Act 1999 (SA)*
 - Council Strategic Plan 2024 *Your Place, Your Space*
 - Access and Inclusion Plan 2020-2024
 - Volunteer Management Manual 2023
 - Volunteering Australia's National Standards for Volunteer Involvement 2024
 - Volunteering Strategy for South Australia (2021 – 2027)
- 2.3 This Policy has been developed to reflect Council's strategic objectives in relation to volunteering.

3. DEFINITIONS

- 3.1 "Volunteering" is time willingly given for the common good and without financial gain (Volunteering Australia 2015).

- 3.2 A “volunteer” is an individual who is registered with and has approval by Council to undertake activities:
- of the volunteer’s own free will and without coercion
 - for no financial reward from Council
 - in designated volunteer positions only.
- 3.3 The following persons, for the purposes of this policy, are not considered volunteers:
- people on student placement and work experience programs
 - Council Members of Adelaide Hills Council
 - persons receiving payment outside of the volunteer reimbursement framework
 - people working on a voluntary basis for organisations with the Council
 - partners or supports.
- 3.4 A “**Volunteer Leader**” in Council is defined as paid staff members who are directly responsible for the day-to-day management and leadership of volunteers undertaking duties on behalf of Council.
- 3.5 The “**Volunteering Coordinator**” in Council is defined as an AHC staff member who develops and implements systems to support, attract, recruit and retain volunteers and who supports Volunteer Leaders to manage and lead volunteers.

4. SCOPE

- 4.1 This Policy is intended as a guide for all Council departments which involve volunteers that are registered with Adelaide Hills Council. It also guides Council’s vision for the ongoing engagement and involvement of volunteers.
- 4.2 This Policy applies to all volunteers and to those employees who work in activities, programs and services where volunteers are involved.

5. POLICY STATEMENT

Policy Principles

- 5.1 Council supports volunteering and understands that effective engagement of volunteers provides the organisation with skills, talents and perspectives that are essential to remaining relevant and sustainable and extends our capacity to accomplish our goals.
- 5.2 Council recognises that the volunteer program provides several benefits to both the volunteers and the community including:
- community participation
 - enhanced personal development and self esteem
 - increased access to resources and information
 - social interaction and satisfaction
 - participation with established Council services and events
 - improvement to the well-being of the community.

5.3 Council supports a range of volunteer programs that serve the local community in a variety of areas including, but not limited to:

- Transport
- Youth Leadership
- Shopping assistance
- Library services
- Community Centres
- Community Sheds
- Arts & Heritage
- Advisory Groups

5.4 Volunteer responsibilities are formalised and documented for each volunteer program, which clearly identify the role of each volunteer. Council provides adequate resources to manage its various volunteer programs to ensure that the objectives of this Policy are met.

6. ROLES AND RESPONSIBILITIES

6.1 Volunteers' Rights: Council recognises that volunteers have the right to:

- make a choice of type of involvement, commitment of time, and the right to say 'no'
- be provided with a clearly written Volunteer Role Description and to receive appropriate orientation and ongoing training
- have access to designated employees (Volunteer Leaders) with queries or support relating to their volunteer role
- receive ongoing support and direction from Volunteer Leaders
- be provided with the appropriate resources to undertake their volunteer duties as required
- be treated with respect and as a valued member of the team
- receive reimbursement for approved out-of-pocket expenses
- be consulted, valued and welcomed regarding ideas and suggestions for improvements to the program with which they work
- have complaints or grievances heard by an appropriate People Leader (Volunteer Leader, Volunteering Coordinator or Team Leader) and to be aware of the grievance procedures
- work in a safe environment
- be covered by appropriate insurances whilst engaged in their volunteer duties
- terminate their volunteer role with Council at any time.

6.2 Volunteers' Responsibilities: Council recognises that volunteers have obligations and responsibilities to the Council including:

- make a realistic commitment in terms of involvement and reliability
- understand and acknowledge the requirements of the Code of Conduct for volunteers and relevant policies and procedures
- participate in the appropriate induction and ongoing training as provided
- report to their Volunteer Leader any damage to property or third party
- notify their Volunteer Leader if they are unable to undertake duties
- report any unsafe working conditions / potential hazards to their Volunteer Leader
- operate under the direction and supervision of Council employees to achieve the objectives required

- maintain confidentiality regarding Council business, program information or any other sensitive, private information they come across during their volunteer duties
- Council volunteers must follow Local, State and Federal regulations and legislation in relation to bushfire, pandemic and disaster management.

6.3 Council's Rights: Council has the right:

- to negotiate a commitment from a volunteer
- to expect a volunteer to undergo appropriate training
- to expect to be notified in advance if a volunteer is unable to undertake duties
- to refuse a volunteer placement
- to request that a volunteer undertakes a criminal and relevant history screening check or medical check for fitness for the position, predetermined by the chosen area of work
- To expect a volunteer to observe privacy and confidentiality obligations
- To terminate a volunteer appointment due to unsatisfactory volunteer work and/or inappropriate behaviour or if the role is no longer required.

6.4 Council's Responsibilities: Council will ensure that volunteers:

- do not undertake duties assigned to employees
- are offered reimbursement for approved out-of-pocket expenses
- have adequate skills and knowledge to undertake duties
- are provided with a volunteer induction and local orientation and appropriate training
- receive appropriate support and supervision
- are registered with Council, through registration in the Better Impact Volunteer Management System, and insured within Council's Personal Accident and Public Liability Policies whilst undertaking approved work activities
- have a safe working environment, safe equipment and safe systems of work
- have adequate resources to ensure the sustainability of the volunteer management system.

7. DELEGATION

7.1 The Chief Executive Officer has the delegation to:

- approve, amend and review any procedures that shall be consistent with this Policy; and
- make any legislative, formatting, nomenclature or other minor changes to the Policy during the period of its currency.

8. AVAILABILITY OF THE POLICY

8.1 This Policy will be available via the Council's website www.ahc.sa.gov.au.

**ADELAIDE HILLS COUNCIL
ORDINARY COUNCIL MEETING
Tuesday 11 March 2025
AGENDA BUSINESS ITEM**

Item: 12.2

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

Subject: AHRWMA Deputy Board Member Appointment

For: Decision

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 a Deputy Board Member as the previous deputy board member, Mr David Waters has resigned from Adelaide Hills Council.

RECOMMENDATION

Council resolves:

Decision 1 *(required if one candidate 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:
 - b. To appoint _____ to the Deputy Board Member position for a term to commence from 11 March 2025 and conclude on 28 January 2027 (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 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 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 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 Deputy Board Member position for a term to commence from 11 March 2025 and conclude on 28 January 2027 (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.

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 28 January 2025 meeting, appointed Mr David Waters, Director Environment and Infrastructure to the Deputy Board Member position for a two year term.

Moved Cr Mark Osterstock
S/- Cr Melanie Selwood

13/25

Council resolves:

1. That the report be received and noted.
2. That in relation to the Adelaide Hills Region Waste Management Authority Board:
 - a. To appoint Cr Chris Grant to the Board Member position for a term to commence from 29 January 2025 and conclude on 28 January 2027 (inclusive)
 - b. To appoint Mr David Waters to the Deputy Board Member position for a term to commence from 29 January 2025 and conclude on 28 January 2027 (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.

Carried Unanimously Cr Chris Grant voted for the motion
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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.

The appointment of members to the AHRWMA Board is an important element of Council’s commitment to open and transparent decision making which facilitates public accountability.

➤ **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 Chief Executive Officer provides the following Council Officer suggestion for Council's consideration:

- Deputy Board Member (can be a Member, Officer or Independent) – John McArthur. Coordinator Emergency Management and Landfills

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 or staff 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.

3. OPTIONS

Council has the following options:

- I. To resolve to make the appointment to the AHRWMA Deputy Board Member position as identified following the established process. (**Recommended**) or
- II. To resolve to recruit an Independent Member, to approve a recruitment process and appoint a selection panel. (**Not Recommended**) or
- II. To decide not to make the appointment to the AHRWMA Deputy Board Member position at this time. (**Not Recommended**).

4. APPENDICES

- (1) AHRWMA Charter

Appendix 1

AHRWMA Charter

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 11 March 2025
AGENDA BUSINESS ITEM**

Item: 12.3

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

Subject: Eastern Waste Management Authority Deputy Board Member Appointment

For: Decision

SUMMARY

Council is a constituent council of the Eastern Waste Management Authority (East Waste) regional subsidiary and has board membership rights in accordance with their charter.

At its 23 January 2024 meeting, Council considered and appointed Mr David Waters, then Director Environment and Infrastructure to the Deputy Board Member position for a term from 23 January 2024 concluding on 29 November 2025 (inclusive).

As David Waters is no longer employed at Adelaide Hills Council, Council will need a replacement Deputy Board Member to support its current Board Member Cr Lucy Huxter in the event where Cr Huxter is unable to attend a meeting.

The purpose of this report is to seek Council's consideration of the Deputy Board Member, and to nominate and elect a new representative into this position.

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 Eastern Waste Management Authority Board:
 - a. To appoint _____ to the Deputy Board Member position for a term to commence from 11 March 2025 and conclude on 29 November 2025 (inclusive)
3. To authorise the Chief Executive Officer to lodge all required documentation to give effect to Council's resolutions regarding Eastern Waste Management Authority Board Membership.

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 Eastern Waste Management Authority 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 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 Eastern Waste Management Authority Board:
 - a. To appoint _____ to the Deputy Board Member position for a term to commence from 11 March 2025 and conclude on 29 November 2025 (inclusive)
 2. To authorise the Chief Executive Officer to lodge all required documentation to give effect to Council's resolutions regarding Eastern Waste Management Authority Board Membership.
-

1. BACKGROUND

East Waste is a Regional Subsidiary established under s43 of the *Local Government Act 1999* and provides kerbside waste, recycling and green organic collection services to the constituent councils of:

- Adelaide Hills Council
- City of Burnside
- Campbelltown City Council
- City of Norwood Payneham and St Peters
- City of Mitcham
- City of Prospect
- Corporation of the Town of Walkerville
- City of Unley

Per its Charter, the purpose of East Waste is to collect and dispose of waste, primarily within the areas of the Constituent Councils and has the following functions in this regard:

- to predominantly operate or obtain services for the collection of Waste on behalf of Constituent Councils and/or other approved Councils;
- to provide waste management services whether in or (so far as the Act allows) outside the area of any of the Constituent Councils, including waste collection, recycling of organic and inorganic materials, disposal of waste;

- to undertake management and collection of Waste (in accordance with regulatory approvals) and kerbside materials recovery, on behalf of Constituent Councils (and/or other approved councils) in an environmentally responsible, effective, efficient, economic and competitive manner

Clause 21 of the Charter provides that the Board will consist of nine directors with one person appointed by each constituent council who may be an officer, employee, elected member or an independent person and one independent person appointed by absolute majority of the constituent councils. Appointments are for a three year term.

Each constituent council must also appoint a deputy director for a term determined by the council who may act in place of that constituent council's appointed director if the director is unable to be present at a meeting of the Board.

At the 23 January 2024 Council meeting, Council resolved to appoint Councillor Lucy Huxter as the member on the East Waste Board and Mr David Waters, Director Environment and Infrastructure to the Deputy Board Member position:

Decision 2

Moved Cr Malcolm Herrmann
S/- Cr Kirrilee Boyd

5/24

Council resolves:

1. To appoint Mr David Waters, Director Environment and Infrastructure to the Deputy Board Member position of the Eastern Waste Management Authority Board for a term to commence on 23 January 2024 and conclude on 29 November 2025 (inclusive).
2. To authorise the Chief Executive Officer to lodge all required documentation to give effect to Council's resolutions regarding Eastern Waste Management Authority Board Membership.

Carried Unanimously

The East Waste Board usually meets at 5.30pm on the 4th Thursday of every second month, at the Norwood Town Hall on The Parade, Norwood. 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. Should the Council choose to appoint someone who is not an elected member and not a staff member, and that person expects a sitting fee, the Council would be responsible for the payment of same.

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.

The appointment of members to the East Waste Board is an important element of Council’s commitment to open and transparent decision making which facilitates public accountability.

➤ **Legal Implications**

East Waste is governed by a Charter and requirements of the *Local Government Act 1999*.

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 East Waste 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 East Waste 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**

Council considering the position of Deputy Board Member of East Waste 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 (1D)	Low (1D)

Note that there are many other controls that assist in mitigating this risk.

The report recommendation will require correspondence to be sent to East Waste advising of the outcome of Council considering this matter.

➤ **Financial and Resource Implications**

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

Neither Council nor East Waste pay allowances for attendance at meetings. Council Members are however entitled to claim travel reimbursement in accordance with the *Council Member Allowance & Support Policy*.

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 East Waste 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 is no direct customer service, community or cultural implications from the report recommendation.

➤ **Sustainability Implications**

Not Applicable.

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

There is no requirement for consultation in relation to the appointment of the East Waste Independent Chair.

<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**

While the position being filled is the Deputy Board Member, the following should still be considered in the event that the Deputy is required to act in place of the Board Member.

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 & Performance Team.

Board Membership Suitability

Council's membership on East Waste 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

The Chief Executive Officer provides the following Council Officer suggestion for Council's consideration:

- Deputy Board Member (can be a Member, Officer or Independent) – Mr John McArthur, Coordinator Emergency Management and Landfills

A number of the other constituent councils have appointed Director/General Manager level staff to be either their nominated Board Member or Deputy Board Member.

The East Waste Board has historically comprised a mix of elected Council Members and Council staff from its constituent councils. The current nine person Board comprises of:

- Independent Chairperson
- Two Mayors
- Three Councillors
- One council Chief Executive Officer
- Two other senior council staff members

The composition of deputies is not entirely known as this information is not published by East Waste.

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 Deputy Board Member;
2. if only one (1) elected member or staff 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.

3. OPTIONS

Council has the following options:

- I. To resolve to make the appointment to the East Waste Deputy Board Member position as identified following the established process. (**Recommended**) or
- II. To resolve to recruit an Independent Member, to approve a recruitment process and appoint a selection panel. (**Not Recommended**) or
- II. To decide not to make the appointment to the East Waste Deputy Board Member position at this time. (**Not Recommended**).

4. APPENDICES

1. Eastern Waste Management Authority Charter

Appendix 1

Eastern Waste Management Authority Charter

LOCAL GOVERNMENT ACT 1999 EASTERN WASTE MANAGEMENT AUTHORITY
Charter

PART I—PRELIMINARY

1. DICTIONARY

In this Charter:

Absolute Majority means a majority of the whole number of the Constituent Councils.

Act means Local Government Act 1999.

Annual Plan means an Annual Plan that conforms to Part 14 and last adopted by the Board.

Authority means Eastern Waste Management Authority ('East Waste').

Board means the board of management of the Authority.

Borrowings Limit means at any time the amount authorised in the current Annual Plan and Budget of the Authority.

Budget means a budget that conforms to Part 14 and last adopted by the Board.

Business Plan means a business plan that conforms to Part 12 and last adopted by the Board.

Chief Executive Officer means at any time the chief executive officer of the Authority and includes that person's deputy or a person acting in that position.

Common Fleet Collection Percentage means the proportion of the Authority's total time required to undertake waste collection activities for a Constituent Council (represented as a percentage) calculated in accordance with clause 57.

Constituent Council means at any time a constituent council in relation to the Authority and on the date of publication of this Charter in the *Gazette* means Adelaide Hills Council, City of Burnside, City of Campbelltown, City of Norwood Payneham and St Peters, City of Mitcham, City of Prospect, City of Unley, Corporation of the Town of Walkerville,.

Core Activity means activities associated with the collection, recycling and/or disposal of waste along with community behaviour change and ancillary services.

Deputy Director means a deputy for a Director.

Director means at any time a member of the Board.

Financial Year means 1 July in each year to 30 June in the subsequent year.

Gazette means the South Australian Government Gazette.

Non-core Activity means an activity that is not a Core Activity.

Non-core Assets means in relation to a Non-core Activity any assets of the Authority acquired for the purpose of that Non-core Activity and includes any revenue derived from that Non-core Activity. Where an asset or revenue is acquired or derived for both a Core Activity and a Non-core Activity, a fair allocation between those purposes must be made by the Board.

Non-core Liabilities means in relation to a Non-core Activity any liabilities of the Authority incurred or assumed for the purpose of that Non-core Activity. Where a liability is incurred or assumed for both a Core Activity and a Non-core Activity, a fair allocation between those purposes must be made by the Board.

Non-core Plan means a plan for a Non-core Activity that conforms to Part 13 and forms part of the Business Plan.

Share means a Constituent Council's percentage share in the assets, liabilities and revenue of the Authority. On the date of Gazettal of this Charter, the shares are held between the Constituent Councils in equal proportions

The Shares may be varied by agreement in writing of all the Constituent Councils, and must be reviewed (and if necessary, varied) where a new Constituent Council is admitted or an existing Constituent Council resigns.

Simple Majority means a majority of the Directors present at a Board Meeting and entitled to vote, or a majority decision of the Constituent Councils as the case may be.

Surplus Funds means funds that are surplus to the long-term financial requirements of the Authority, as evidenced by its Business Plan.

Unanimous Decision means a decision made by all of the Constituent Councils as voting in the same manner.

Waste means any and all waste as approved by the Environment Protection Act 1993 Licence held by the Authority and includes domestic and commercial kerbside waste, kerbside green and food/organics, kerbside recyclable material, Council waste and Council depot waste.

Subject to the above, words and expressions in this Charter have the same meaning as in a provision of the Act that deals with the same matter.

2. INTERPRETATION

In this Charter: The singular includes the plural and *vice versa* and words importing a gender include other genders; words importing natural persons include corporations; reference to a section(s) is to a section of the Act and includes any section that substantially replaces that section and deals with the same matter; headings are for ease of reference only and do not affect the construction of this Charter.

3. ABOUT THIS CHARTER

3.1 This Charter is the charter of the Authority.

3.2 This Charter binds the Authority and each Constituent Council.

3.3 Despite any other provision in this Charter:

3.3.1 if the Act prohibits a thing being done, the thing may not be done;

3.3.2 if the Act requires a thing to be done, Board approval is given for that thing to be done; and

3.3.3 if a provision of this Charter is or becomes inconsistent with the Act, that provision must be read down or failing that severed from this Charter to the extent of the inconsistency.

- 3.4 This Charter may not be amended except as all the Constituent Councils may agree by each passing a resolution in the same terms. An amendment is not effective unless and until published in the *Gazette*.
- 3.5 The Constituent Councils may review this Charter at any time, but must in any event review this Charter at least once in every four years.
- 3.6 Notwithstanding Clause 3.5, the first review of this Charter is to be completed two years from the date of Gazettal of the Charter.

PART 2—AUTHORITY

4. ABOUT THE AUTHORITY

The Authority is an Authority established under the Act.

5. NAME OF THE AUTHORITY

The name of the Authority is Eastern Waste Management Authority trading as ‘East Waste’.

6. CORPORATE STATUS

The Authority is a body corporate.

PART 3—FUNCTIONS AND POWERS

7. PROPERTY

The Authority holds its property and assets on behalf of the Constituent Councils.

8. AREA OF INTEREST

The Authority may only undertake a Non-core Activity outside the areas of the Constituent Councils where that activity has been approved by Unanimous Decision of the Constituent Councils as being necessary or expedient to the performance by the Authority of its functions and is an activity included in a Business Plan of the Authority.

9. PURPOSE AND FUNCTIONS

- 9.1 The Authority is established by the Constituent Councils for the purpose of the collection and disposal of Waste, primarily within the areas of the Constituent Councils and has the following functions in this regard:
 - 9.1.1 to predominantly operate or obtain services for the collection of Waste on behalf of Constituent Councils and/or other approved Councils;
 - 9.1.2 to provide waste management services whether in or (so far as the Act allows) outside the area of any of the Constituent Councils, including waste collection, recycling of organic and inorganic materials, disposal of waste along with community behaviour change and ancillary services.;
 - 9.1.3 to undertake management and collection of Waste (in accordance with regulatory approvals) and kerbside materials recovery, on behalf of Constituent Councils (and/or other approved councils) in an environmentally responsible, effective, efficient, economic and competitive manner;
- 9.2 The following functions may be undertaken by the Authority but only where required or directed by one or more Constituent Councils and charged directly to the Council or Councils so requiring or directing:
 - 9.2.1 to promote the minimisation of Waste in the areas of the Constituent Councils;
 - 9.2.2 to promote the recycling of recyclable materials in the areas of the Constituent Councils
 - 9.2.3 to undertake Waste community education and behaviour change programs on behalf of the Constituent Councils;
 - 9.2.4 on behalf of the Constituent Councils or on its own behalf, to liaise with other councils, the State of South Australia and the Commonwealth of Australia and their respective instrumentalities for matters relating to Waste management in the common interest of the Constituent Councils;
 - 9.2.5 on behalf of the Constituent Councils, provide a representative to any statutory board or statutory committee concerned with waste management that allows two or more of the Constituent Councils to nominate a representative;
 - 9.2.6 on behalf of the Constituent Councils or on its own behalf, to make application for grants and other funding from the State of South Australia and the Commonwealth of Australia and their respective instrumentalities for the purposes of the Authority;
 - 9.2.7 to keep Constituent Councils abreast of any emerging opportunities/trends/issues in waste management;
 - 9.2.8 to undertake activities which result in a beneficial use of Waste on behalf of the Constituent Councils;
 - 9.2.9 to conduct all activities in a manner which complies with all regulatory requirements and minimises risks to the Constituent Councils;
 - 9.2.10 on behalf of the Constituent Councils or on its own behalf, to liaise with relevant State Government agencies such as Green Industries SA, Environment Protection Authority (or equivalent successor organisations), taking into account its approved Business Plan;
 - 9.2.11 on behalf of the Constituent Councils, to perform and/or monitor the effectiveness and application of funding arrangements agreed by the Constituent Councils for waste management;
 - 9.2.12 to provide a forum for discussion and consideration of topics relating to the Constituent Councils’ responsibilities to manage waste particularly in the area of the Constituent Councils and the implications of that management beyond the area of the Constituent Councils.

10. POWERS

The Authority may do anything necessary, expedient or incidental to performing or discharging its functions including, without limitation:

- 10.1 become a member of and/or co-operate with any organisation with complementary functions;
- 10.2 receive gifts of money or property from any person;
- 10.3 make payable by a new Constituent Council any joining fee;
- 10.4 carry out its Annual Plan and Budget;

- 10.5 carry out its Business Plan and Non-core Plans;
- 10.6 make payable by Constituent Councils contributions to the Authority in proportion to their Core Shares;
- 10.7 employ and dismiss a Chief Executive Officer;
- 10.8 contract with any person;
- 10.9 acquire or dispose of any real or personal property in accordance with the Business Plan or otherwise with a Unanimous Decision of the Constituent Councils;
- 10.10 operate an account or accounts with a bank or with the Local Government Finance Authority, or both;
- 10.11 borrow or raise money within the Borrowings Limit;
- 10.12 lend money in accordance with the Business Plan or pursuant to a Unanimous Decision of the Constituent Council;
- 10.13 insure against any risk;
- 10.14 enter into a partnership or joint venture with any person in accordance with the Business Plan or pursuant to a Unanimous Decision of the Constituent Councils;
- 10.15 pay any cost or expense of the establishment, operation, administration or winding up of the Authority;
- 10.16 compromise, compound, abandon or settle a debt or claim owed to the Authority;
- 10.17 waive a legal or equitable or statutory right;
- 10.18 refer a dispute between the Authority and any third party (other than a Constituent Council) to arbitration;
- 10.19 allocate receipts and expenditure between Core Activity and Non-core Activities and between each Non-core Activity;
- 10.20 where the same services/activities are not being provided equally to all Constituent Councils, to charge the differential costs of those services/activities directly to the benefiting Councils;
- 10.21 charge Constituent Councils the full costs incurred in the delivery of the services to them, -such costs being calculated on a user pays basis (including depreciation and other overheads for use of shared assets, and all other common expenses);
- 10.22 charge non-Constituent Councils a price, based on an estimate of costs incurred in providing the service plus a margin for profit and risk;
- 10.23 make any election for the purpose of any tax;
- 10.24 delegate the exercise of any of its functions or other powers (including the receipt and payment of money) to any person;
- 10.25 those powers given to trustees by law, equity or statute and not necessarily inconsistent with this Charter or the functions of the Authority;
- 10.26 pay to the Constituent Councils or accumulate as reserves for up to such period as the law allows any surplus funds;
- 10.27 such other powers as the Act or this Charter may confer upon the Authority;
- 10.28 all things incidental to the exercise of any other power of the Authority.

11. POWER OF DELEGATION

As a matter of record, Schedule 2, Clause 36 of the Act vests a power of delegation in the Authority. The Authority may not delegate the following powers or functions:

- 11.1 the power to impose charges;
- 11.2 the power to enter into transactions in excess of \$50 000 unless authorised in an Annual Plan;
- 11.3 the power to borrow money or obtain any other form of financial accommodation unless authorised in an Annual Plan;
- 11.4 the power to approve expenditure of money on the works, services or operations of the Authority not set out in a Budget approved by the Authority or where required by this Charter approved by the Constituent Councils;
- 11.5 the power to approve the reimbursement of expenses or payment of allowances to members of the Board of Management;
- 11.6 the power to adopt a Budget;
- 11.7 the power to adopt an Annual Plan;
- 11.8 the power to adopt a Business Plan (or any component thereof);
- 11.9 the power to adopt or revise financial estimates and reports; and
- 11.10 the power to make any application or recommendation to the Minister.

12. GUIDING PRINCIPLES

The Authority must in the performance of its functions and in all of its plans, policies and activities give due weight to economic, social and environmental considerations.

PART 4—CONSTITUENT COUNCILS

13. CONSTITUENT COUNCILS MAY ACT INDEPENDENTLY

A Constituent Council may perform for itself the same functions and powers as the Authority could on behalf of that Constituent Council.

14. INCOMING CONSTITUENT COUNCILS

- 14.1 Any council may become a Constituent Council (an Incoming Constituent Council) if:
 - 14.1.1 it makes written application (in a form approved by the Board) to become a Constituent Council and agrees to be bound by this Charter (noting that Shares will change);
 - 14.1.2 its application is supported by a thorough, realistic, independent, and diligent Business Case analysis;
 - 14.1.3 it pays any joining fee or other payment as may be required by the Board;
 - 14.1.4 the Constituent Councils approve the application and revised Shares by Unanimous Decision; and
 - 14.1.5 the Minister approves.

- 14.2 An Incoming Constituent Council:
- 14.2.1 is jointly and severally liable with the other Constituent Councils for the debts and liabilities of the Authority incurred before or after the date it becomes a Constituent Council, or as otherwise agreed;
 - 14.2.2 is bound by a decision made or step taken by the Board in the affairs of the Authority before it became a Constituent Council to the extent such decision or step was recorded in minutes of the Board's meetings or otherwise notified to the Incoming Constituent Council before it made application to become a Constituent Council; and
 - 14.2.3 upon becoming a Constituent Council has the Share agreed between the Incoming Constituent Council and the Constituent Councils.

15. OUTGOING CONSTITUENT COUNCILS

- 15.1 A Constituent Council may resign if and only if:
- 15.1.1 the Constituent Council gives at least 24 months' written notice of resignation to each Constituent Council, which notice is effective on the next 30 June on or after expiry of that period;
 - 15.1.2 the Board by majority vote approves; and
 - 15.1.3 the Minister approves.
- 15.2 A former Constituent Council remains liable to contribute to the debts and liabilities of the Authority incurred while it was a Constituent Council including by contributing to the depreciated value of any asset acquired during that time, and for a share of any future losses on contracts entered into whilst a Constituent Council.
- 15.3 A former Constituent Council:
- 15.3.1 is not entitled to any refund of contributions made;
 - 15.3.2 relinquishes any beneficial interest in the assets of the Authority; and
 - 15.3.3 remains bound by any separate contract in force between the Authority and the former Constituent Council.
- 15.4 This Clause is to be read conjunctively with Clause 57 of this Charter.

16. NO TRANSFER OF MEMBERSHIP

Membership of the Authority is personal to the Constituent Council and is not transferable.

17. CONSTITUENT COUNCILS MAY DIRECT THE AUTHORITY

- 17.1 The Authority is subject to the joint direction and control of the Constituent Councils.
- 17.2 To be effective, a determination or direction or other decision of the Constituent Councils must be a Unanimous Decision and evidenced by either:
- 17.2.1 a minute signed by the chair of a meeting of authorised delegates of the Constituent Councils that at such meeting a decision was duly made by each delegate on behalf of their Constituent Council; or
 - 17.2.2 a resolution in the same terms in favour of that decision passed individually by each of the Constituent Councils.

18. CONSTITUENT COUNCILS ARE GUARANTORS OF THE AUTHORITY

- 18.1 As a matter of record, Schedule 2, Clause 31 (1) of the Act is that liabilities incurred or assumed by the Authority are guaranteed by the Constituent Councils.
- 18.2 As between the Constituent Councils, they share in the liabilities of the Authority in proportion to their respective Share.

19. SPECIAL DECISIONS FOR THE AUTHORITY

Neither the Authority nor any person on its behalf may give effect to a Special Decision unless the Constituent Councils vote in favour of a resolution for the Special Decision by Absolute Majority.

For these purposes, a Special Decision means any of the following:

- (a) adopt or vary a Business Plan;
- (b) adopt or vary an Annual Plan;
- (c) delegate the authority of the Board to any person other than the Chief Executive Officer;
- (d) to any extent not provided for in a Business Plan or Annual Plan and Budget:
 - (i) call on Constituent Councils to contribute funds;
 - (ii) grant or vary a guarantee/indemnity of the obligations of another person;
 - (iii) apply for government funding;
 - (iv) obtain credit except in the ordinary course of the activities of the Authority;
 - (v) acquire (by purchase or finance lease) a capital asset;
 - (vi) dispose of a capital asset except at the end of its effective life;
 - (vii) take a lease or tenancy of any premises;
 - (viii) employ any employees.

The Authority must promptly give effect to Special Decision made in conformity with this clause.

PART 5—DIRECTORS

20. QUALIFICATION OF DIRECTORS

A Director must be a natural person.

21. APPOINTMENT OF DIRECTORS

- 21.1 Subject to the provisions of Clauses 33.1 and 33.2 the Board shall consist of nine Directors appointed as follows:
- 21.1.1 one person appointed by each Constituent Council which person may be an officer, employee, elected member of a Constituent Council or an independent person who will be appointed for a three-year term; and

21.1.2 one independent person (who shall be the Chair) appointed jointly by Absolute Majority of the Constituent Councils for a three-year term (and at the expiration of the term is eligible for re-appointment) who is not an officer, employee or elected member of a Constituent Council, but who has expertise in:

- (a) corporate financial management and/or
- (b) general management and/or
- (c) waste management and/or
- (d) transport fleet management and/or
- (e) public sector governance and/or
- (f) marketing and/or
- (g) economics and/or
- (h) environmental management.

21.2 Each Constituent Council must give to the Authority a written notice of appointment of the Director appointed under Clause 21.1.1 and written confirmation of their agreement with the proposed appointment of the Director under Clause 21.1.2.

21.3 Each Director must give to the Authority a written consent to act as a Director, signed by him/herself.

21.4 Each Constituent Council must appoint a person to be a Deputy Director for such term as determined by that Constituent Council who may act in place of that Constituent Council's Director, and will have the same powers as a Director pursuant to the Charter, if the Director is unable for any reason to be present at a meeting of the Board; and

21.4.1 If at any time a Deputy Director is removed from their office pursuant to Clause 22A, the Constituent Council must appoint another person to be a Deputy Director.

22. REMOVAL OF DIRECTORS

22.1 Neither the Authority nor the Board may remove a Director.

22.2 A Constituent Council which appointed a person as a Director may remove that person from office by giving to the Authority a written notice of removal of the Director, signed by the Chief Executive Officer of the Constituent Council.

22.3 The Director appointed pursuant to Clause 21.1.2 may be removed by a decision being a resolution in the same or similar terms passed by an Absolute Majority of the Constituent Councils.

22.4 The Board may recommend to Constituent Councils, that the appointment of a Director be terminated in the event of:

- 22.4.1 behaviour of the Director which in the opinion of the Board amounts to impropriety;
- 22.4.2 serious neglect of duty in attending to the responsibilities of Director;
- 22.4.3 breach of fiduciary duty to the Board;
- 22.4.4 breach of the duty of confidentiality to the Board;
- 22.4.5 breach of the conflict of interest rules of the Board; or
- 22.4.6 any other behaviour which may discredit the Board.

22.5 The office of a Director becomes vacant if the Director:

- 22.5.1 dies;
- 22.5.2 is not reappointed;
- 22.5.3 resigns by written notice addressed to the Constituent Councils and served on any of them;
- 22.5.4 becomes bankrupt or applies for the benefit of a law for the relief of insolvent debtors;
- 22.5.5 was when appointed an elected member or employee of the Constituent Council who appointed them and ceases to be an elected member or employee of that Constituent Council; or
- 22.5.6 was appointed by a Constituent Council, which ceases to be a Constituent Council.

22A. REMOVAL OF DEPUTY DIRECTORS

22A.1 Neither the Authority nor the Board may remove a Deputy Director.

22A.2 A Constituent Council which appointed a person as a Deputy Director may remove that person from their office by giving the Board a written notice of removal of the Deputy Director, signed by the Chief Executive Officer of the Constituent Council.

22A.3 The Board may recommend to Constituent Councils that the appointment of a Deputy Director may be terminated in the event of:

- 22A.3.1 behaviour of the Deputy Director which in the opinion of the Board amounts to impropriety;
- 22A.3.2 serious neglect of duty in attending to the responsibilities of the Deputy Director;
- 22A.3.3 breach of fiduciary duty to the Board;
- 22A.3.4 breach of duty of confidentiality to the Board;
- 22A.3.5 breach of the conflict of interest rules of the Board; or
- 22A.3.6 any other behaviour which may discredit the Board.

22A.4 The office of a Deputy Director becomes vacant if the Deputy Director:

- 22A.4.1 dies;
- 22A.4.2 is not reappointed;
- 22A.4.3 resigns by written notice addressed to the Constituent Councils and served on any of them;

- 22A.4.4 becomes bankrupt or applies for the benefit of a law for the relief of insolvent debtors;
 22A.4.5 was when appointed an elected member or employee of the Constituent Council who appointed them and ceases to be an elected member or employee of that Constituent Council; or
 22A.4.6 was appointed by a Constituent Council, which ceases to be a Constituent Council.

23. REMUNERATION AND EXPENSES OF DIRECTORS

- 23.1 The Authority will only remunerate the Independent Director/Chair appointed under Clause 21.1.2.
 23.2 The Board will determine the level of the remuneration (no matter how it is classified) of the Independent Director/Chair, by having regard to its Director/Chair Remuneration Policy.
 23.3 The Authority can pay a Director's travelling and other expenses that they properly incur in connection with the Authority's business and with the prior approval of the Board as recorded in minutes of Board meetings.

24. REGISTER OF INTERESTS

A Director is required to submit returns to the Authority under Chapter 5, Part 4, Division 2 of the Act.

25. PROTECTION FROM LIABILITY

As a matter of record, Schedule 2, Clause 38 of the Act protects a Director from certain civil liabilities.

26. SAVING PROVISION

As a matter of record, Schedule 2, Clause 40 of the Act is that no act or proceeding of the Authority is invalid by reason of:

- 26.1 a vacancy or vacancies in the membership of the Board; or
 26.2 a defect in the appointment of a Director.

PART 6—OTHER OFFICERS

27. CHAIR

- 27.1 At all times, the Authority must have a Chair, who will be the independent Director appointed under Clause 21.1.2.
 27.2 The Chair's functions are:
 27.2.1 to preside at all meetings of the Board;
 27.2.2 to serve as an *ex officio* member of all committees established by the Board;
 27.2.3 to represent the Authority in relations with the media and the public generally; and
 27.2.4 to exercise other functions as the Board determines.

28. DEPUTY CHAIR

- 28.1 At all times, the Authority must have a Deputy Chair, who must be a Board Member.
 28.2 The Board appoints the Deputy Chair and may at any time remove from office the Deputy Chair and appoint a replacement Deputy Chair.
 28.3 The Deputy Chair's functions are:
 28.3.1 to assist the Chair; and
 28.3.2 to exercise the Chair's functions whenever the Chair is unable to do so.
 28.4 A person ceases to be Deputy Chair if they cease to be a Board Member.

29. CHIEF EXECUTIVE OFFICER

- 29.1 At all times so far as practicable, the Authority must have a Chief Executive Officer.
 29.2 At any time the Board may give a new title to the position of Chief Executive Officer in which case this Charter is taken to refer to the same position under a new title.
 29.3 The Board shall appoint a Chief Executive Officer on a fixed term performance based employment contract, which does not exceed five years in duration.
 29.4 The Board may at the end of the contract term, enter into a new contract not exceeding five years in duration with the same person.
 29.5 The Board may revoke or vary an appointment of a Chief Executive Officer, subject to any agreement made between the Chief Executive Officer and the Authority.
 29.6 In the absence of the Chief Executive Officer for any period exceeding one week, the Chief Executive Officer shall appoint a suitable person as Acting Chief Executive Officer. If the Chief Executive Officer does not make or is incapable of making such an appointment, a suitable person must be appointed by the Board.
 29.7 The Board delegates responsibility for day to day management of the Authority to the Chief Executive Officer, who will ensure that sound business, risk minimisation, financial and human resource management practices are applied in the efficient and effective management of the operations of the Authority.
 29.8 The functions of the Chief Executive Officer shall include:
 29.8.1 ensuring that the decisions of the Board are implemented in a timely and efficient manner;
 29.8.2 providing information to assist the Board to assess the Authority's performance against its Business Plan;
 29.8.3 appointing, managing, suspending and dismissing other employees of the Authority;
 29.8.4 providing advice and reports to the Board on the exercise and performance of its powers and functions under this Charter or any Act;
 29.8.5 co-ordinating and initiating proposals for consideration of the Board including but not limited to continuing improvement of the operations of the Authority;
 29.8.6 ensuring that the assets and resources of the Authority are properly managed and maintained;
 29.8.7 ensuring that records required under the Act or any other legislation are properly kept and maintained;

- 29.8.8 exercising, performing or discharging other powers, functions or duties conferred on the Chief Executive Officer by or under the Act or any other Act, and performing other functions lawfully directed by the Board, and achieving financial outcomes in accordance with adopted plans and budgets.
- 29.8.9 issuing notices calling Board meetings;
- 29.8.10 attending all Board meetings and keeping correct minutes of the proceedings unless excluded by resolution of the Board;
- 29.8.11 managing all other employees of the Authority;
- 29.8.12 receiving and answering correspondence and notices to the Authority;
- 29.8.13 keeping all documents and records belonging to the Authority;
- 29.8.14 supervising the handling of money by or for the Authority and the keeping of financial records;
- 29.8.15 issuing receipts for moneys received and keep a correct account of all receipts and expenditure;
- 29.8.16 operating the Authority's bank account (including sign cheques and other negotiable instruments and make payments over the Internet within the delegations to the position) together with one other signatory appointed by the Board. Unless the Board determines otherwise, that other person must be the Chair;
- 29.8.17 having custody and safekeeping of the records of the Authority;
- 29.8.18 preparing draft Annual and Business Plans for consideration of the Board;
- 29.8.19 monitoring the financial performance of the Authority against an adopted Annual and Business Plan and promptly reporting to the Board any material discrepancies known or anticipated;
- 29.8.20 preparing such statements, reports, returns or other written information as the Act or any law requires the Authority to lodge with government;
- 29.8.21 preparing draft financial statements; and
- 29.8.22 such other functions as the Board may vest in the Chief Executive Officer.
- 29.9 The Board may delegate to the Chief Executive Officer any of the powers that the Board can exercise where those powers are not restricted from delegation by the Act or this Charter, noting that:
- 29.9.1 the Chief Executive Officer may delegate or sub-delegate to an employee of the Authority or a committee comprising employees of the Authority, any power or function vested in the Chief Executive Officer. Such delegation or sub-delegation may be subject to conditions or limitations as determined by the Chief Executive Officer;
- 29.9.2 where a power or function is delegated to an employee, the employee is responsible to the Chief Executive Officer for the efficient and effective exercise or performance of that power or function; and
- 29.9.3 a written record of delegations and sub-delegations must be kept by the Chief Executive Officer at all times.
- 29.10 The Chief Executive Officer enjoys functions and responsibilities set out at Section 99 (1) (a), (b), (c), (d), (e) and (h) and 103 of the Act as if the Authority were a council and the Chief Executive Officer were a chief executive officer of a council.
- 29.11 The Chief Executive Officer may establish an Operations Assistance Committee consisting of one appropriately qualified senior officer from each Constituent Council.
- 29.12 The Chief Executive Officer will, at least annually, hold a meeting collectively with each of the Mayors and CEO's of the Constituent Councils at a venue to be notified to the Constituent Councils at least 14 days prior to the date of the meeting.

30. AUDITOR

The Authority must have an auditor. Subject to the Act an auditor holds office on the terms and conditions (including as to remuneration) that the Board determines.

PART 7—AUDIT COMMITTEE

31. AUDIT COMMITTEE

As a matter of record, the Authority is required to establish an audit committee and Schedule 2, Clause 30 of the Act governs the constitution and functions of the audit committee.

PART 8—STAFF

32. STAFF

- 32.1 In addition to a Chief Executive Officer, the Authority may employ other staff subject to the Board making appropriate financial provision.
- 32.2 The Board and a Constituent Council may arrange for that Constituent Council to make available its staff in connection with the Authority's affairs for such remuneration (if any) as those parties may agree.

PART 9—BOARD

33. BOARD

The Authority must at all times have a Board comprised of Directors.

- 33.1 The Constituent Councils acknowledge and accept that the Directors will act and take decisions in the best interest of the Authority.
- 33.2 The Constituent Councils understand that each Director nominated by a Constituent Council will bring to discussion a perspective from the Council which nominated that Director but that shall not interfere with the obligations of Directors in respect of Clause 33.1.

34. BOARD'S POWERS

- 34.1 As a matter of record, Schedule 2, Clause 22 (1) of the Act is that the Board is responsible for the administration of the affairs of the Authority.
- 34.2 As a matter of record, Schedule 2, Clause 22 (3) of the Act is that anything done by the Board in the administration of the Authority's affairs is binding on the Authority.
- 34.3 The Board may exercise all the powers of the Authority except any powers that the Act or this Charter requires the Constituent Councils to exercise.
- 34.4 As a matter of record, Schedule 2, Clause 36 (1) of the Act authorises the Board to delegate powers or functions conferred under this or another Act.
- 34.4.1 A delegation of powers by the Board:
- (a) may authorise the delegate to sub-delegate all or any of the powers vested in the delegate;
 - (b) is concurrent with the exercise by the Board of those powers;
 - (c) is subject to any specified conditions and limitations; and
 - (d) is revocable at will.

35. BOARD MEETINGS

- 35.1 Subject to Schedule 2, Clause 21 of the Act, to a direction of the Constituent Councils and to the other provisions of this Charter.
- 35.1.1 the Board must determine its own procedures for meetings, which must be fair and contribute to free and open decision making;
- 35.1.2 the Board must set out the adopted meeting procedures in a meeting procedure code of practice which will be available to the public for inspection (without charge) and by way of a copy (on payment of a fee fixed by the Board); and
- 35.1.3 the code of practice may be reviewed by the Board at any time but must be reviewed at least once in every three years.
- 35.2 An ordinary meeting of the Board must be held at least every three calendar months.
- 35.3 Ordinary meeting of the Board must take place at such times and places as may be fixed by the Board or absent any decision of the Board the Chief Executive Officer of the Authority. Meetings shall not be held before 5 p.m. unless the Board resolves otherwise by resolution supported unanimously by all Board Members.
- 35.4 An ordinary meeting of the Board will constitute an ordinary meeting of the Authority. The Board shall administer the business of the ordinary meeting.
- 35.5 Notice of ordinary meetings of the Board must be given by the Chief Executive Officer to each Board Member and to each Constituent Council not less than three clear days prior to the holding of the meeting and shall be accompanied by the agenda for the meeting and any written reports.
- 35.6 The Chair or any two Directors may call a special meeting of the Board.
- 35.7 A special meeting of the Board must be held at a reasonable time and if the meeting is to be held in person, at a reasonable place.
- 35.8 Unless all Directors entitled to vote at the meeting agree otherwise, the persons calling a special Board meeting must give to the Chief Executive Officer a notice of meeting that:
- 35.8.1 sets out the place, date and time for the meeting;
 - 35.8.2 states the general nature of the business of the meeting;
 - 35.8.3 is accompanied by relevant information so far as reasonably available (if not already given to the Directors); and
 - 35.8.4 is provided at least one clear business day before the special meeting (or such other period as all the Directors in office may as a matter of general policy determine otherwise).
- 35.9 A notice of special meeting provided to Directors by the Chief Executive Officer will at the same time be placed on public display at the principal office of the Authority and of each Constituent Council.
- 35.10 As a matter of record, Schedule 2, Clause 21 (5) of the Act permits a virtual Board meeting.
- 35.10.1 For the purposes of this subclause, the contemporary linking together by telephone, audio-visual or other instantaneous means ('telecommunications meeting') of a number of the Directors provided that at least a quorum is present, is deemed to constitute a meeting of the Board. Each of the Directors taking part in the meeting, must at all times during the telecommunications meeting be able to hear and be heard by each of the other Directors present. At the commencement of the meeting, each Director must announce his/her presence to all other Directors taking part in the meeting. A Director must not leave a telecommunications meeting by disconnecting his/her telephone, audio visual or other communication equipment, unless that Director has previously notified the chair of the meeting.
- 35.11 As a matter of record, Schedule 2, Clause 21 (6) of the Act permits a decision of the Board to be made in writing and not at a meeting.
- 35.11.1 A proposed resolution in writing and given to all Directors in accordance with proceedings determined by the Board will be a valid decision of the Board where a simple majority of Directors vote in favour of the resolution by signing and returning the resolution to the Chief Executive Officer or otherwise giving written notice of their consent and setting out the terms of the resolution to the Chief Executive Officer. The resolution shall thereupon be as valid and effectual as if it had been passed at the meeting of the Board duly convened and held.
- 35.12 Chapter 6, Parts 3 and 4 (public access to meetings and minutes) of the Act (to the extent that Part 4 is not inconsistent with this Charter) apply to Board meetings as if the Authority were a council and the Directors were members of a council.

- 35.13 Unless the Directors determine otherwise, the quorum for a Board meeting is a number ascertained by dividing the total number of members of the committee by two, ignoring any fraction resulting from the division and adding one.
- 35.14 At any time, the Board may agree to invite a person to attend a Board meeting as an observer or adviser.
- 35.15 As a matter of record, Schedule 2, Clauses 21 (4) (one vote per Director, no casting vote) and 21 (3) (majority vote) of the Act govern voting at a Board meeting.
- 35.16 As a matter of record, Schedule 2, Clause 21 (11) of the Act obliges the Board to keep minutes of its proceedings. All minutes must be prepared and distributed to both Directors and also to Constituent Councils within seven business days of the meeting to which they relate.

PART 10—COMPETITIVE NEUTRALITY

36. COMPETITIVE NEUTRALITY

- 36.1 For the purposes of Schedule 2, Clause 32 of the Act, the Authority is not involved in a significant business activity in undertaking its Core Activity.
- 36.2 In respect of any Non-core Activity that is a significant business activity, the Authority must at all times have current a National Competition Policy Statement in relation to competitive neutrality which it will adhere to in undertaking that Non-core Activity.

PART 11—GOVERNANCE

37. DIRECTOR'S CONFLICT OF INTEREST

As a matter of record, by Section 75 (2) of the Act, the provisions of Chapter 5, Part 4, Division 3 apply to Directors.

38. DIRECTOR'S DUTIES OF CARE

As a matter of record, Schedule 2, Clause 23 of the Act (care and diligence) and Schedule 2, Clause 34 of the Act (honesty, use of information, use of position) set out certain statutory duties that apply to a Director.

39. BOARD POLICIES AND CODES

- 39.1 The Authority must, in consultation with the Constituent Councils, prepare and adopt and thereafter keep under review policies on:
- 39.1.1 procedures for meetings of the Board (in accordance with Clause 35.1 of this Charter);
 - 39.1.2 contracts and tenders, as would conform to Section 49 of the Act;
 - 39.1.3 public consultation, as would conform to Section 50 of the Act.
 - 39.1.4 governance including as concerns:
 - (a) the operation of any account with a bank or Local Government Finance Authority;
 - (b) human resource management;
 - (c) improper assistance to a prospective contract party;
 - (d) improper offering of inducements to Directors or to staff of the Authority;
 - (e) improper lobbying of Directors or staff of the Authority;
 - 39.1.5 occupational health and safety;
 - 39.1.6 protection of the environment.
- 39.2 To the extent it is able, the Board must ensure that such policies as above are complied with in the affairs of the Authority.
- 39.3 The Board must prepare and adopt within six months after the Gazettal of this Charter, a code of conduct to be observed by Directors.

40. BOARD DUTIES TO CONSTITUENT COUNCILS

As a matter of record, Schedule 2, Clause 22 (2) of the Act is that the Board must ensure as far as practicable:

- 40.1 that the Authority observes all plans, targets, structures, systems and practices required or applied to the Authority by the Constituent Councils;
- 40.2 that all information furnished to a Constituent Council is accurate; and
- 40.3 that the Constituent Councils are advised, as soon as practicable, of any material development that affects the financial or operating capacity of the Authority or gives rise to the expectation that the Authority may not be able to meet its debts as and when they fall due.

41. BOARD DUTIES TO THE AUTHORITY

The Board must ensure:

- 41.1 that the Authority acts in accordance with applicable laws, mandatory codes of practice, this Charter, Business Plan, Annual Plan and achieves the financial outcomes projected in its Budget;
- 41.2 that the Authority acts ethically and with integrity;
- 41.3 that the activities of the Authority are conducted efficiently and effectively and that any assets of the Authority are properly managed and maintained; and
- 41.4 that, subject to any overriding duty of confidence, the affairs of the Authority are undertaken in an open and transparent manner.

PART 12—BUSINESS PLANS

42. BUSINESS PLANS

As a matter of record, Schedule 2, Clause 24 of the Act sets out requirements for Business Plans. The following provisions of this Part are in addition to and not in derogation of the requirements of the Act.

43. ABOUT A BUSINESS PLAN

- 43.1 The Board must prepare at least a ten-year Business Plan for the region, in a collaborative manner with Constituent Councils which cannot be in conflict with this Charter.
- 43.2 The Board must also prepare a ten-year Long Term Financial Plan (which, must include principles detailing the actual distribution of overheads between the Constituent Councils and any other matter required by the Constituent Councils or determined by the Board to be included therein) and an Asset Management Plan.
- 43.3 The Long Term Financial and Asset Management Plans form part of the Business Plan.
- 43.4 In preparing and when reviewing a Business Plan, the Board must at a minimum have regard to the following:
- 43.4.1 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;
 - 43.4.2 any initiatives proposed by the Commonwealth of Australia or the State Government as may impact upon or affect proper waste management in the area of an individual Constituent Council or Constituent Councils collectively;
 - 43.4.3 any plan or policy of a Constituent Council for waste management then in force, and any proposed changes to such plan or policy;
 - 43.4.4 the strategic management plans of each Constituent Council then in force; and
 - 43.4.5 the annual business plan and budget of each Constituent Council then in force.

PART 13—NON-CORE ACTIVITY

44. ABOUT NON-CORE ACTIVITY

- 44.1 Where before the date this Charter becomes effective the Authority has committed to a Non-core Activity:
- 44.1.1 a Non-core Plan for that Non-core Activity must be prepared by the Chief Executive Officer and approved by Board resolution no later than 30 June 2013, so far as that Non-core Activity at the time then remains to be performed; and
 - 44.1.2 all the Constituent Councils are taken to be participants in that Non-core Activity with Non-core Shares equal to their Core Shares.
- 44.2 After the date this Charter becomes effective, the Authority must not tender for or commit to a Non-core Activity except in compliance with this Charter.

45. NON-CORE ACTIVITY PROPOSALS

The Chief Executive Officer, the Board or any Constituent Council may propose the Authority adopt a Non-core Plan.

46. NON-CORE ACTIVITY CONSULTATION

A proposer of a draft Non-core Plan must consult all the Constituent Councils in developing the draft.

47. NON-CORE PLAN REQUIREMENTS

A draft Non-core Plan must set out in reasonable detail in relation to the Non-core Activity it concerns:

- 47.1 the kind of service to which it relates;
- 47.2 its priority in relation to other existing or proposed Core Activity and Non-core Activity;
- 47.3 its expected duration;
- 47.4 a timetable for its full implementation;
- 47.5 its anticipated effect on the resources of the Authority (including financial, technological, physical and human resources) and in particular and without limiting the generality of the foregoing:
 - 47.5.1 personnel requirements over time, and how those requirements are to be satisfied;
 - 47.5.2 plant and equipment requirements over time, and how those requirements are to be satisfied;
 - 47.5.3 fuel and other consumables requirements over time, and how those requirements are to be satisfied;
 - 47.5.4 access to weigh-stations, recycling premises, and waste dump premises over time, and how those requirements are to be satisfied;
- 47.6 its anticipated expenditure, revenue and cash-flow outcomes over time (on a calendar monthly basis);
- 47.7 the sources of funds and when those funds need be sourced;
- 47.8 whether and if so what resources of a Constituent Council are required to be available to the Non-core Activity;
- 47.9 whether the Local Government Mutual Liability Scheme has forecast any peculiar liability issues for the Non-core Activity, and the advice given in relation to those liability issues;
- 47.10 whether the lawyers for the Authority have forecast any peculiar legal issues for the Non-core Activity, and the advice given in relation to those legal issues;
- 47.11 whether the auditors of the Authority have forecast any peculiar accounting or audit issues for the Non-core Activity;
- 47.12 governance issues, including whether and what delegations are required;
- 47.13 whether the Non-core Activity is a significant business activity and if so, how adherence to the National Competition Policy will be assured; and
- 47.14 how the Non-core Plan may change over time.

48. CONDITIONS OF ADOPTION OF A NON-CORE PLAN

A Non-core Plan is not effective unless and until all of the following are satisfied:

- 48.1 the Board resolves to adopt the Non-core Plan;

- 48.2 the Constituent Councils have each resolved to:
- 48.2.1 approve their Council's participation in the Non-core Activity; and
 - 48.2.2 make any necessary consequential changes to their Council's strategic management plans, annual business plan and budget.

49. NON-CORE PLANS AS PART OF THE BUSINESS PLAN

A Non-core Plan adopted by the Authority forms part of the Business Plan.

50. REVIEW OF A NON-CORE PLAN

As part of a Business Plan, a Non-core Plan is subject to review by the Authority at the same times as the remainder of the Business Plan.

PART 14—ANNUAL PLAN AND BUDGET

51. ANNUAL PLAN

The Authority must, for each financial year, have an Annual Plan which supports and informs its Budget. The Annual Plan must:

- 51.1 include an outline of the Authority's objectives for the financial year, the activities that the Authority intends to undertake to achieve those objectives and the measures that the Authority intends to use to assess its performance against its objectives over the financial year;
- 51.2 assess the financial requirements of the Authority for the financial year and, taking those requirements into account, set out a summary of the Authority's proposed operating expenditure, capital expenditure and sources of revenue;
- 51.3 take into account the objectives set out in the Business Plan and, in particular, the Long-Term Financial Plan and issues relevant to the management of assets and resources by the Authority;
- 51.4 set out proposals for the recovery of overheads over the financial year from the Constituent Councils; and
- 51.5 address or include any other matter prescribed by the Constituent Councils or determined to be relevant by the Board.

52. ABOUT AN ANNUAL PLAN

- 52.1 An adopted Annual Plan binds the Authority and is the basis upon which the Budget is prepared.
- 52.2 Before the Authority adopts its Annual Plan it must prepare a draft Annual Plan and obtain the consent of an Absolute Majority of the Constituent Councils to that Plan.
- 52.3 The Authority must prepare the draft Annual Plan and provide it to the Constituent Councils by a date determined by the Councils for the purpose of obtaining the consent of the Councils on or before 31 May in each financial year.

53. BUDGETS

As a matter of record, Schedule 2, Clause 25 of the Act sets out requirements for Budgets, and the Authority must advise Constituent Councils of the proposed fees for the next financial year by 1 April in the preceding financial year.

54. ABOUT A BUDGET

- 54.1 An adopted Budget (prepared in a manner consistent with the Annual Plan) binds the Authority and is authority for the Authority to perform work and incur debts and meet obligations according to its own terms without reference back to the Board or to a Constituent Council (except to any extent the Budget or the Annual Plan otherwise requires).
- 54.2 Each Budget of the Authority must be adopted:
 - 54.2.1 after the Authority has adopted its Annual Plan;
 - 54.2.2 must be consistent with that Plan; and
 - 54.2.3 before 30 June in each financial year.

55. EXPENDITURE OUTSIDE A BUDGET

- 55.1 As a matter of record, Schedule 2, Clause 25(4) is that the Authority may incur, for the purpose of genuine emergency or hardship, spending that is not authorised by its Budget without consulting with and seeking approval from the Constituent Councils.
- 55.2 As a matter of record, Schedule 2, Clause 25 (5) is that 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.

PART 15—SHARES

56. ABOUT SHARES

A Share means a Constituent Council's percentage share in the assets, liabilities and revenue of the Authority (after deducting Non-core Assets and Non-core Liabilities) as between all the Constituent Councils in accordance with this Part 15.

To avoid doubt, a third party dealing with the Authority is entitled to have recourse to all the Constituent Councils jointly and severally, regardless of the Shares of the Constituent Councils.

57. VARIATION OF SHARES

- 57.1 At the date of operation of this Charter the Constituent Councils' shares in the Authority are equal.
- 57.2 At any time, all the Constituent Councils may in writing agree to vary the Share of one or more of them.
- 57.3 The Shares must be reviewed and, as necessary, varied each time:
 - 57.3.1 a council is admitted to the Authority as a Constituent Council;
 - 57.3.2 a Constituent Council amalgamates with another council; or
 - 57.3.3 a Constituent Council resigns from the Authority.

- 57.4 It is agreed between the Constituent Councils that the Constituent Councils are liable to contribute to any debts and liabilities of the Authority incurred prior to the date of operation of this Charter (including in relation to the depreciated value of any asset acquired and for any losses under contract entered into before that date) in the Shares set out at Clause 57.4 above.

PART 16—FUNDING

58. FUNDING

The Authority may decline to take any action where funds then available to the Authority are in the Board's opinion insufficient to defray the costs of such action and any debt or liability that may result.

59. CONSTITUENT COUNCIL CONTRIBUTIONS TO WORKING CAPITAL

- 59.1 This Clause applies only to a Core Activity.
- 59.2 A Constituent Council must contribute to the Authority such amounts at such times as the Budget requires (after deducting from the Budget any amounts identified as Non-core Assets and Non-Core Liabilities).
- 59.3 If the Budget does not specify a fixed dollar amount to be payable by the Contributor, the Constituent Council may require as a condition of payment that the Authority first provide an itemised estimate of the Core Activity expenditure reasonably expected to be incurred and which that contribution is to defray (after adjustments for payments previously made by that Constituent Council).
- 59.4 The Authority must use contributions received from a Constituent Council only for the purposes of a Core Activity as set out in the Budget.
- 59.5 If a Constituent Council (a Defaulter) fails to pay its full contribution so required when due:
- 59.5.1 the Defaulter must pay to the Authority interest on that amount at the official Reserve Bank Cash Rate Target plus 10% per annum from the due date to the date of actual payment;
 - 59.5.2 the Authority may recover that amount and that interest from the Defaulter as a debt;
 - 59.5.3 the Authority may, without prejudicing its other rights, set off any moneys otherwise payable by the Authority to the Defaulter against that amount and interest; and
 - 59.5.4 if the default continues for at least 14 days:
 - (a) the Authority must notify all Constituent Councils (including the Defaulter) of the fact and details of the default; and
 - (b) Constituent Councils other than the Defaulter must together lend to the Authority an amount (equal to the amount not paid by the Defaulter) in such proportions as they may agree or failing agreement between themselves, in the proportion that their Share bears to the total Shares held by those Constituent Councils making such loan, for repayment when and to the extent the Defaulter makes good the contribution and accrued interest.

60. DEBT FUNDING

The Authority may borrow or raise money from the Local Government Finance Authority or a bank of such amount(s) as provided for in a Business Plan and Budget approved by the Constituent Councils.

61. DISTRIBUTIONS TO CONSTITUENT COUNCILS

The Authority must pay or credit surplus funds to the Constituent Councils in proportion to their Common Fleet Collection Percentages to the extent the Board determines the Authority can afford to pay having regard to future expenditure the Business Plan anticipates be incurred.

62. CONTRIBUTIONS ON INSOLVENCY

On the insolvency of the Authority, and subject to Clause 57 of this Charter, each Constituent Council must contribute in proportion to their Share to the debts and liabilities of the Authority and otherwise as incurred while the Constituent Council is a Constituent Council.

PART 17—ASSETS

63. ACQUISITION OF ASSETS

The Authority may in accordance with this Charter acquire such assets (real or personal) as its Business Plan provides or otherwise pursuant to a Unanimous Decision of the Constituent Councils.

64. DISPOSAL OF ASSETS

The Authority may dispose of (personal) assets as its Business Plan provides, or at the end of the asset's economic life.

65. INVESTMENTS

In accordance with its Business Plan and Budget the Authority may invest in the items below:

- 65.1 in waste management infrastructure and ancillary land;
- 65.2 in plant and equipment to store, transfer and/or treat waste;
- 65.3 in plant and equipment to transport waste from properties to an appropriate place of storage and/or disposal; and
- 65.4 cash on interest-bearing deposit with any bank

66. INTERESTS IN COMPANIES

As a matter of record, Schedule 2, Clause 39 of the Act prohibits the Authority from having an interest in most companies.

PART 18—INSURANCE

67. INSURANCE

- 67.1 The Authority must register with the Local Government Association Mutual Liability Scheme and comply with the rules of that Scheme.
- 67.2 If the Authority employs any person, it must register with the Local Government Superannuation Scheme and the Local Government *Association Workers Compensation Scheme* and comply with the rules of those Schemes.

PART 19—FINANCIAL PRACTICES

68. ACCOUNTING RECORDS

The Authority must comply with Section 124 of the Act as if the Authority were a council.

69. ABOUT ACCOUNTING FOR SERVICES

The Authority must keep accounting records in relation to services in such manner as will enable the calculation of Constituent Councils' contributions to, expenditure on and revenue from that service separately.

70. OTHER FINANCIAL PRACTICES

Except as may be stated elsewhere in this Charter or required by law, there are no special accounting, internal auditing or financial systems or practices to be established or observed by the Authority.

PART 20—ACCESS TO INFORMATION

71. ACCESS TO RECORDS

A Constituent Council and a Director each has a right to inspect and take copies of the books and records of the Authority for any proper purpose.

72. PROVISION OF INFORMATION

As a matter of record Schedule 2, Clause 27 of the Act entitles each Constituent Council to be furnished with information or records of the Authority.

73. BOARD REPORTS

The Authority must provide Board reports to the Directors and Constituent Councils in accordance with this Charter and otherwise at such times, in such format and with such content as the Board may determine.

74. ANNUAL REPORTS

74.1 As a matter of record, Schedule 2, Clause 28 of the Act requires the Authority to furnish an annual report to the Constituent Councils.

74.2 The annual report will be in such format and include such content as the Constituent Councils may prescribe by Absolute Majority.

74.3 The annual report must be delivered to the Councils on or before 30 September in each year subsequent to the financial year to which the report relates.

PART 21—DISPUTE RESOLUTION

75. DISPUTE RESOLUTION**75.1 About this clause:**

75.1.1 The procedure in this Clause must be applied to any dispute that arises between the Authority and a Constituent Council concerning the affairs of the Authority, or between Constituent Councils concerning the affairs of the Authority, including a dispute as to the meaning or effect of this Charter and whether the dispute concerns a claim in common law, equity or under statute.

75.1.2 The Authority and a Constituent Council must continue to observe and perform this Charter despite the application or operation of this clause.

75.1.3 This Clause does not prejudice the right of a party:

- (a) to require the continuing observance and performance of this Charter by all parties; or
- (b) to institute proceedings to enforce payment due under this Charter or to seek injunctive relief to prevent immediate and irreparable harm.

75.1.4 Pending completion of the procedure set out in this clause, and subject to this clause, a dispute must not be the subject of legal proceedings between any of the parties in dispute. If legal proceedings are initiated or continued in breach of this provision, a party to the dispute is entitled to apply for and be granted an order of the court adjourning those proceedings pending completion of the procedure set out in this clause.

75.2 **Step 1: Notice of dispute:** A party to the dispute must promptly notify each other party to the dispute:

75.2.1 the nature of the dispute, giving reasonable details;

75.2.2 what action (if any) the party giving notice thinks will resolve the dispute; and but a failure to give such notice does not entitle any other party to damages.

75.3 **Step 2: Meeting of the parties:** A party to the dispute who complies with the previous step may at the same or a later time notify each other party to the dispute that the first party requires a meeting within 14 business days after the giving of such notice. In that case, each party to the dispute must send to the meeting a senior manager of that party with the Board to resolve the dispute and at the meeting make a good faith attempt to resolve the dispute.

75.4 **Step 3: Mediation:** Despite whether any previous step was taken, a dispute not resolved within 30 days must be referred to mediation, as to which:

75.4.1 the mediator must be a person agreed by the parties in dispute or, if they cannot agree within 14 business days, a mediator nominated by the then President of the South Australian Bar Association (or equivalent officer of any successor organisation);

- 75.4.2 the role of a mediator is to assist in negotiating a resolution of a dispute. A mediator may not make a decision binding on a party unless that party has so agreed in writing;
- 75.4.3 the mediation must take place in a location in Adelaide agreed by the parties;
- 75.4.4 a party in dispute must co-operate in arranging and expediting mediation;
- 75.4.5 a party in dispute must send to the mediation a senior manager with authority to resolve the dispute;
- 75.4.6 the mediator may exclude lawyers acting for the parties in dispute and may co-opt expert assistance as the mediator thinks fit;
- 75.4.7 a party in dispute may withdraw from mediation if there is reason to believe the mediator is not acting in confidence, or with good faith or is acting for a purpose other than resolving the dispute;
- 75.4.8 unless otherwise agreed in writing:
 - (a) everything that occurs before the mediator is in confidence and in closed session;
 - (b) discussions (including admissions and concessions) are without prejudice and may not be called into evidence in any subsequent litigation by a party;
 - (c) documents brought into existence specifically for the purpose of the mediation may not be admitted in evidence in any subsequent legal proceedings by a party;
 - (d) the parties in dispute must report back to the mediator within 14 business days on actions taken, based on the outcome of the mediation;
- 75.4.9 a party in dispute need not spend more than one day in mediation for a matter under dispute;
- 75.4.10 a party in dispute must bear an equal share of the costs and expenses of the mediator and otherwise bears their own costs.

75.5 **Step 4: Arbitration:** Despite whether any previous step was taken, a dispute not resolved within 60 days must be referred to arbitration, as to which:

- 75.5.1 there must be only one arbitrator and who is a natural person agreed by the parties or, if they cannot agree within 14 business days, an arbitrator nominated by the then Chairperson of The Institute of Arbitrators and Mediators Australia (South Australian Chapter);
- 75.5.2 the role of the arbitrator is to resolve the dispute and make decisions binding on the parties;
- 75.5.3 the arbitration must take place in an agreed location in Adelaide;
- 75.5.4 a party must co-operate in arranging and expediting arbitration;
- 75.5.5 a party must send to the arbitration a senior manager with authority to resolve the dispute;
- 75.5.6 the parties may provide evidence and given written and verbal submissions to the arbitrator within the time set by the arbitrator;
- 75.5.7 the arbitrator must:
 - (a) consider the evidence and submissions;
 - (b) decide the dispute; and
 - (c) give written reasons to each party;
- 75.5.8 subject to this clause, the arbitration must take place under Rules 5 to 18 (inclusive) of the Rules of The Institute of Arbitrators and Mediators for the Conduct of Commercial Arbitrations and the provisions of the Commercial Arbitration Act 1986 (S.A.) and which Rules are taken to be incorporated by reference into this clause or subject to this clause, the arbitrator must fix the rules of arbitration;
- 75.5.9 the costs and expenses of the arbitrator and of each party must be borne as the arbitrator decides.

PART 22—WINDING UP

76. WINDING UP

The Authority may be wound up in circumstances as Schedule 2, Clause 33 (1) of the Act allows or requires.

77. DISTRIBUTION OF ASSETS AND LIABILITIES ON WINDING UP

In the event the Authority commences to wind up and except to any extent the Board unanimously determines otherwise, the Authority must divide among the Constituent Councils in kind all of the Authority's assets and liabilities in proportion to their Shares or as otherwise agreed by Unanimous Decision of the Constituent Councils.

PART 23—COMMITTEES

78. COMMITTEES

- 78.1 The Board may establish a committee of Directors for the purpose of enquiring into and reporting to the Board on any matter within the Authority's functions and powers and as detailed in the terms of reference given by the Board to the committee.
- 78.2 A member of a committee established under this Clause holds office at the pleasure of the Board.
- 78.3 The Board may establish advisory committees consisting of or including persons who are not Directors for enquiring into and reporting to the Board on any matter within the Authority's functions and powers and as detailed in the terms of reference which must be given by the Board to the advisory committee.
- 78.4 A member of an advisory committee established under this Clause holds office at the pleasure of the Board.

PART 24—OTHER MATTERS

79. EXECUTION OF DOCUMENTS

The Chief Executive Officer must maintain a register of use of the Common Seal. As a matter of record, Schedule 2, Clause 37 of the Act governs the execution of documents by the Authority.

80. PRINCIPAL OFFICE

The Authority's principal office is at 1 Temple Court, Ottoway, S.A. 5013 or as the Board may determine otherwise.

81. SERVICE OF DOCUMENTS

A document to be given by the Authority to a Constituent Council, or by a Constituent Council to the Authority may be given in a manner Section 280 of the Act permits. A written notice given by the Authority to a Constituent Council must be marked, 'Attention: Chief Executive Officer'.

82. CIRCUMSTANCES NOT PROVIDED FOR

If any circumstances arise about which this Charter is silent, incapable of taking effect or being implemented according to its terms, the Board may consider the circumstances and determine the action to be taken.

The undersigned (being each Council specified in the Charter) agree to the above as the charter of the Authority.

Rob Gregory, General Manager East Waste

**ADELAIDE HILLS COUNCIL
ORDINARY COUNCIL MEETING
Tuesday 11 March 2025
AGENDA BUSINESS ITEM**

Item: 12.4

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

Subject: Status Report – Council Resolutions Update

For: Decision

SUMMARY

This report provides an update on the current status of Council Resolutions as at March 2025. In some cases, actions can take months or years to be completed due to the complexity and/or the level of influence Council has in the matter.

RECOMMENDATION

Council resolves:

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

1. BACKGROUND

At its meeting of 24 March 2015 Council resolved:

Status Report – Outstanding Council Resolutions

Moved Cr Malcolm Herrmann
S/- Cr Val Hall

54

That the CEO provides a report to the 28 April 2015 Council meeting in relation to outstanding resolutions passed before 31 March 2013 outlining the reasons why the resolutions have not been completed, detailing what actions have been taken and an estimated date of completion.

Carried Unanimously

The intent of the Council's resolution has been carried forward as a prudent accountability mechanism.

Until mid-2023 Administration was reporting the status report on a monthly basis to Council. Due to resourcing constraints, the status report had been reported to Council on an ad hoc basis since that time.

At its meeting of 27 August 2024 Council resolved to report on a quarterly basis:

Council Resolutions Update

**Moved Cr Malcolm Herrmann
S/- Cr Mark Osterstock**

298/24

Council resolves:

- 1. That the report be received and noted.**
- 2. That the completed items in Appendix 1 be removed from the Action List.**
- 3. That from 27 August 2024 until the end of the current Council term the Administration deliver a status update on a quarterly basis.**

Carried Unanimously

As a result of this resolution, the administration will deliver this report to Council on a quarterly basis moving forward.

2. ANALYSIS

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

Strategic Plan 2024 – Your Place, Your Space

Goal 4 Organisation

Objective 02 Operate with integrity using best practice governance processes.

Priority 02.1 Demonstrate accountable and transparent decision making.

➤ **Legal Implications**

Not applicable.

➤ **Risk Management Implications**

Regular reporting on outstanding action items will assist in mitigating the risk of:

Actions arising from Council resolutions may not be completed in a timely manner

Inherent Risk	Residual Risk	Target Risk
High (4C)	Medium (4E)	Medium (4E)

➤ **Financial and Resource Implications**

Not applicable.

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

Not applicable.

➤ **Sustainability Implications**

Not applicable.

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

Consultation on the development of this report was as follows:

Council Committees: Not applicable.
Council Workshops: Not applicable.
Advisory Groups: Not applicable.
External Agencies: Not applicable.
Community: Not applicable.

➤ **Additional Analysis**

The Action list has been updated to provide Council with information regarding outstanding actions. Completed resolutions are identified in the recommendation for removal from the Action List.

3. OPTIONS

Council has the following options:

- I. Note the status of the outstanding items and the proposed actions.
- II. Resolve that other actions are required.
- III. Not enable the removal of completed items.

4. APPENDICES

- (1) Council Resolutions Action List – Completed items as of 3 March 2025
- (2) Action List as at March 2025

Appendix 1

*Council Resolutions Action List – Completed items as of
3 March 2025*

Council Resolutions Action List – Completed items as of 3 March 2025

Meeting Date	Meeting	Res No.	Item Name	Previously Declared COI	Status
26/10/2021	Ordinary Council	238/21	Electricity Procurement Legal Matter - Confidential Item	None declared	Completed
14/12/2021	Ordinary Council	274/21	Woodside Recreation Ground Reuse further information	Perceived - Cr Stratford	Completed
23/01/2024	Ordinary Council	4/24	East Waste Deputy Board Member	Nil	Completed
26/03/2024	Ordinary Council	82/24	Road Closure Decision – Unmade public road adjacent 474b Springhead Road Mount Torrens	Nil	Completed
9/04/2024	Ordinary Council	107/24	Proposed Disposal of Council Land, Norton Summit	Nil	Completed
11/06/2024	Ordinary Council	213/24	Mayor seeking legal advice update	Material - Mayor Jan-Claire Wisdom	Completed
25/06/2024	Ordinary Council	230/24	Electricity Procurement – Legal Matter	Nil	Completed
23/07/2024	Ordinary Council	263/24	Community Renewables Program	Nil	Completed
27/08/2024	Ordinary Council	291/24	Lobethal Community Kindergarten ‘Bush Kindy’ Signage – Cr Lucy Huxter	Nil	Completed
27/08/2024	Ordinary Council	308/24	Mayor’s Use of the Mayor Seeking Legal Advice Policy – Confidential Item	Nil	Completed
10/09/2024	Ordinary Council	329/24	Boundary Change Committee Recommendations – Boundary Change Advocacy Strategy	Material - Cr Louise Pascale	Completed
10/09/2024	Ordinary Council	335/24	Boundary Change Committee Recommendations - Boundary Change Proposal Project, Terms of Reference and Governance Arrangements	General - Cr Louise Pascale General - Cr Mark Osterstock General- Acting Mayor Melanie Selwood	Completed
24/09/2024	Ordinary Council	342/24	Adelaide Hills Council Submission to the Royal Commission into Domestic, Family and Sexual Violence	Nil	Completed

Council Resolutions Action List – Completed items as of 3 March 2025

24/09/2024	Ordinary Council	356/24	CEO Performance Review Panel Recommendations to Council – CEO Review Process Confidential Item	General - Mayor Jan-Claire Wisdom	Completed
14/10/2024	Audit Committee	*	Financial Reporting Risk	Nil	Completed
22/10/2024	Ordinary Council	377/24	Stirling Hospital Inc. Discretionary Rate Rebate	General - Cr Melanie Selwood General - Cr Leith Mudge	Completed
12/11/2024	Ordinary Council	392/24	CAP Council Member and Deputy Council Member Appointment	Material - Cr Malcolm Herrmann	Completed
12/11/2024	Ordinary Council	406/24	Grant Opportunity	Nil	Completed
12/11/2024	Ordinary Council	409/24	Proposed CEO Leave Policy	General - Cr Melanie Selwood General - Cr Chris Grant	Completed
12/11/2024	Ordinary Council	412/24	Work, Health and Safety Update	Material - Mayor Jan-Claire Wisdom	Completed
26/11/2024	Ordinary Council	416/24	2024-2025 Community and Recreation Facility Grant Recommendations	General - Cr Malcolm Herrmann General - Deputy Mayor Melanie Selwood General - Cr Chris Grant	Completed
26/11/2024	Ordinary Council	417/24	Regional Climate Action Plan 2025-2030 and Regional Sector Agreement	Nil	Completed
26/11/2024	Ordinary Council	418/24	Nominations to the Dog & Cat Management Board	General - Cr Kirsty Parkin Material - Cr Mark Osterstock	Completed
26/11/2024	Ordinary Council	419/24	Gawler River Floodplain Management Authority Membership	Nil	Completed
26/11/2024	Ordinary Council	420/24	Draft 2023-24 Annual Report	Nil	Completed
26/11/2024	Ordinary Council	421/24	Quarterly Council Performance Report – Q1 2024-25	Nil	Completed
26/11/2024	Ordinary Council	422/24	2024-25 Budget Review 1	Nil	Completed

Council Resolutions Action List – Completed items as of 3 March 2025

26/11/2024	Ordinary Council	432/24	Amy Gillett Bikeway Tender Approval	Nil	Completed
26/11/2024	Ordinary Council	435/24	Provision of Unsealed Road Materials	Nil	Completed
10/12/2024	Ordinary Council	442/24	Lobethal Primary School Correspondence – Cr Lucy Huxter	Nil	Completed
10/12/2024	Ordinary Council	446/24	Response into the Review of the Environment Protection (Waste to Resources) Policy 2010	Nil	Completed
10/12/2024	Ordinary Council	448/24	CEO Performance Review Panel Membership	Material - Cr Adrian Cheater Material - Cr Kirsty Parkin	Completed
10/12/2024	Ordinary Council	449/24	Council Resolutions Status Update	Nil	Completed
10/12/2024	Ordinary Council	452/24	Citizen of the Year 2025 Recommendations	General - Cr Leith Mudge General - Cr Malcolm Herrmann General - Cr Melanie Selwood General - Cr Kirrilee Boyd.	Completed
18/12/2024	CEO Performance Review Panel	PRP45/24	CEO Key Performance Indicators	Nil	Completed
18/12/2024	CEO Performance Review Panel	PRP 48/24 and PRP 49/24	2024 CEO Remuneration Review Process	Nil	Completed
28/01/2025	Ordinary Council	7/25	Save our Wildlife Foundation Inc Project Proposal – Cr Nathan Daniell	Nil	Completed
28/01/2025	Ordinary Council	11/25	Nominations for Deputy Mayor	Nil	Completed
28/01/2025	Ordinary Council	12/25	AHRWMA Reappointment of Audit and Risk Committee Independent Member	Nil	Completed
28/01/2025	Ordinary Council	13/25	AHRWMA Board Nominations	General - Cr Chris Grant	Completed
28/01/2025	Ordinary Council	15/25	CEO PRP Presiding Member Appointment	Nil	Completed

Council Resolutions Action List – Completed items as of 3 March 2025

28/01/2025	Ordinary Council	19/25	MWN - Cr Herrmann Australia Day	Nil	Completed
11/02/2025	Ordinary Council	51/25	Confidential Items Review	Nil	Completed
11/02/2025	Ordinary Council	59/25	Proposed names for the Adelaide Hills Council Wards Petitions	Nil	Completed
25/02/2025	Ordinary Council	62/25	MON - Code of Practice for Council Meeting Procedures	Nil	Completed
25/02/2025	Ordinary Council	67/25	Review of Grant Giving Policy and Grant Programs	Nil	Completed
25/02/2025	Ordinary Council	72/25	Confidential Item Review (deferred decision 3)	Nil	Completed
25/02/2025	Ordinary Council	77/25	Review of Policies referencing the Mayor	Nil	Completed
25/02/2025	Ordinary Council	76/25	Review of policies referencing the mayor	Material - Cr Nathan Daniell	Completed
25/02/2025	Ordinary Council	87/25	Policy Amendments - Elected Members access to Legal Advice Policy	Nil	Completed

Appendix 2

Action List as at March 2025

Meeting Date	Meeting	Res No.	Item Name	Previously Declared COI	Action Required (Council Resolution)	Responsible Director	Status	Status (for Council reporting)	Confidential
11/09/2018	Special Council	229/18	Road Exchange McBeath Drive, Skye Horsnell Gully	Nil	<p>In accordance with sections 12 and 15 of the Roads (Opening and Closing) Act 1991, as regards the land within the Adelaide Hills Council area, enter into an Agreement for Exchange with Boral Resources (SA) Ltd and issue a Road Process Order to open as road portions of Section 506 Hundred of Adelaide numbered "1", "2" and "3" on Preliminary Plan No. 17/0006 (Appendix 1) and in exchange to close portions of McBeath Drive marked "A", "B", "C" and "D" on Preliminary Plan No. 17/0066, subject to the following: Boral Resources (SA) Ltd agreeing to pay all costs associated with the road exchange process including but not limited to all survey, valuation and reasonable legal costs; Boral Resources (SA) Ltd agreeing to pay all costs associated with a Council boundary adjustment between Adelaide Hills Council and the City of Burnside to rectify the resulting Council boundary anomaly from the road exchange process</p> <p>The closed road is excluded as Community Land pursuant to the Local Government Act 1999.</p> <p>Council approves the sale of the differential between the total area of closed road and the total area of opened road of approximately 1,242m² to Boral Resources (SA) Ltd for the amount of \$6,210 as determined by an independent valuation.</p> <p>Subject to the successful completion of the road exchange process, Council undertakes a process in conjunction with the City of Burnside to realign the local government boundary along the new location of McBeath Drive to the south side of pieces 42, 52 and 62 of the proposed residential allotments in accordance with the provisions of the Local Government (Boundary Adjustment) Amendment Act 2017 (to commence on 1 January 2019) and/or Part 2 of Chapter 3 of the Local Government Act 1999.</p> <p>The Mayor and Chief Executive Officer be authorised to sign all documents necessary, including affixation of the common seal, to give effect to this resolution.</p>	David Waters	In Progress	Mar 25 - no update since Dec that Commission will enquire into the proposal.	FALSE
23/07/2019	Ordinary Council	188/19	LED Street Lighting Upgrade	Nil	<p>That the report be received and noted. To approve an increase of \$366k in Council's 2019/20 capital budget to commence the transition of 900 P - category public streetlights to LED with the funding source to be recommended to Council at its next budget review. That Council engage SAPN to commence the changeover of P-Category lights to LED public lighting on Council roads and that authority is given to the CEO to finalise a contract with SAPN and sign that agreement. That Council enter into a PLC Tariff agreement for public lighting with SAPN until 30 June 2020 and subsequently move to the tariff set by the Australian Energy Regulator from July 2020. That Council continues to liaise with SAPN and DP11 on the changeover of Council public lighting on roads under the care and control of the State Government. That a further report be provided to Council on the outcome of the continued discussions with SAPN and DP11.</p>	David Waters	In Progress	<p>Item 1 - 4 of the resolution have been complete for some time.</p> <p>Item 5 regarding the change over of Council held public lighting on DIT roads is on-going. The Minister has requested that the Department to establish a working group with LGA representatives to investigate options for long term ownership of Council lighting on DIT maintained roads. Adelaide Hills Council is represented on this working group with the group starting in June 2023. Meetings ongoing by the LGA and DIT but unlikely that DIT will take on Council lighting assets on DIT road with upgrades to current standards. This would be a high costs for limited benefit/ saving</p> <p>Note that there are only about 100 Council public lights on DIT roads across the Council area and hence the benefits of having this as a priority are minimal in the overall scheme of investment options for energy use reduction. The current status of LED lighting as it relates to items 1 - 4 - 767 LED 17 were rolled out as a bulk rollout program with a \$ 555k investment. Council has entered into PLC Tariffs for these lights, Council funds the capital investment and receives a lower tariff fee and associated reduced electricity use that provides long term operational costs for providing this service. A further 29 lights have been upgraded to LED - Located in Aildgate Main Street, Summerford, and Uraidia. 260 have been changed over by SAPN as part of routine maintenance operations - SAPN policy to change public lights with LED equivalents when existing stocks are depleted. 324 remain to be converted - cost in the order of 600k - 700k as these are vertical mounted (technical challenges with existing assemblies) or higher-class V category. The remaining approximately 324 lights are more challenging with higher costs and a lower cost benefit - We have had 73 additional LED lights transferred to Council by Developers (Crest and Hamilton Hill).</p>	FALSE
15/12/2020	Ordinary Council	300/20	Road Exchange Pomona Road Stirling	Nil	<p>1. That the report be received and noted. 2. In accordance with sections 12 and 15 of the Roads Opening and Closing) Act 1991, enter into an Agreement for Exchange with the owner of the land of 21 Pomona Road Stirling and issue a Road Process Order to open as public road the area identified as "Road to be opened 1" on the Preliminary Plan No 20/0038 and in exchange to close a portion of Pomona Road as identified on the Preliminary Plan No 20/0038 as "Public Road A", subject to the owner of the land at 21 Pomona Road Stirling agreeing to pay all costs associated with the road exchange process including but not limited to all survey, valuation and reasonable legal costs</p> <p>3. The closed road be excluded as Community Land pursuant to the Local Government Act 1999.</p> <p>The Mayor and Chief Executive Officer be authorised to sign all documents necessary, including affixation of the common seal, to give effect to this resolution</p>	David Waters	In Progress	Feb 2025 - awaiting on Surveyor General to approve the road process.	FALSE
23/03/2021	Ordinary Council	52/21	Crown Land Revocation	Nil	<p>1. That the report be received and noted</p> <p>2. That the consultation report (Appendix 1) be received and noted</p> <p>3. To apply to the Minister for Planning to revoke the Community Land classification of the following parcels of land:-</p> <p>i. CR 5752/186, Lot 32 Fulgrabe Road, Crafers</p> <p>ii. CR 5753/726, Section 1809 Ilerr Road, Mylor</p> <p>iii. CR 5753/726, Section 1857 Scott Creek Road, Scott Creek</p> <p>iv. CR 5753/741, Sections 53 and 54 Sandy Waterhole Road, Woodside</p> <p>v. CR 5753/742, Section 547 Schuberts Road, Lobethal</p> <p>vi. CR 5753/744, Section 553 Pezare Park Road, Woodside</p> <p>vii. CR 5753/745, Section 556 Tiers Road, Woodside</p> <p>viii. CR 5753/746, Section 565 Old Carey Gully Road, Stirling</p> <p>ix. CR 5753/754, Section 511 North East Road, Inglewood</p> <p>x. CR 5753/756, Section 262 Reserve Road, Forreston</p> <p>xi. CR 5763/631, Section 1591 Silver Road, Bridgewater</p> <p>xii. CR 5763/634, Section 71 Magarey Road, Mount Torrens</p> <p>xiii. CR 5763/635, Section 72 Magarey Road, Mount Torrens</p> <p>xiv. CR 5763/636, Section 84 Forreton Road, Forreton</p> <p>xv. CR 6142/229, Lot 501 Greenhill Road, Bahannah</p> <p>xvi. CR 5826/487, Lot 20 Bell Springs Road Charleston (for dedication to the Department of Environment & Water)</p> <p>xvii. CR 5753/716, Section 1544 Reserve Terrace Aildgate (for dedication to Meats on Wheels)</p> <p>xviii. CR 5753/753, Section 485 off Karaboork Road Karaboork (for dedication to Forestry SA)</p> <p>4. That a further report be submitted to Council once a response from the Minister for Planning is received.</p>	David Waters	In Progress	March 25 - report deferred	FALSE
24/08/2021	Ordinary Council	170/21	Road Exchange Aild Development Pomona Road Stirling	Nil	<p>That the report be received and noted in accordance with sections 12 and 15 of the Roads (Opening and Closing) Act 1991, enter into an Agreement for Exchange with the owner of the land of 3-5 Pomona Road Stirling and issue a Road Process Order to open as public road the area identified as "Road to be opened 1" on the Preliminary Plan No 21/0011 and in exchange to close a portion of Pomona Road as identified on the Preliminary Plan No 21/0011 as "Public Road A", subject to the owner of the land at 3-5 Pomona Road Stirling and Council agreeing to share all costs associated with the road exchange process including but not limited to all survey, valuation and reasonable legal costs. The closed road be excluded as Community Land pursuant to the Local Government Act 1999. The Mayor and Chief Executive Officer be authorised to sign all documents necessary, including affixation of the common seal, to give effect to this resolution.</p>	David Waters	In Progress	March 2025 - waiting on approval from Minister for road closure	FALSE

					<ol style="list-style-type: none"> 1. That the report be received and noted 2. That Council take up commercial lease space in Stirling at 85 Mount Barker Road Stirling, and the associated costs for the leasehold premises detailed in Appendix 1 be adjusted in the 2021-22 financial year at Budget Review 1 3. Further detailed scoping be undertaken on the proposed renewal and energy efficiency upgrades to the Stirling Office, Heathfield Depot, Gumeracha Depot and Woodside Offices (current Development and Building Team offices) and presented to Council for consideration where appropriate within the 2021-22 Budget Review 1 and the next review of the Long Term Financial Plan 4. Subject to endorsement of the detailed scoping identified in 3 above, the Development and Building Team be relocated from Woodside to Stirling 5. To include budget provision in the draft Annual Business Plan for the 2022-23 financial year to undertake a feasibility study on the medium to long term needs for community and operational sites and where greater efficiencies may be obtained through consolidation of sites. 	David Waters	In Progress	March 25 - under internal review	FALSE
24/08/2021	Ordinary Council	178/21	Operational Workplace Review	Nil					
					<ol style="list-style-type: none"> 1. That the report be received and noted. 2. To revoke the resolution of Council of 22 May 2001, B129. 3. To commence a process to compulsorily acquire, under the Land Acquisition Act 1989, the Charleston Cemetery being the land contained in Certificate of Title Volume 5066 Folio 740 located at 36 Newman Road Charleston from The Charleston Cemetery Trust Inc. To continue to manage the Charleston Cemetery on behalf of The Charleston Cemetery Trust Inc in the interim from the date of this resolution until the completion of the land acquisition process. To authorise the Mayor and Chief Executive Officer to undertake all necessary actions, including execution of documents, including under the common seal of Council, to give effect to this resolution. 	David Waters	In Progress	March 25 - compulsory acquisition steps have commenced	FALSE
26/10/2021	Ordinary Council	220/21	Charleston Cemetery Compulsory Acquisition	Nil					
					<ol style="list-style-type: none"> 1. The report be received and noted. 2. That a report be prepared for Council's information on the costs associated with bore water saving initiatives that could be implemented in respect of Council-owned recreational assets that are currently irrigated by bore water. 	David Waters	Completed	Council is currently maintaining the existing bore at Woodside with a considerable investment made late 2024 involving a new pump and shaft installation, 2025/26 ABP item listed for investigational works to be undertaken on management of all bores within our district.	FALSE
14/12/2021	Ordinary Council	274/21	Woodside Recreation Ground Reuse further information	Perceived - Cr Stratford					
					<ol style="list-style-type: none"> 1. That the report be received and noted 2. To negotiate an agreement with the Summertown Village Water Company for access to the Council bore located on Anya Crescent Reserve at Summertown for a defined period, being not more than 3 years, on terms and conditions to be agreed whereby by the end of the agreement term, the Summertown Village Water Company has established an independent water supply for its shareholders and current use of the Council bore ceases 3. To negotiate an in principle agreement with the Summertown Community Centre Inc. for a land exchange at Tregarthen Reserve Summertown that would see the public infrastructure located on land owned by the Council and the sport and recreation infrastructure on land owned by the Summertown Community Centre Inc, with the Council being responsible for the provision of water to Tregarthen Reserve 4. To negotiate an agreement with the owner of 30 Stonehenge Avenue Stirling, for access to and use of the bore located on Council land at 28 Stonehenge Avenue Stirling, for a defined reasonable period of time, say 18 - 24 months, on terms and conditions to be agreed whereby by the end of the agreement, the landowner has established an independent water supply for its land and use of the Council bore ceases 5. To undertake further investigations in relation to the Mylor bore and tanks and to which properties it supplies water 6. The CEO further reports to Council on an annual basis of progress being made on points 2-5. 	David Waters	In Progress	March 25 - actions progressing as per resolution - update report to be presented to Council in April 2025	FALSE
22/03/2022	Ordinary Council	52/22	Response to MON Bore Use	Nil					
					<ol style="list-style-type: none"> 1. That the report be received and noted. 2. That the sculpture known as <i>The Remoteness</i>, be removed from the area in front of the Coventry Library, Stirling. 3. That best endeavours should be made to retain suitable elements of the sculpture for placement in the surrounding landscape in a manner appropriate to the setting, such as for informal seating. 4. That the Council works with the Stirling Business Association and stakeholders from the former Adelaide Hills International Sculpture Symposium Inc to identify and implement appropriate means of recognising the sculpture and ensuring its legacy is not lost to the precinct in which it is presently situated and the overall Hills Sculpture Trail. 	Jess Charlton	In Progress	Resolution items 1 and 2 have been completed (sculpture removed). Options relating to items 3 and 4 are currently being explored. Hills Tourism have been provided with information and 3D images of the sculpture in order to update the website and maintain its legacy. Options for use of the remaining materials continue to be explored. Hills Sculpture Trail website has now been updated A representative of Hills Sculptors has been to view the stone and is considering options to use this collectively from Silvio Apornis property in Oakbank	FALSE
22/03/2022	Ordinary Council	53/22	Removal of Remoteness Sculpture, Stirling	Nil					
					<ol style="list-style-type: none"> 1. That the report be received and noted. 2. That following the completion of the Child Care development, and in liaison with the Department for Education, Council Staff undertake a Traffic Monitoring Study of the local road network in the vicinity of Bridgewater Primary School including Lezayre Avenue, Morella Grove, Trenouth Street and Shannon Road. 3. That a report be brought back to Council within 6 months of the opening of the Childcare Centre. 	David Waters	In Progress	Report to be brought back to Council within 6 months of the opening of the Childcare Centre. Staff will progress at the appropriate time once child care centre has been in operation for six months. Planning Consent Valid to September 2025, awaiting lodgement of Building Consent for continued review.	FALSE
24/01/2023	Ordinary Council	3/23	Questions adjourned - Options to reduce traffic congestion and improve child safety adjacent to Bridgewater Primary School	Nil					
					<ol style="list-style-type: none"> 1. That the report be received and noted. 2. That the amount of \$20,000 be considered as part of the 2023/24 budget preparation process to prevent further deterioration of Randell's Cottages at 1 Beavis Court, Gumeracha. 3. That Council explores another submission to the State Government in an attempt to excise this parcel of land from the Environmental Food Production Zone. 	Jess Charlton	In Progress	Funds have been allocated in the draft 23/24FI budget for this project. The State Government reviews the EPA every 4 years, with the last review being undertaken in 2022. The next review will be due in 2026. A request for review will not be considered until the next review in 2026. Works have been undertaken to the building including roof sheets secured, entry points secured, build up of debris and trees/bushes removed from close to the structure, stormwater swales put in to direct water away from the structure and sign created and installed with the assistance of the Gumeracha Historical Society	FALSE
14/02/2023	Ordinary Council	26/23	Preserving Randell's Workers Cottages 1 Beavis Ct Gumeracha	Nil					
					<p>That the report be received and noted to implement the recommended signage addition and vegetation management outlined in the report in addition to the recommended signage, to investigate and implement advisory speed signage in the vicinity of the crest, or other appropriate traffic control mechanisms aimed at reducing vehicle speeds That Council ensure the road siding of section 2 is maintained through the regular application of appropriate fit that parking, access and safety considerations on Wattle Tree Road be monitored again once current residential development on the street is complete.</p>	David Waters	In Progress	New advisory signage has been installed, and cement treated shoulder works have been complete, along with other minor maintenance activities as required. The action can not be finalised until a report is returned to Council following completion of residential development within the street, which could be many years away.	FALSE
28/02/2023	Ordinary Council	45/23	Parking and Road Safety Wattle Tree Road Bridgewater	Nil					

14/03/2023	Ordinary Council	52/23	Heritage Agreements	Nil	<p>That the report be received and noted. That the Chief Executive Officer further investigate and where feasible and eligible, be authorised to enter: Bridgewater Recreation Reserve, Cave Reserve, Bride Path & Walking trails at Cave Ave, Ayr Street, Anzac Ridge Road, Bridgewater RAA Tower Reserve at 21 Hillcrest Avenue Craters West Heron Reserve at 21 Onkaparinga Rd, Bridgewater Charleston Waste Facility (Mt Charles) at Harrison Road, Charleston The Deanery, Old Mount Barker Rd, Bridgewater Crabsby Reserve at Pyle Road, Balmann Holiday Reserve at Wright Rd, Stirling Rudall Reserve at 7-9 Rudall Ave, Craters Smith Rd/Stone Quarry Reserve at South Para Rd, Kerbrook Hampton Reserve at Hampton Rd, Mylor Cooper's Reserve at Silver Lake Rd, Mylor Gurr Rd Reserve parcel at Gurr Rd North, Brasbury Heathfield/Longwood Reserve, Corner of Heathfield & Longwood Rd, Heathfield/Aldgate Tennis Courts at 180 Mt Barker Rd, Aldgate Chapman Water Reserve at Chapman Road, Ingewood/Aldgate Valley Wildlife Corridor, aka "Bandicoot Lane" Stock Road to Stevens Rd, Mylor/Silver Rd Reserve at 34 Silver Rd Bridgewater Pitt Road Reserve at Pitt Rd, Paracombe Head Rd Reserve at Head Road North, Houghton/Ferwood Reserve at Ferwood Way, Upper Star/Pound reserve, Marble Hill and Pound Rd, Ashcroft Bold Cutting, Mount Bold Road Cut, Dorset Vale/Stirling Cemetery, Strathalbyn Rd, Aldgate/Aldgate Valley Reserve, 96 Aldgate Valley Rd, Aldgate/Windmill Reserve, 151 Norton Summit Rd, Woodforde being of significant or high potential biodiversity value, into Heritage Agreements.</p> <p>That the Heritage Agreement applications seek to apply to those portions of the abovementioned reserves which are of significant or high potential biodiversity value, while retaining any existing dog access and established recreational use arrangements in place for each of those reserves.</p>	David Waters	In Progress	<p>Stone Quarry Reserve, Smith Road/Stone Quarry Road, Kerbrook CR5754/939 MOA 2024/1009 HA1722</p> <p>The Deanery, Kain Avenue, Aldgate CR5324/743 MOA 2024/1010 HA1723</p> <p>Heathfield/Longwood Reserve, Heathfield/Longwood Roads, Heathfield CR5752/187 MOA 2024/1011 HA1724</p> <p>Heron Reserve, Bridgewater CR5753/739 MOA 2024/1012 HA1725</p> <p>Hillcrest (RAA Tower) Reserve, 21 Hillcrest Avenue, Craters West MOA 2024/1013 CR5753/709 HA1726</p> <p>Variation to Mylor Parklands HA to include Hampton Reserve (on the same CR) signed by CEO and sent to Native Vegetation Council for counter-signing February 2025.</p>	FALSE
28/03/2023	Ordinary Council	64/23	Fire Water Tank Upper Hermitage	<p>General - Cr Pauline Gill General - Cr Malcolm Herrmann General - Cr Adrian Cheater</p>	<ol style="list-style-type: none"> the report be received and noted. Council acknowledges the fundraising efforts by Ms Jan Verrall and Ms Denise Elland. in view of advice by letter dated 21 February 2023 received from the CFS Regional Commander Region 2, summarised as follows: the whole of the land is needed for CFS volunteers to exercise and train; the tank would not be used or maintained by the CFS, and the Upper Hermitage site is a dangerous location to place a community water tank for use during a time of fire; <p>Council respectfully declines the offer for the donation and placement of a fire water tank at the corner of Range Road North and Warner Road Upper Hermitage.</p> <ol style="list-style-type: none"> That Council staff continue to work with the CFS across the Regions to support firefighting, fire prevention and fire educational efforts. That the CEO or his delegate formalises the use of the land described as allotment 5 in Filled Plan 218343 and contained in Certificate of Title 5854 Folio 1841, commonly known as the Upper Hermitage tennis courts and CFS land, to the SA Country Fire Service (CFS) for its purposes. 	David Waters	In Progress	<p>March 25 - public consultation on new lease has now finished with two submissions received supporting the proposal. Lease now being finalised.</p> <p>support for Council to pursue changes to the Code to increase character and amenity protection within the Subzone.</p> <p>Staff have also met with the Executive Director at Planning and Land Use Services to further clarify Council's position on this matter and determine possible pathways forward for a Code Amendment. This discussion was highly constructive and has clarified that a range of options are available for consideration.</p> <p>Its noted that there is crossover with the Regional Planning program and this has added an additional layer to the options available regarding this matter.</p> <p>This item was discussed at 10/10 workshop where the preliminary engagement summary and Code Amendment options were tabled for discussion.</p> <p>Based on the general support to pursue various options, the Proposal to Initiate report continues to be drafted. Additional issues have also been raised in the interim regarding non-residential uses in the Subzone and this issue will also be explored.</p> <p>A recent Council workshop (9 April 2024) confirmed that the current direction is appropriate and this has helped with adjustments to the scope of the Amendment. Next Steps as follows:</p> <p>Inform the Minister of our intention to initiate the Code Amendment detailing intending scope – ASAP</p> <p>Seek Council endorsement for approach and Proposal to Initiate – August</p> <p>Lodge the Proposal to Initiate with the State Planning Commission – September</p>	FALSE
28/03/2023	Ordinary Council	67/23	Adelaide Hills Subzone Code Amendment	<p>General - Cr Nathan Daniel General - Cr Leith Mudge</p>	<p>That the report be received and noted. That the CEO progress preliminary investigations including pre-engagement with affected residents and landowners, to inform Council's position on whether a formal Code Amendment process for the Adelaide Hills Subzone will be initiated, with the CEO to table a report for Council's consideration on the matter by 23 May 2023. To instruct the CEO to inform the State Planning Commission and the Minister of Planning of Council's intention to progress preliminary investigations in preparation for a Code Amendment process for the Adelaide Hills Subzone, including the rationale.</p>	Jess Charlton	In Progress	<p>Public consultation for Draft Policy open Wednesday 4/12/24 - Tuesday 21/1/25. Now has dedicated resolution - no. 282/24. Parts 1 and 2 - completed</p> <p>Part 3 - item will stay open on the action list until report provided to Council. Have postponed item until after the mid-term professional development for elected members. 26 August 24 IDBS on Working Together.</p> <p>17 Sept - leadership mid-term training workshop held. Administration in discussion with providers regarding further work in 2025, including in terms of developing a behavioural support policy. Will need to seek resources through budget review process.</p> <p>4/3/25 - a budget bid has been submitted to support the further professional development of elected members and the development of a behavioural support policy or similar.</p> <p>Part 4 - completed - CEO has advised staff that media responses regarding enquiries on policy, political or Council decisions will come from the Principal Spokesperson and comment on operational matters will be from the CEO only.</p>	FALSE
11/04/2023	Ordinary Council	78/23	Illegal Native Vegetation Clearance	Nil	<ol style="list-style-type: none"> Condemns the unapproved and excessive clearance of remnant native vegetation at 104 Mount Lofty Road, Craters. Reaffirms its unwavering commitment to protecting and restoring the Adelaide Hills natural environment. Requests the Mayor write to the Minister for Climate, Environment and Water, Hon Dr Susan Close MP to request: <ol style="list-style-type: none"> The Native Vegetation Act 1991 be amended to increase penalties associated with the illegal clearance of native vegetation; The budget allocated to the Native Vegetation Council be increased to enable appropriate resources to be allocated to compliance and enforcement Requests the CEO review legislative options available to strengthen Council's compliance and enforcement efforts in preventing and addressing illegal clearance of native vegetation. That as part of this review: <ol style="list-style-type: none"> A workshop be conducted with elected members. A report be provided to Council by 30 June 2023 including options that would improve Council's ability to ensure prevention, compliance, and enforcement, associated with the illegal clearance of native vegetation. Requests the CEO investigate any scope for the inclusion of additional Council owned properties to be assessed for suitability to be encumbered by a Heritage Agreement for the additional protection of native vegetation on that land. That as part of this investigation: <ol style="list-style-type: none"> A workshop be conducted with elected members (at the same time as 4(a) above). 	David Waters	In Progress	<p>Public consultation for Draft Policy open Wednesday 4/12/24 - Tuesday 21/1/25. Now has dedicated resolution - no. 282/24. Parts 1 and 2 - completed</p> <p>Part 3 - item will stay open on the action list until report provided to Council. Have postponed item until after the mid-term professional development for elected members. 26 August 24 IDBS on Working Together.</p> <p>17 Sept - leadership mid-term training workshop held. Administration in discussion with providers regarding further work in 2025, including in terms of developing a behavioural support policy. Will need to seek resources through budget review process.</p> <p>4/3/25 - a budget bid has been submitted to support the further professional development of elected members and the development of a behavioural support policy or similar.</p> <p>Part 4 - completed - CEO has advised staff that media responses regarding enquiries on policy, political or Council decisions will come from the Principal Spokesperson and comment on operational matters will be from the CEO only.</p>	FALSE
26/04/2023	Ordinary Council	94/23	Development of Behavioural Support Policy for Council Members	Nil	<ol style="list-style-type: none"> That the report be received and noted. To determine not to develop a Behavioural Support Policy at this point in time. To request the Chief Executive Officer to prepare a report on the operation of the Behavioural Management Framework, specifically as it relates to the Adelaide Hills Council, for its April 2024 meeting. That the Chief Executive Officer (or another person delegated by them) may make public comment and/or statements to the media on behalf of the Council relating to the policy of Council, its position on particular issues, and operational matters. 	Greg Georgopoulos	In Progress	<p>Part 4 - completed - CEO has advised staff that media responses regarding enquiries on policy, political or Council decisions will come from the Principal Spokesperson and comment on operational matters will be from the CEO only.</p>	FALSE

					<ol style="list-style-type: none"> That the report be received and noted. To undertake a two year pilot program of Environmental Upgrade Agreements, nominally commencing 1 July 2023. To appoint Sustainable Australia Fund, trading as Better Building Finance, to work collaboratively with Council to establish, administer and support the delivery of Environmental Upgrade Agreements. To delegate the power to the Chief Executive Officer to finalise the commencement date for the pilot program into an Environmental Upgrade Agreement on behalf of Council and declare and levy an environmental upgrade charge. To report back to Council on the outcomes of the two year pilot by 30 June 2025. 	Jess Charlton	In Progress	Service agreement documentation has been finalised and signed by AHC CEO and B&F. There has been some delays from Building Better Finance which may impact implementation.	FALSE
9/05/2023	Ordinary Council	110/23	Building Upgrade Finance	Nil	That the report be received and noted. That the Community Land classification over the land comprised in Certificate of Title Volume 5488 Folio 788 being Allotment 220 in filed plan 8131, known as the Bridgewater Retirement Village, be revoked. That a report be provided to Council which includes the outcomes of the 2021 consultation process regarding the Proposed upgrades for Carlebrook Park b. Provides options for the upgrade of Carlebrook Park or another Park in Bridgewater.	David Waters	In Progress	March 25 - report to come to Council shortly	FALSE
9/05/2023	Ordinary Council	111/23	Revocation of Community Land - Bridgewater Retirement Village	Nil	Refer confidential minutes for full resolution. Council resolved to enter into a number of electricity contracts. Council also resolved that: Prior to entering into any future agreement regarding electricity with the LGAP, Council undertakes a broad and detailed analysis regarding electricity use and alternate options for electricity procurement, with a focus on renewable energy.	Gary Lewis	In Progress	After discussions with a number of Councils, Council groups and procurement specialists, the Administration has initiated a stand alone tender for electricity supply. This has advantages in that it gives the Council full control, can be implemented quickly and will leave Council open to develop future initiatives.	FALSE
23/05/2023	Ordinary Council	141/23	Electricity Tenders Post 30 June 2023 - Confidential Item	Nil	That Council develop and implement a Tree Strategy. The Tree Strategy should include actions which help Council positively impact on the environment, for example, actions may be established for the following: Plantings to replace trees removed by Council to ensure a net-positive impact is achieved (i.e. more trees planted than removed) increasing the quality and quantity of tree canopy within Council townships and major tourist thoroughfares increased species diversity which complements nearby remnant vegetation. Strategies to save existing trees, particularly regulated and significant trees a strategic and data driven tree planting program. Consideration be given for endemic species to be a priority where appropriate. That a Council workshop be held with elected members to seek their input into the preparation of the draft Tree Strategy. That a draft Tree Strategy be put out to public consultation prior to the final version being endorsed by Council.	David Waters	In Progress	Public consultation process of Draft Tree Strategy paused. Three essential set up requirements of Draft Tree Strategy have been identified as individual ABP for funding consideration in 2025/26. This is to ensure Council is reasonably prepared and has the capacity to implement the critical first actions of an endorsed Strategy.	FALSE
13/06/2023	Ordinary Council	146/23	MON Establishing a Tree Strategy	Nil		David Waters	In Progress		FALSE
27/06/2023	Ordinary Council	177/23	Dog & Cat Pound Facilities	Nil	<ol style="list-style-type: none"> That the report be received and noted. To commit a portion of the capital funding included in the 2023-24 Annual Business Plan for a New Dog and Cat Facility, to make upgrades to the current facilities at Heathfield to provide immediate additional capacity to hold dogs and cats whilst medium to long term options are further explored. To delegate to the CEO and Mayor to write to both the Local Government Association, the Dog & Cat Management Board and all State Members of Parliament advocating for their leadership to develop a solution to the current issues impacting the whole of the Local Government sector in relation to the housing and rehoming of dogs and cats. To delegate to the CEO (or his delegate) to commence formal discussions with Council's immediate adjoining Councils, or other Councils or stakeholders, to investigate options for a regional solution should there be no solution put forward by either the Local Government Association or the Dog & Cat Management Board. 	Jess Charlton	In Progress	Jan 24 - works continue the Heathfield site for the temporary facility December 23 - Preliminary site works have started for cat holding facilities as well as site works to create dog enrichment area to be able to hold dogs for longer periods Letters have been sent per resolution No. 3 which have been acknowledged. March 24 - initial upgrade works at Heathfield Depot holding facility have been completed. Council has commenced trying to rehome animals direct rather than relying on shelters (where appropriate). June 24 - In discussion with District Council of Mount Barker regarding possible feasibility study for regional facility.	FALSE
25/07/2023	Ordinary Council	196/23	Road Safety Analysis Lobethal	Nil	The Chief Executive Officer arranges for staff to undertake an in-house road safety assessment into speeding and increased road use on Ridge Road and Mill Road, Lobethal, both of which are becoming used as a thoroughfare for road users attempting to avoid traffic on Main Street. If the outcomes of the road safety assessment deem it necessary, that options to discourage road users from choosing these roads instead of the Main Street and combat speeding be explored using an external professional (including but not limited to the installation/construction of chicanes, speed bumps or additional signage). The Chief Executive engages with the Department for Education and Child Development regarding increased road usage and speeding vehicles on Mill Road, which affects all traffic and pedestrians to and from the primary school. A report be prepared detailing the outcomes of this assessment for Council's consideration at the ordinary meeting scheduled for 24 October 2023.	David Waters	In Progress	Draft report from the traffic consultant has been received and being reviewed by staff, and finalising Traffic Management Plan. Report being prepared to Council, also seeking funding from Dept of Education through Way2Go as part of review.	FALSE
8/08/2023	Ordinary Council	214/23	Corporate Carbon Management Plan	Nil	<ol style="list-style-type: none"> That AHC recognises that climate change is already having a negative impact on AHC communities and this will continue with increasing severity; That AHC recognises local government has a leadership role to play in reducing greenhouse gas emissions as a matter of urgency, as well as attempting to address the effects of climate change on our community; and That staff hold workshops with elected members to explore options available to address both the causes and effects of climate change, including: How we can incorporate actions to address the causes and effects of climate change in our Strategic Plan; Present progress in implementing the recommended actions in the Corporate Carbon Management Plan in the time since that plan was adopted; Present planned actions and other feasible options, with timelines and cost benefit analyses, that can reduce the carbon footprint of the AHC and the AHC areas; Present planned actions and other feasible options, with timelines and cost benefit analyses, that can reduce the impacts of climate change on our communities; and Discuss the best strategy to continue to progress AHC action on this urgent issue. 	David Waters	In Progress	Towards Net Zero - A Carbon Management Plan for the Adelaide Hills is currently out for review by Elected Members, community Focus Group members and key staff.	FALSE
22/08/2023	Ordinary Council	222/23	MON Bringing Community Groups Together	General - Cr Mudge, Cr Selwood, Cr Daniell	Council convenes an inaugural gathering of our local community groups whose primary focus is to assist and promote a vibrant and thriving community for their local area. The inaugural gathering has two key objectives, to provide an opportunity for information sharing between different community groups, to provide both the administration and elected members with insight into how the community groups are supporting their local area, along with current opportunities and challenges they face. Council engages with local community groups to inform the format of the event. Once the event has been held the CEO prepare a report on the success (or otherwise) of the event. Considers the merits and feasibility of holding semi-regular events such as this into the future.	Jess Charlton	In Progress	The event was held at the Lobethal Bierhaus of 16th November 2023. Representatives of well-established and newly formed Community groups with a broader focus, known to Adelaide Hills Council staff were personally invited to attend. Twenty representatives from the following areas/groups were in attendance: Activating Bridgewater/Gumeracha Community Association/Hamilton Hill/Woodforde Community Group/Houghton Oval/Imagine Uraidal, Ensworth and Forest Range Community Association, Lobethal Community Association, Love Woodside/Herriotts Residents Association/Mount Torrens District Community Association/Woodside Commerce Association. Offer an introduction from Mayor Jan-Claire Wisdom and Adelaide Hills Council CEO Greg Georgopoulos all groups were allocated two minutes to introduce their group to the wider audience. Groups then had the chance to connect with others over food and participate in the activities around the room. There were five table themes, each hosted by an Adelaide Hills Council staff member. There was overwhelmingly positive feedback that groups would like to continue to connect with other groups across the Adelaide Hills Council area. In the new year we will work with groups to establish frequency, content and how meetings will be hosted. All groups consented to their contact details being shared and groups have been encouraged to connect with each other independent of any Council organised forums. Community groups and Council Members have received a report summarising findings. Following further discussions with groups a final report will be prepared for Council. The report to Council has been scheduled to align with Strategic Plan and Organisational Structure outcomes so that we can advise on a long term approach. New Sub Delegations being developed due to new positions approved.	FALSE
12/09/2023	Ordinary Council	239/23	Delegations Review	Nil	Refer to 230912 Delegation Review Report for appropriate information.	Zoe Gill	In Progress	Delegations report scheduled for April 2025.	FALSE

26/09/2023	Ordinary Council	250/23	Consideration of bike lockers for personal use	NO	That the report be received and noted. That Council approve a survey of cyclist and public transport users be undertaken in conjunction with Bike SA to understand needs, demand, and final priority sites for consideration in this Public Transport Amenity Program. Subject to the results of the survey, that Council considers a Public Transport Amenity Program, that includes the installation of bike lockers or bike cages as part of the 2024/25 Annual Business Planning process.	David Waters	In Progress	Consultation undertaken from September 2024. Consultation feedback being collated for a report to Council.	FALSE
10/10/2023	Ordinary Council	257/23	Pedare Park Road Woodside - Road Opening and Closure	Nil	1. That the report be received and noted. 2. The land marked "A" in Preliminary Plan No. 22/0043 (known as the Road Land) be closed and declared surplus to Council's requirements. 3. That upon deposit of the Road Closure, the land will be excluded from the classification of Community Land and not be included in Council's Community Land Register. 4. That the Chief Executive, or his delegate, be authorised to negotiate with the owners of 205 Pedare Park Road for the sale and transfer of the piece marked "K" in Preliminary Plan No. 22/0043 for nil consideration given the initial construction of Pedare Road on the adjoining property potentially contributed to the encroachment, on the proviso that the owners agree to pay fees associated with the administrative process of the land transfer. 5. That the Chief Executive, or his delegate, be authorised to purchase from the owners of 340 Tiers Road Woodside, the piece marked "L" in Preliminary Plan No. 22/0043 for the sum of \$108,000 plus GST (if applicable). 6. That the net capital cost required to fund the road exchanges be included into the 2023/24 Budget as part of the next available Budget Review. 7. That the Chief Executive Officer is authorised to finalise and sign all necessary documentation pursuant to this resolution.	David Waters	In Progress	March 2025 - Final Plan lodged mid December 2024 and with Surveyor Generals Office, awaiting approval	FALSE
10/10/2023	Ordinary Council	259/23	37 Yanagin Road Greenhill - Revocation of Community Land Classification	Nil	1. That the report be received and noted. 2. That the Community Land classification over portion of Allotment 7 in File Plan 129661 in Certificate of Title Volume 5636 Folio 762 as hatched in purple in proposed Plan of Division dated 14/10/2022 be revoked 3. The land swap to proceed with the areas hatched in green to be amalgamated in Allotment 7 in File Plan 129661 in Certificate of Title Volume 5638 Folio 762, known as Yanagin Reserve. The area hatched in purple to be amalgamated into the adjoining owners land parcel in Certificate of Title Volume 5350 Folio 424 as shown in Appendix 1 of this Report. 4. Council to apply to vary the Heritage Agreement currently over Yanagin Reserve showing the land swap variations accordingly.	David Waters	In Progress	March 25 - progressing as per resolution - waiting on approval of updated Heritage Agreement	FALSE
10/10/2023	Ordinary Council	261/23	Draft Boundary Encroachment Policy	Nil	Council research and develop a draft Boundary Encroachment Policy to bring the chamber for review by 29 February 2024.	David Waters	In Progress	Mar 25 - still under investigation	FALSE
31/11/2023	Audit Committee	AC39/23	Development Services Service Review - Implementation Plan	Nil	1. That the report be received and noted. 2. To receive and note the Management Review and Action Plan in response to the Service Review 2022-23 - Development Services, as contained in Appendix 4. 3. To note that that the implementation status of the agreed actions will be reported to Audit Committee and Council on a biannual basis, nominally March and August.	Jess Charlton	In Progress	Implementation of Action Plan in progress - immediate actions completed. Biannual Report presented to Audit Committee and Council at May meeting. Update provided at the October 2024 Audit Committee. Current biannual reporting schedule suspended until October 2025 pending service review outcomes - per Council Resolution 388/24	FALSE
14/11/2023	Ordinary Council	262/23	Integrated Strategy - Electric Vehicles	Nil	1. The CEO develop, for council consideration, an integrated Electric Vehicle Strategy to support the rollout of electric vehicles (EV) and EV charging infrastructure for Adelaide Hills Council including, but not limited to, the following: Detailed analysis of the current and future vehicle fleet, including types of vehicles, usage patterns, and energy requirements;The development of a Present Value analysis to quantify the financial and environmental impact of the transition to electric vehicles;Assessment of current solar panel infrastructure and its capacity to support the EV fleet considering capacity, efficiency, and potential upgrades;Assessment of battery storage solutions to optimise energy utilisation and charging capabilities, including current market opportunities for such infrastructure outside of the councils existing LGAP energy agreement, and;Exploration of government and private sector incentives, grants, and subsidies available for transitioning to EVs and renewable energy integration.The required charging infrastructure for a fleet transition to EV, with consideration for a public access initiative.Assessment of potential vehicle manufacturers fleet management, serviceability and availability performance. 2. An immediate cessation of internal combustion vehicle acquisition for light fleet vehicles that are primarily used to transport passengers (noting this does not include light commercial vehicles at this time), with discretionary authority of the CEO should an appropriate EV be available. 3. That key outcomes captured within the Electric Vehicle Strategy be presented to a workshop of Council concurrently with the Carbon Management Plan. 4. That funding of \$20,000 be included as part of 2023/24 Budget Review 1 to undertake the development of the Integrated Electric Vehicle Strategy.	David Waters	In Progress	Council continues to take steps to electrification of fleet with further ICE vehicles to be removed and replaced with EV's this calendar year. Ongoing works being undertaken to improve reporting of operational vehicle usage and fuel / energy consumption to enable real time reporting. Council is working with an external consultant to progress EV Strategy.	FALSE
28/11/2023	Ordinary Council	308/23	Stirling Pavilion Proposal	General - Cr Nathan Daniell General - Cr Leith Mudge General - Cr Kirsty Parkin	1. That the report be received and noted. 2. That Council proceeds with the process for considering landowner consent for the development of a pavilion at Stirling Oval and delegates authority to the Chief Executive Officer, or their delegate, to enter into a Framework Agreement document with the Stirling Pavilion Foundation Inc. 3. That the Framework document include, amongst other matters, the steps required to consider landowner consent for the development of a Pavilion on Stirling Oval, possible terms of any arrangements for the leasing or licensing of the Stirling Oval for the proposed development, statutory requirements that need to be followed, and any cost sharing arrangements. 4. The CEO provides an interim report on progress on the project by the end of 31 May 2024 5. That following the negotiation of a Framework document a report be submitted to Council that provides an update on the terms of the Framework document. 6. That a further report be submitted to Council that considers the Community Land implications including community consultation on any proposed changes to the Community Land Management Plan for Stirling Oval as required under Section 158 of the Local Government Act 1989. 7. That the further report in (5) above also considers the requirements of Section 202 of the Local Government Act 1989 regarding the alienation of Community Land by lease or license including but not limited to community consultation requirements.	David Waters	In Progress	March 25 - Framework Agreement with Pavilion Committee for consideration and sign off	FALSE
23/01/2024	Ordinary Council	4/24	East Waste Deputy Board Member	Nil	1. That the report on the East Waste Deputy Board Member Appointment be received and noted. Decision 2 1. To appoint Mr David Waters, Director Environment and Infrastructure to the Deputy Board Member position of the Eastern Waste Management Authority Board for a term to commence on 23 January 2024 and conclude on 29 November 2025 (inclusive). 2. To authorise the Chief Executive Officer to lodge all required documentation to give effect to Council's resolutions regarding Eastern Waste Management Authority Board Membership.	Zoe Gill	Completed	East waste advised on 9 Feb 2024.	FALSE

					<p>1. That the report be received and noted.</p> <p>2. That Council allocates a further \$350,000 in capital funding towards the Adelaide Hills War Memorial Swimming Centre Splash Park Project in the 2024/2025 financial year, bringing the total budget available for the project to \$750,000, with the nominal funding breakdown as follows: Council general funding \$150,000 Council from Commonwealth LRCIP Phase 3 \$200,000 Council from Commonwealth LRCIP Phase 4 \$200,000 AHWMSO Inc \$200,000 TOTAL \$750,000</p> <p>3. That the Commitment of Council's additional \$350,000 in capital funding towards the Splash Park is conditional a contribution of \$200,000 from the Adelaide Hills War Memorial Swimming Centre Committee.</p> <p>4. That a draft standalone Asset Management Plan be prepared for the Adelaide Hills War Memorial Swimming Centre (AHWMSO).</p> <p>5. That Council discuss the summary report findings and AHWMSO draft Asset Management Plan at a future workshop and consider allocation of additional funding in the Long Term Financial Plan review process to implement other short, medium and long term recommendations coming out of the Adelaide Hills War Memorial Swimming Centre Feasibility Study.</p> <p>6. Note that Administration is currently processing the return of the Adelaide Hills War Memorial Swimming Centre Committee's \$200,000 funding allocation to the Splash Pad Project until a successful tenderer has been selected for the larger \$750,000 Splash Park.</p>	David Waters	In Progress	The Splash Park DA has been submitted, & liaising with contractor prior to construction continues. A draft AMP for the Pool & associated assets is scheduled to be presented to a Council Workshop in due course.	FALSE
13/02/2024	Ordinary Council	19/24	Adelaide Hills Woodside Memorial Swimming Centre Feasibility Study Outcomes	Nil	<p>Council resolves:</p> <p>1. That the report be received and noted.</p> <p>2. That the Council endorse the Building Insurance Grant Guidelines for Community Owned Halls as contained in Appendix</p> <p>3. That the Chief Executive Officer be authorised to make changes to the Guidelines, not affecting the substantive intent and direction, as may be required from time to time, to ensure the issuing of grants remains in line with the intent of the Community and Recreation Facilities Framework.</p> <p>4. That the Building Insurance Grant Guidelines are reviewed in 12 months.</p>	David Waters	In Progress	March 25 - Actions in progress. Guidelines to be reviewed shortly	FALSE
13/02/2024	Ordinary Council	20/24	CRRF Community Halls Insurance Grant Guidelines Report	Nil		David Waters	In Progress	March 25 - Actions in progress. Guidelines to be reviewed shortly	FALSE
27/02/2024	Ordinary Council	40/24	Community Meetings	Nil	<p>1. The Adelaide Hills Council organises and runs at least four Community Meetings a year in different locations across Adelaide Hills Council to give community members, Council staff and Elected Members the opportunity to connect, hear the voices of community members on current issues and help ensure community members are aware of Council initiatives. 2. This schedule of quarterly events should commence in the first financial quarter of next financial year - from July 2024 - to give staff time to plan and schedule events.</p>	Gary Lewis	In Progress	It is recommended that Ukaidia is moved to April and the final forum is moved to June 2025.	FALSE
12/03/2024	Ordinary Council	65/24	Creating more accessible and inclusive play spaces	Nil	<p>Administration report findings from the play space communication board pilot projects back to Council upon completion.</p> <p>Administration further investigates communication access and physical access for play spaces in the region, in line with the Disability Access and Inclusion Plan review. Findings and costings are reported back to Council upon completion and are included in future iterations of the Play Space Policy and Annual Business Plan and Budgeting processes.</p> <p>Play spaces upgrades continue to consider inclusive and accessible elements in designs.</p> <p>That the report be received and noted.</p>	David Waters	In Progress	The finalised communication board designs have been installed. QR codes have been included on the boards, providing an opportunity for the community to provide feedback. Administration are working with AHC's Access & Inclusion Advisory group to develop a meaningful way to evaluate the project, using the information collected from the QR code survey before reporting back to Council.	FALSE
12/03/2024	Ordinary Council	70/24	Revised Policy for Community Consultation - Management of Built Heritage	Nil	<p>To approve the draft Management of Built Heritage Policy as contained in Appendix 1 for community consultation.</p>	Jess Charlton	Not Started	Engagement on this policy will be aligned to the preliminary engagement process associated with the Local Heritage Code Amendment	FALSE
12/03/2024	Ordinary Council	71/24	Proposed Norton Summit Land Purchase	General Conflict of Interest, Cr Leith Mudge General Conflict of Interest, Cr Adrian Cheater -	<p>That the report be received and noted.</p> <p>In conjunction with The Synod of the Diocese of Adelaide of the Anglican Church of Australia ("the Church"), undertake a boundary realignment to alter the boundaries between the land located at 2 St John Road Norton Summit owned by Council and the land located at 8 St John Road Norton Summit owned by the Church, with the effect of Council purchasing from the Church an area of approximately 1369m2 for the amount of \$94,000 exclusive of GST.</p> <p>To allocate funding in 2024-25 budget for the purchase of the land in the amount of \$94,000 exclusive of GST (if applicable) plus Council's proportion of purchase and land division costs estimated at \$15,000 plus GST, plus fencing costs estimated at \$5,000 plus GST.</p> <p>To update the Council's Community Land Register to reflect the additional area of land vesting in Council and to develop a Community Land Management Plan for the site.</p> <p>To delegate to the CEO to do things necessary, including sign all documents to give effect to this resolution.</p> <p>The CEO consults the Norton Summit CFS Brigade and/or the Hall Committee in regard to the configuration of any potential carparking spaces.</p> <p>To authorise the Mayor and CEO to apply the Council's seal, if required, in the execution of any documents related to this resolution.</p>	David Waters	In Progress	March 24 - Development Approval for land division to be issued shortly.	FALSE
26/03/2024	Ordinary Council	82/24	Road Closure Decision - Unmade public road adjacent 474b Springhead Road Mount Torrens	Nil	<p>1. That the report be received and noted.</p> <p>2. The land marked "B" in Preliminary Plan No. 22/0032 (known as the Road Land) be declared surplus to Council's requirements.</p> <p>3. That the Chief Executive, or his delegate, are authorised to negotiate with the owners of 474b Springhead Road, Mount Torrens for the sale and transfer of the piece marked "B" in Preliminary Plan No. 22/0032 for the sum of \$35,000 plus GST, together with all fees and charges associated with the road closure process.</p> <p>4. That Council's approval of the sale and transfer of the land be subject to the provision for a statutory easement in favour of Telstra as per their interest in the land, together with a Right of Way for foot traffic access in favour of the owner of the adjacent land, being Allotment 2 in Filed Plan 1336.</p> <p>5. Subject to agreement from the owners of 474b Springhead Road, Mount Torrens to purchase the Road Land for the sum of \$35,000 plus GST, to make a Road Process Order pursuant to the Roads (Opening & Closing) Act 1991 to close and merge the pieces of land identified as "B" in the Preliminary Plan No. 22/0032 attached to this report with Allotment 24 Deposited Plan 62438 comprised in Certificate of Title Volume 5911 Folio 128.</p> <p>6. That upon the deposit of the Road Closure, the land will be excluded from the classification of Community Land and not be included in Council's Community Land Register.</p> <p>7. That the Chief Executive Officer, and Mayor, be authorised to finalise and sign, and seal if necessary, all documentation to close and sell the above portion of closed road pursuant to this resolution.</p>	David Waters	Completed	January 2025 - late December notification from Lands Title Office that new Certificate of Titles have been issued. Invoice has also been paid Dec 24 - Road Closure has been approved by the Surveyor General - See Govt Gazette Notice dated 7/11/2024. Invoice for payment for this unmade road has been issued on 28/11/2024	FALSE

					That the report be received and noted. The land known as Pieces 1 and 2 Filed Plan No. 257220 located off Nicholls Road, Norton Summit and contained in Certificate of Title Volume 6261 Folio 497 be declared surplus to Council's requirements. To dispose of the subject land to the owner of 105 Nicholls Road, Norton Summit for the amount of \$5,000 (plus GST), subject to the owner of 105 Nicholls Road, Norton Summit paying for all costs associated with the settlement and transfer of the land including final survey fees, conveyancing fees, transfer and government charges and any other charges relating to the sale of the land. That upon settlement of the land that Pieces 1 and 2 be merged with the existing Certificate of Title at 105 Nicholls Road, Norton Summit.		January 2025 - Notification from Conveyancer that settlement has occurred Dec 2024 - amalgamation plan has been lodged at the Lands Title Office & given final approval. Final documents completed with conveyancer and settlement to occur soon. Funds received from new owner.	
9/04/2024	Ordinary Council	107/24	Proposed Disposal of Council Land, Norton Summit	Nil	David Waters	Completed		FALSE
23/04/2024	Ordinary Council	127/24	Terlingie Residents Association – Traffic hazard of speeding along residential streets in Terlingie	Nil	David Waters	In Progress	Traffic counters to be deployed to Woodland Way and Terlingie Drive the week commencing 20 May 2024 and initial analysis completed by 30 June 2024. Traffic Impact Statement is in progress, and report on formal request for speed limit reduction with traffic engineering consultant.	FALSE
20/05/2024	Audit Committee	AC23/24	Internal Financial Controls Update	Nil	Gary Lewis	In Progress	This is being considered by the Finance team in Q1 2025.	FALSE
20/05/2024	Audit Committee	AC24/24	Public Interest Disclosure Arrangements and Compliance	Nil	Zoe Gill	In Progress	PID Training completed by staff PID Policy review to be completed in the first half of 2025.	FALSE
28/05/2024	Ordinary Council	170/24	Crafrers Village Pedestrian Connections	Nil	David Waters	In Progress	Concept design works have commenced by DIT and in particular the stormwater management for a raised crossing at this location. This is a critical element to ensure the feasibility of any proposal. 40km/h speed limit assessment to be followed-up by administration, independent of formal crossing process.	FALSE
28/05/2024	Ordinary Council	173/24	Local Heritage Code Amendments – Approach and Preliminary Engagement	Nil	Jess Charlton	Not Started		FALSE
28/05/2024	Ordinary Council	175/24	Fabrik Business Implementation Plan	Nil	Jess Charlton	In Progress	Nine of the twelve actions in the Fabrik Business and Implementation Plan 2024 have been completed within the expected timeframe. The remaining three actions are on track. Ongoing reporting will be documented through Council's quarterly reporting process.	FALSE
11/06/2024	Ordinary Council	195/24	Grants Policy	Nil	Jess Charlton	In Progress	Workshop for Council members held on 28 October 2024.	FALSE
11/06/2024	Ordinary Council	203/24	Enforcement Review – Fire, Wastewater and Animal Management	Nil	Jess Charlton	In Progress	Enforcement Policy adopted and implemented. Planning how to implement additional education and enforcement with regards to Fire Prevention.	FALSE
11/06/2024	Ordinary Council	219/24	CEO Review Process - Confidential	Nil	Zoe Gill	In Progress	Completion of this item expected by end of September.	FALSE
11/06/2024	Ordinary Council	219/24	Mayor seeking legal advice update	Material - Mayor Jan-Claire Wisdom	Zoe Gill	Completed	Confidential progress underway.	FALSE
17/06/2024	Special Council	215/24	Onkaparinga Valley Football Club Changerooms	Nil	David Waters	In Progress	Administration is continuing to work with the associated clubs to progress their project. As per the resolution, the matter has been added into Council's draft Annual Business Planning process for consideration.	FALSE

					I move that a report be prepared for Council's consideration regarding: 1. The appropriate level at which to set fees for road closures for commercial applicants in the Fees and Charges Register. The report should identify fee levels that are commensurate with: a. The cost to ratepayers in terms of staff time and resources associated with the application and the event itself b. The amount of disruption, inconvenience and loss road closures cause for affected businesses and the community, and c. The true commercial value of such an exclusive use of a public asset.	Gary Lewis	In Progress	Responsibility for this item has moved to Community Development. A workshop was held with Elected Members on 3/2 to discuss the opportunities to progress the service review. The Administration are finalising the overarching Function/Service document and this will be distributed, which can then be used for EM to raise specific queries relating to services. Once these are completed a further workshop will be scheduled.	FALSE
23/07/2024	Ordinary Council	257/24	Review of Road Closure Fees	Nil					
23/07/2024	Ordinary Council	258/24	Levels of Service	Nil	I move that a report be prepared for Council's consideration in conjunction with the existing services review, detailing the "Levels of service" being provided by Council, including, but not restricted to infrastructure asset management in a manner that allows the Chamber to identify the "Level of Service" being provided in order to assess what is affordable, equitable and appropriate.	Gary Lewis	In Progress		FALSE
					1. That the report be received and noted. 2. To note the City of Mitcham's Community Renewable Framework and thanks Mr Matt Romaine, Group Manager City of Mitcham, for his presentation on Monday 3 June 2024. 3. That a further report on the Community Renewal Program tailored to the Adelaide Hills Council and Community be provided to Council by no later than 12 November 2024. 4. That this report include: Options for the establishment of an Adelaide Hills' Community Renewables Program/Options for the development of a Virtual Power Plant.A cost-benefit analysis completed for any options presented to Council.	David Waters	Completed	A report was prepared and endorsed at the Council meeting 12 November 2024.	FALSE
23/07/2024	Ordinary Council	263/24	Community Renewables Program	Nil	As part of the review of the "Code of Practice for Meeting Procedures" the approval process for leave of absences for elected members be a focus for a workshop.	Zoe Gill	In Progress	Workshop scheduled for May 2025	FALSE
23/07/2024	Ordinary Council	268/24	MWON - Cr Parkin - Leave of Absence workshop	Nil	As per confidential minute	David Waters	In Progress	LMA docs executed and in the process of being registered against the title.	FALSE
23/07/2024	Ordinary Council	272/24	Land Management Agreement - Burial on Private Land - Confidential Item	Nil					
					1. That the report be received and noted. 2. That Council approves commencement of public consultation on the proposed twenty-one (21) year lease with the CFS for an amount of \$1 per year, if demanded, with a further option to renew for an additional 21 years at the Upper Hermitage CFS site situated at 300 Range Road North, Upper Hermitage. The land is contained within Certificate of Title Volume 5654 Folio 941. 3. That this report forms part of the Community Consultation report. 4. That following community consultation in accordance with Council's Community Consultation Policy, that if there are substantive community objections to the proposed Lease, a further report will be submitted to Council providing information on the outcomes of the consultation and proposed process to deal with the proposal moving forward. That if there are no substantive community objections, Council approves the signing of the twenty-one (21) year Lease. 5. That in the event that 4(i) applies, the Mayor and/or Chief Executive Officer or his delegate be authorised to sign all documents necessary, including affixation of the common seal if necessary, to give effect to this resolution.	David Waters	In Progress	March 25 - lease in process of being executed	FALSE
13/08/2024	Ordinary Council	281/24	Upper Hermitage CFS Site - Lease Proposal	General and Material - Cr Malcolm Herrmann General and Material - Cr Adrian Christie General and Material - Cr Chris Grant					
					1. That the report be received and noted. 2. To approve the release of the Draft Native Vegetation Protection and Conservation Policy for public consultation, as contained in Appendix 1. 3. That the CEO be authorised to: Make any formatting, nomenclature or other minor changes to the draft prior to being released for public consultation and determine the consultation timings, media and processes while ensuring consistency and compliance with the provisions of Council's Public Consultation Policy 4. That a report detailing the outcomes of the consultation and a revised draft Policy be brought back to the Council for consideration and adoption as soon as practicable after consultation closes.	David Waters	In Progress	Public consultation ran 4/12/2024 - 21/1/25. Outcomes report under preparation, scheduled for May 27 Council Agenda.	FALSE
13/08/2024	Ordinary Council	282/24	Draft Native Vegetation Protection and Conservation Policy	Nil	That the report be received and noted. 2. That Council commits, in principle, \$38,000 towards upgrading and re-surfacing the access road and oval ring road including the Uraidia Primary School and Uraidia and Hills Community Kindy drop-off and pick-up area within the Uraidia District Soldiers Memorial Park site as part of the 2023-26 Annual Business Plan and Budget with maintenance patching carried out immediately under existing operational budgets at an approximate cost of \$10,000. 3. That Council's in-principle contribution of \$38,000 is contingent on: a. the Department for Education also contributing \$38,000 towards the upgrade and resurfacing project and entering into a tripartite upgrade and maintenance agreement. b. the remaining necessary funds be contributed by or sourced by Uraidia District Soldiers Memorial Park Inc. 4. That Council authorises the Chief Executive Officer (CEO) to negotiate and enter into a tripartite upgrade and maintenance agreement with The Uraidia District Soldiers Memorial Park Inc and Department for Education for the maintenance of the access road and oval ring road including the Uraidia Primary School and Uraidia and Hills Community Kindy drop-off and pick-up area within Uraidia District Soldiers Memorial Park site, based on the upgrade contributions specified above (\$38,000 in 2025-'26) and a one-third ongoing maintenance cost contribution by the Council (approximately \$1,000 per annum). 5. That this decision should not be taken to imply any particular commitment to future upgrade or renewal of the access road and oval ring road, including the Uraidia Primary School and Uraidia and Hills Community Kindy drop off and pick-up area within Uraidia District Soldiers Memorial Park site, and that any future upgrade or renewal work proposal should be considered by the Council at the time it is proposed.	David Waters	In Progress	March 25 - Dept Education finalising agreement for review	FALSE
27/08/2024	Ordinary Council	289/24	Uraidia Districts Soldiers Memorial Park - Request for Funding	nil					
27/08/2024	Ordinary Council	291/24	Lobethal Community Kindergarten "Bush Kindy" Signage - Cr Lucy Hueter	Nil	1. The Council commemorates the 10 year anniversary of the Lobethal Community Kindergarten's "Bush Kindy" program by installing a sign or similar at Lobethal Bushland Park, celebrating the program and promoting its aims and objectives. 2. The CEO consults directly with the Lobethal Community Kindergarten and the Friends of Lobethal Bushland Park Group to negotiate the wording of the sign and agrees to a location and placement of such. 3. The CEO works with the Lobethal Community Kindergarten to plan a small celebration to commemorate this milestone at Bushland Park before the end of 2024.	David Waters	Completed	Sign is completed and attached in the LBP shelter near the main building. Kindy has been advised.	FALSE
27/08/2024	Ordinary Council	292/24	Development of a Board of Directors for FABRIK - Cr Kirsty Parkin	Nil	The CEO prepare a report that explores and provides options for the structure and formation of a Board to provide ongoing strategic, cultural, commercial, tourism and financial advice regarding the Fabrik Arts and Heritage Hub, and bring this report back to Council by December 2024.	Jess Charlton Zoe Gill	In Progress	Report will be provided to Council at the meeting on 10 December.	FALSE
27/08/2024	Ordinary Council	308/24	Mayor's Use of the Mayor Seeking Legal Advice Policy - Confidential Item	Nil	As per confidential minute		Completed	Still to be retained in confidence	FALSE
10/09/2024	Ordinary Council	329/24	Boundary Change Committee Recommendations - Boundary Change Advocacy Strategy	Material - Cr Louise Pascale	As per confidential minute.	Zoe Gill	Completed	Still to be retained in confidence	FALSE

									That the report be received and noted.									
24/09/2024	Ordinary Council	342/24	12 Adelaide Hills Council Submission to the Royal Commission into Domestic, Family and Sexual Violence	Sexual Violence	Nil				To endorse the Adelaide Hills Council's submission to the Royal Commission into Domestic, Family and Sexual Violence in South Australia provided in Appendix 1.	Jess Charlton	Completed	Submission made	FALSE					
									That the report be received and noted.									
									The Roadside Vegetation Management Plan as contained in Appendix 1 and accompanying documents contained in Appendices 2 – 10 are endorsed for submission to the Native Vegetation Council.									
24/09/2024	Ordinary Council	343/24	12.2 Adelaide Hills Council Roadside Vegetation Management Plan		Nil				That the Chief Executive Officer is authorised to make any minor changes to the Roadside Vegetation Management Plan arising from the review by the Native Vegetation Council in order to ensure it is acceptable for their approval.	David Waters	In Progress	Report has been submitted to Native Vegetation Branch (DEW) to seek Native Vegetation Council (NVC) endorsement on 11/10/2024. Advice from department on that it is on the agenda to be reviewed at the April 2025 NVC meeting. Damian Brennan and Tonia Brown will be attending on behalf of Council.	FALSE					
									That the report be received and noted.									
24/09/2024	Ordinary Council	344/24	12.3 Proposed Road Widening of Council Road Corridor – Intersection Tiers Road and Vickers Road, Len	Nil					That Council agrees to purchase the piece of land road totalling approximately 268m ² outlined in red and identified as Allotment 101, Tiers Road on the New Land Acquisition Survey Plan attached as Annexure 2, from the adjoining landowner of 447 Tiers Road, Lenwood, for the purchase price of \$6,700 (exclusive of GST). That Council agrees to pay all reasonable costs for the process to vest the subject land as a public road. That the Chief Executive Officer (and Mayor if necessary) be authorised to finalise, sign, and seal (if necessary), all necessary documentation pursuant to this resolution.	David Waters	In Progress	March 2025 - working with Surveyor to finalise plan, conveyancer appointed	FALSE					
24/09/2024	Ordinary Council	356/24	15.1 LCEO Performance Review Panel Recommendations to Council – CEO Review Process	Confidential Item	General - Mayor Jan-Claire Wisdom				As per confidential minute	Zoe Gill	Completed	Still to be retained in confidence	FALSE					
14/10/2024	Audit Committee	*	Financial Reporting Risk		Nil				Add risks to financial reporting functionality to the risk register	Gary Lewis	Completed	Risks added to Corporate Risk register on 5 February 2025.	FALSE					
									1. That the report be received and noted. 2. Note the success of the Council's Food Organic Garden Organics trial in achieving: (a) Significantly improved landfill diversion rates and reductions in the total amount of waste consigned to landfill (b) Reduced landfill greenhouse gas emissions (c) Reduced response to the SA solid waste levy (d) Increased recycling of food waste 3. Acknowledge the participation of Food Organic Garden Organics Trial participants, notes the feedback provided by participants and thanks them for their involvement and contribution. 4. That the properties within the Woodside East and Tiers/Wesley Road trial areas return to the pre-trial service of weekly waste collection and fortnightly composting collection from 1 November 2024. 5. That the properties within the Woodside Townships trial area maintain a weekly food organic garden organics, fortnightly waste collection and fortnightly composting collection until 31 July 2025. 6. That subject to funding allocation in the 2025/26 budget, the township and urban areas default kerbside bin collection service change to weekly 240 litre Food Organic Garden Organics and fortnightly 240 litre waste collection commencing 1st November 2024. This arrangement be accompanied by suitable arrangements for those property owners who wish to opt out of the new arrangement so as to receive weekly waste collection, as required under law, and those with special circumstances necessitating increased waste collection. 7. Supports the Chief Executive Officer (or delegate) applying for grant funding to support the change to township and urban areas bin collection if available and applicable at time of the proposed resolution. 8. A review of the Waste and Resource Recovery Services Policy be undertaken prior to August 2025 which includes the necessary changes to amend the Policy aligns with the new kerbside bin collection model within townships and urban areas. 9. That Council consider the provision of a food organic garden organics collection service to rural areas across the South Australian Government's position on proposed legislative changes regarding the provision of kerbside bin services to be seen. 10. That the CEO write to the Minister for Climate, Environment and Water, Hon Susan Close MP Outlining the current legislative impediments to the roll out of a FOGO service in rural areas of the Council as outlined in the report, proposing potential regulatory changes that could resolve this issue, and requesting that these changes be implemented prior to or as part of a wider review of the Environmental Protection (Waste to Resources) Policy 2010 under other relevant legislative reviews due 30 June 2025. 11. That the CEO prepare a draft submission to the current review of the Environmental Protection (Waste to Resources) Policy 2010, for the Council's consideration prior to 20 December 2024, which includes the settlement of Part 10.									
15/10/2024	Ordinary Council	368/24	Kerbside Bin System Results		Nil				That Council notes the residents of Invertrackie have concerns around their ability to safely walk or cycle to Woodside. Council acknowledges that connecting Woodside to Invertrackie with pedestrian and cycling infrastructure would be beneficial for the residents of Invertrackie. The CEO writes to the Department for Infrastructure and Transport to advocate for improved pedestrian and cycling safety along Nairne Road, in particular for safe throughfare behind guard rails along Nairne/Woodside Road at army barracks so the residents of Crest estate can access the Woodside township and public bus stop via walking or bike without the current significant safety risks; That the CEO begins preliminary discussions with the Department for Infrastructure and Transport regarding options to improve connectivity with Woodside for pedestrians and cyclists; and That a preliminary report be presented to Council by the end of March 2025, to give Council the opportunity to decide whether budget allocation should be included in the 2025/26 Annual Business Plan for further work into this matter.	David Waters	In Progress	Trial participants have been advised of completion of the trial and thanked for their participation. The kerbside bin service provided to trial participants has been adjusted aligned with Resolution 4 and 5. A submission into the review of the Environmental Protection (Waste to Resources) Policy 2010 has been endorsed by Council and submitted. Funding applications have been submitted to GISA for Council Modernisation Grants and Kerbside Waste System Grants. Correspondence has been sent to the Minister for Climate, Environment and Water, Hon Susan Close MP as required by the resolution. A budget brief has been developed for inclusion in the 2025/26 budget to transition township and urban properties to weekly 240 litre Food Organic Garden Organics and fortnightly 140 litre waste bins. Review of the Waste and Resource Recovery Services Policy has commenced.	FALSE					
									That the report be received and noted.									
22/10/2024	Ordinary Council	376/24	Pedestrian and cycle access Invertrackie to Woodside – Cr Melanie Selwood		Nil				That the report be received and noted.	David Waters	In Progress	The matter has been raised with DIT and followed up in writing in February 2025. At the time of update, staff were still awaiting a response.	FALSE					
22/10/2024	Ordinary Council	377/24	Stirling Hospital Inc. Discretionary Rate Rebate		General - Cr Melanie Selwood General - Cr Leith Mudge				To note the previous decision on 25 June 2024 to decline the Stirling Hospital Inc's request for a discretionary rate rebate.	Zoe Gill	Completed	Hospital notified of resolution	FALSE					
									That the report be received and noted.									
									That pursuant to Section 198 of the Local Government Act 1999, Council undertakes public consultation on the proposal to revoke the existing Community Land Management Plan for Johnston Memorial Park, Bahannah, described in Certificate of Title Register Book Volume 5094 Folio 750 (that is to remove it as a site covered by "Community Land Management Plan 12 - Multi Purpose Sites") and replace it with a new standalone Community Land Management Plan as contained in Appendix 2. That following public consultation, a further report be submitted to Council advising of the outcomes of the public consultation process, with a view to revoking the existing Community Land Management Plan and replacing it with the one subject to public consultation.									
22/10/2024	Ordinary Council	380/24	Proposal for adoption of a new Community Land Management Plan for Johnston Memorial Park, Bahannah	General - Cr Malcolm Herrmann					That a further report be provided to Council in due course outlining the proposed arrangements for the ongoing occupation of a portion of the Johnston Memorial Park Bahannah site by the CFS. 1. The CEO investigate options for a trial to provide ethically sourced period products at council managed toilets. 2. The investigation includes options to create partnerships with existing social enterprises such as TABOO or Share the Dignity; 3. That a report regarding trial options be returned to Council by 1 May 2025.	David Waters	In Progress	Feb 25 - draft CLM currently out to community for consultation.	FALSE					
12/11/2024	Ordinary Council	386/24	Period Poverty		Nil				Decision 1 That the report be received and noted. 2. To note that the CEO will establish the Community Bushfire Reference Group according to the Terms of Reference as per Appendix 1. To appoint Cr Chris Grant as the Council's representative on the Community Bushfire Reference Group for a term to commence from 12 November 2024 and conclude in November 2026 at the end of the council term.	Jess Charlton	Not Started	March 25 - under investigation report to come to Council in May 2025	FALSE					
12/11/2024	Ordinary Council	389/24	Community Bushfire Reference Group		General - Cr Melanie Selwood General - Cr Malcolm Herrmann				Decision 1 That the report be received and noted. 2. To note that the CEO will establish the Community Bushfire Reference Group according to the Terms of Reference as per Appendix 1. To appoint Cr Chris Grant as the Council's representative on the Community Bushfire Reference Group for a term to commence from 12 November 2024 and conclude in November 2026 at the end of the council term.	Jess Charlton	Not Started	Decision 2 1. To appoint Cr Leith Mudge as the Council Member and Cr Malcolm Herrmann as Deputy Council Member of the Council Assessment Panel for a term to commence on 30 November 2024 and conclude at the end of the Council term.	FALSE					
12/11/2024	Ordinary Council	390/24	Community Bushfire Reference Group		Material - Cr Chris Grant				Decision 2 To appoint Cr Leith Mudge as the Council Member and Cr Malcolm Herrmann as Deputy Council Member of the Council Assessment Panel for a term to commence on 30 November 2024 and conclude at the end of the Council term.	Jess Charlton	Completed	Decision 1 To appoint Cr Leith Mudge as the Council Member and Cr Malcolm Herrmann as Deputy Council Member of the Council Assessment Panel for a term to commence on 30 November 2024 and conclude at the end of the Council term.	FALSE					
12/11/2024	Ordinary Council	392/24	CAP Council Member and Deputy Council Member Appointment		Material - Cr Malcolm Herrmann				Decision 2 To appoint Cr Leith Mudge as the Council Member and Cr Malcolm Herrmann as Deputy Council Member of the Council Assessment Panel for a term to commence on 30 November 2024 and conclude at the end of the Council term.	Jess Charlton	Completed	Decision 1 To appoint Cr Leith Mudge as the Council Member and Cr Malcolm Herrmann as Deputy Council Member of the Council Assessment Panel for a term to commence on 30 November 2024 and conclude at the end of the Council term.	FALSE					

					<p>1. To receive and note the report titled "Draft Representation Review Report" (Agenda Item 12.5, 12 November 2024 Council Meeting).</p> <p>2. To approve the draft representation report in Appendix 1 of the Draft Representation Review Report (Agenda Item 12.5, 12 November 2024 Council Meeting) for public consultation, in compliance with the provisions of Section 12 (7) of the Local Government Act 1999.</p> <p>3. To delegate to the Chief Executive Officer the discretion to make any formatting, nomenclature or other minor changes to the draft Representation Review Report for consultation purposes.</p> <p>4. To delegate to the Chief Executive Officer the discretion to determine the final consultation dates, for a period not less than three (3) weeks.</p>	Zoe Gill	In Progress	Public consultation completed. Currently CL Rowe consultant is preparing the Submissions report.	FALSE
12/11/2024	Ordinary Council	393/24	Draft Representation Review Report	Nil				Has been incorporated within the draft Towards Net Zero-A Carbon Management Plan for the Adelaide Hills and a Project Brief has been prepared for budget consideration.	FALSE
12/11/2024	Ordinary Council	403/24	Community Renewables Program	Nil	As per confidential minutes.	David Waters	In Progress		FALSE
					<p>1. That the report be received and noted.</p> <p>2. To note the Federal Government's tentative advice that the Council has been successful in its application to the Urban Rivers and Catchments Program grant opportunity for the Cox Creek Bridge/water Restoration Project (\$1,978,690), focussing on weed management, revegetation and bank stabilisation/erosion works, to be undertaken in partnership with a range of government agencies, non-government organisations, volunteer-based groups and private property owners.</p> <p>3. To confirm that the Council is committed to delivering the proposed project with its other partners, should the grant be formally confirmed.</p> <p>4. To authorise the Chief Executive Officer to act for and on behalf of the Council in negotiating the final terms of the Grant Funding Agreement, broadly in line with the draft contained in Appendix 1, and to execute documents as necessary to accept the funding and making any formatting, nomenclature or other minor changes to the Agreement.</p> <p>5. To authorise, if necessary, the Mayor and Chief Executive Officer to affix the Council seal to any agreements requiring same, in order to implement this decision</p>	David Waters	Completed	Grant Agreement has been signed. It is a condition of the grant that any publicity relating to the Project is reviewed and approved by the funding body before release and DCEEW has reinforced this expectation. This includes: -events and announcements (e.g. media releases) at all project stages/phases -public relations activities, workshops, forums and conferences (including materials presented at them e.g. PowerPoint presentations) -display materials such as banners, posters, project signage and plaques -publications such as reports, papers, case studies, information kits and fact sheets -audio-visual materials including videos -websites including all project-specific website pages and home pages -social media posts, either through direct acknowledgement or the use of hashtags/handles where space allows	FALSE
12/11/2024	Ordinary Council	406/24	Grant Opportunity	Nil	As per confidential minute	Zoe Gill	Completed	CEO Leave Policy adopted by Council.	FALSE
12/11/2024	Ordinary Council	409/24	Proposed CEO Leave Policy	General - Cr Melanie Setwood General - Cr Chris Grant	Refer to confidential minute	Zoe Gill	Completed	Still to be retained in confidence	FALSE
12/11/2024	Ordinary Council	412/24	Work, Health and Safety Update	Material - Mayor Ian-Claire Wisdom	Change review of ToR from every 4 years to more often.	Zoe Gill	In Progress	Have changed in draft ToR that will be approved at Council Meeting March 2024.	FALSE
18/11/2024	Audit Committee	Nil	Audit & Risk Committee ToR	NA	All papers and references to be audit and risk committee, not audit committee	Zoe Gill	In Progress	Waiting for Committee ToR to be approved at Council Meeting 11/03	FALSE
18/11/2024	Audit Committee	Nil	Change committee name	NA	Provide Audit and Risk Committee with tracked changes ToR - LGA and AHC versions	Zoe Gill	In Progress	To be sent to council members outside of meeting papers.	FALSE
18/11/2024	Audit Committee	Nil	Tracked changes ToR	Nil					FALSE
18/11/2024	Audit Committee	NA	CRM Cases being closed	NA	Question about cases on CRM being closed before the community members believes they are closed.	Jess Charlton	In Progress		FALSE
					<p>1. That the report be received and noted.</p> <p>2. That Council approve the awarding of Community Development Grants totalling \$43,725.40 as follows:</p>	Jess Charlton	Not Started		FALSE
28/11/2024	Ordinary Council	415/24	Community Development Grant Recommendations	General - Cr Nathan Daniels General - Cr Malcolm Herrmann					FALSE
					<p>1. That the report be received and noted.</p> <p>2. That Council approves the awarding of Community Recreation and Facility Grants for 2024-2025 totalling \$166,923.91 as follows: See minutes</p>	David Waters	Completed	This action is now complete.	FALSE
26/11/2024	Ordinary Council	416/24	2024-2025 Community and Recreation Facility Grant Recommendations	General - Cr Malcolm Herrmann General - Deputy Mayor Melanie Setwood General - Cr Chris Grant					FALSE
					<p>1. That the report be received and noted.</p> <p>2. To note the achievements of the Resilient Hills and Coasts partnership identified within the RH&C Annual Report 2023-2024 as provided in Appendix 1.</p> <p>3. To note the outcomes of the stakeholder engagement associated with the development of the Resilient Hills & Coasts 'Regional Climate Action Plan' as provided in Appendix 4.</p> <p>4. To endorse the Resilient Hills & Coasts Regional Climate Action Plan 2025-2030 as one of the partner organisations of Resilient Hills & Coasts.</p> <p>5. To recommend to the partnership by authorising the Mayor to sign the revised Resilient Hills & Coasts Climate Change Sector Agreement pursuant to the Climate Change and Greenhouse Emissions Reduction Act 2007, as contained in Appendix 3.</p> <p>6. To authorise the Administration to make any changes to the Regional Climate Action Plan 2025-2030 or Climate Change Sector Agreement of a minor, technical or formatting nature.</p> <p>7. To note the Council's ongoing membership of the partnership includes a contribution of \$20,000 per annum to contribute to the engagement of a Coordinator to continue to advocate on climate change adaptation and mitigation for the region, and that this contribution remains subject to annual business planning and budget processes.</p>	David Waters	Completed	The Regional Sector Agreement was signed by the Mayor and other partners on Friday 21 February 2025.	FALSE
26/11/2024	Ordinary Council	417/24	Regional Climate Action Plan 2025-2030 and Regional Sector Agreement	Nil					FALSE
					<p>1. That the report be received and noted.</p> <p>2. To endorse the nomination of Cr Mark Osterstock for the Dog & Cat Management Board and authorise the Chief Executive Officer to lodge the completed nomination form to the Local Government Association by COB Friday 29 November 2024.</p>	Zoe Gill	Completed	Nomination sent to LGA.	FALSE
26/11/2024	Ordinary Council	418/24	Nominations to the Dog & Cat Management Board	General - Cr Kirsty Parkin Material - Cr Mark Osterstock					FALSE
					<p>1. That the report be received and noted.</p> <p>2. That the CEO formally write to the Minister, by 31 December 2024, seeking approval to withdraw from the GRFMA, as required by Clause 19 of the Charter.</p> <p>3. That the CEO write to the GRFMA and Constituent Councils, by 31 December 2024, to officially advise of its intention to withdraw from the GRFMA, as required by Clause 19 of the Charter.</p> <p>4. That the Council approve an initial budget allocation of \$20,000 for consultant fees, enabling Council to obtain expert advice and effectively manage the negotiations required to exit the GRFMA.</p>	Zoe Gill	Completed	Letter will be sent to GRFMA on 5 Dec.	FALSE
26/11/2024	Ordinary Council	419/24	Gawler River Floodplain Management Authority Membership	Nil					FALSE
					<p>1. That the report on the Draft 2023-24 Annual Report be received and noted.</p> <p>2. That the 2023-24 Annual Report, as contained in Appendix 1, be adopted.</p> <p>3. That the Chief Executive Officer be authorised to make minor content, formatting or design changes necessary for publication purposes.</p>	Gary Lewis	Completed	Publication of the report has been completed, including distribution to Elected members and staff via email, and submissions to the Grants Commission, National Library and Parliamentary Library.	FALSE
26/11/2024	Ordinary Council	420/24	Draft 2023-24 Annual Report	Nil					FALSE
					<p>1. That the report on the Quarterly Council Performance Report – Q1 2024-25 be received and noted.</p> <p>2. To adopt changes to the Corporate Performance Indicators as follows: a. CPI-B02 (Delivery of Capital Works Program) changed to an annual target of at least 90%, with cumulative quarterly reporting b. CPI-001 (Number of lost time injuries) changed to measure Lost Time Injury Frequency Rate (LTIFR) with a target of less than 13.2 c. CPI-O11 (Employee turnover) changed to have two targets – 20% new starter turnover and 15% general turnover, with quarterly reporting that provides a 12 month percentage as at the end of the quarter.</p>	Gary Lewis	Completed	Adopted performance indicators have been adjusted in the reporting database and quarterly report template per the resolution.	FALSE
26/11/2024	Ordinary Council	421/24	Quarterly Council Performance Report – Q1 2024-25	Nil					FALSE
					<p>1. That the 2024-25 Budget Review report be received and noted.</p> <p>2. To adopt the proposed budget adjustments presented in Budget Review 1 which result in: a. A decrease in the Operating Surplus from \$0.457m to a deficit of \$1.728m for the 2024-25 financial year. b. Changes to Capital Works increasing capital expenditure by \$2.218 million for the 2024-25 financial year resulting in a revised capital expenditure budget of \$20.548 million. c. An operating deficit ratio of 2.8%, Net Financial Liabilities ratio of 58.2% and an Asset Renewal Funding ratio of 133.2%.</p> <p>3. That a workshop be held regarding the increased capital expenditure endorsed in Budget Review 1 on 2 December 2024.</p>	Gary Lewis	Completed	Workshop was undertaken on 2 December 2024.	FALSE
26/11/2024	Ordinary Council	422/24	2024-25 Budget Review 1	Nil					FALSE

					<p>1. To note that it has received and noted the Final Investigation Report, legal advice and presentation, in item 19.1.</p> <p>2. To note that it has adopted the findings that the Mayor breached the following clauses of the Behavioural Standards for Council Members:</p> <p>a) 1.1 Show commitment and discharge duties conscientiously.</p> <p>b) 1.4 Act in a reasonable, just, respectful and non-discriminatory way.</p> <p>c) 2.2 Take all reasonable steps to provide accurate information to the community and the Council.</p> <p>d) 2.3 Take all reasonable steps to ensure that the community and the Council are not knowingly misled.</p> <p>e) 2.5 Act in a manner consistent with their roles, as defined in section 59 of the Act.</p> <p>f) 3.1 Establish and maintain relationships of respect, trust, collaboration, and cooperation with all Council members.</p> <p>g) 4.1 Establish and maintain relationships of respect, trust, collaboration, and cooperation with all Council employees.</p> <p>h) 4.2 Not bully Council employees.</p> <p>3. That the Mayor's series of inappropriate behaviour and conduct and the findings of multiple breaches warrant the making of the following determinations pursuant to section 262C of the Local Government Act 1999:</p> <p>a) That Council formally censures the Mayor.</p> <p>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.</p> <p>c) That Council calls on the Mayor to resign by close of business Friday, 29 November 2024.</p> <p>d) That the Mayor is required to make an unconditional (and unreserved) public apology to the Council, the CEO, and the Administration at the next ordinary meeting of Council or by 10 December 2024 expressly apologising for the breaches identified in the Final Investigation Report, including explicitly her non-compliance with the Mayor Seeking Legal Advice Policy, and in a form approved by the Deputy Mayor.</p>			Parts 1-1, 4-5 completed Parts 3(a)-(c) (h)-(l)	Part 3(f)-(g) not completed	
26/11/2024	Ordinary Council	430/24	Behavioural Standards Complaint – Determination of Action	Nil		Gary Lewis	In Progress	3(m)-(n) ongoing	FALSE	
26/11/2024	Ordinary Council	432/24	Amy Gillett Bikeway Tender Approval	Nil	As per confidential minute	David Waters	Completed	Contract in place.	FALSE	
10/12/2024	Ordinary Council	442/24	Lobethal Primary School Correspondence – Cr Lucy Huxter	Nil	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. The Administration reviews the correspondence and identifies any opportunities for consideration. The CEO prepare a response to the authors on behalf of the Council before the end of the school year to thank the students for their ideas and encourage the students to continue advocating for their communities identify ways in which the students can contribute to making change	Jess Charlton	Completed	Letter sent 18 December 2024	FALSE	
10/12/2024	Ordinary Council	443/24	Mount Torrens Signs – Cr Melanie Selwood	Nil	1. Council notes that Mount Torrens is listed as a state heritage area. 2. The CEO undertakes the required process with the Department for Infrastructure and Transport (DIT) and the Department for Environment and Water, in conjunction with Adelaide Hills Tourism, to replace the existing timber town entry signs at each of the main entrances to Mount Torrens with town attraction signs as provided for in the DIT's Road Sign Guidelines: Guide to visitor and service road signs in South Australia. 3. Feedback on potential listings on the signs be sought from the Mount Torrens and Districts Community Association. 4. Any projected expenditure over \$3000 required for the signage is brought back to Council for consideration.	David Waters	In Progress	Liaison with Adelaide Hills Tourism is underway as a first step.	FALSE	
10/12/2024	Ordinary Council	444/24	Fabrik Board Options	Nil	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.	Jess Charlton	Not Started		FALSE	
10/12/2024	Ordinary Council	445/24	Proposal for Adoption of a New Community Land Management Plan for Heathfield Oval	Nil	1. That the report be received and noted. 2. That the Mount Lyfhy 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.	David Waters	Not Started		FALSE	
10/12/2024	Ordinary Council	446/24	Response into the Review of the Environment Protection (Waste to Resources) Policy 2010	Nil	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.	David Waters	Completed	Submission into the Review of the Environment Protection (Waste to Resources) Policy 2010 endorsed by Council and submitted.	FALSE	
10/12/2024	Ordinary Council	448/24	CEO Performance Review Panel Membership	Material - Cr Adrian Cheater Material - Cr Kirsty Parkin.	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.	Zoe Gill	Completed	Updating members and new report for 28 for Presiding member.	FALSE	
10/12/2024	Ordinary Council	449/24	Council Resolutions Status Update	Nil	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	Zoe Gill	Completed		FALSE	
10/12/2024	Ordinary Council	452/24	Citizen of the Year 2025 Recommendations	General - Cr Leith Mudge General - Cr Malcolm Herrmann General - Cr Melanie Selwood General - Cr Kiriilee Boyd.	See confidential minute	Gary Lewis	Completed	The item has been released from confidence	FALSE	
28/01/2025	Ordinary Council	6/25	International Women's Day 2025 – Cr Mark Osterstock	Nil	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. Council supports IWD noting that it is a global day to reflect on progress, call for change and to celebrate the change and determination of those who have changed the face of gender equality. 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. 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.	Gary Lewis	In Progress	The administration is preparing the campaign for March 2025.	FALSE	
28/01/2025	Ordinary Council	7/25	Save our Wildlife Foundation Inc Project Proposal – Cr Nathan Daniell	Nil	Provide a report to Council by 25 February 2025 assessing the merits of SOWF's request for support made in their presentation at the 10 December 2024 meeting for 22 Wight Road, Stirling. The report is to include an assessment of the merits of the project and provide options for Council to consider. Consider holding a workshop regarding this item prior to Council considering the report.	David Waters	Completed	Feb 25 - Council workshop scheduled for 18 February with report to 25 February Council meeting	FALSE	

					<ol style="list-style-type: none"> 1. That the Funding – Stormwater Upgrade Junction Road, Bathannah report be received and noted. 2. To accept the State Government's offer to contribute \$300,233 toward the cost of upgrading stormwater drainage on Junction Road, Bathannah with thanks. 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. 6. That any significant and regulated trees needing removal be communicated to council via a report prior to removal. 7. To minimise the number of trees impacted by the works wherever possible. 	David Waters	In Progress	Administration in liaison with Department to finalise the funding agreement. Council has engaged a consultant to review the impact on potential tree removals to ensure minimal removals.	FALSE
28/01/2025	Ordinary Council	9/25	Funding – Stormwater Upgrade Junction Road, Bathannah	Nil					
					<ol style="list-style-type: none"> 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: The installation of a standards compliant accessible parking space in the Steamroller Park carpark The installation of an accessible picnic setting in Steamroller Park 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. 	David Waters	Not Started		FALSE
28/01/2025	Ordinary Council	10/25	Acceptance of Funding from Stirling Community Shop	Nil					
28/01/2025	Ordinary Council	11/25	Nominations for Deputy Mayor	Nil		Zoe Gill	Completed	- Website and comms complete. - Allowances complete. - Registers complete.	FALSE
					That the report be received and noted. 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. That the CEO advises the Adelaide Hills Region Waste Management Authority Board of Councils resolution prior to 8 February 2025.	Zoe Gill	Completed	Letter sent to the AHRWMA advising of resolution.	FALSE
28/01/2025	Ordinary Council	12/25	AHRWMA Reappointment of Audit and Risk Committee Independent Member	Nil					
					<ol style="list-style-type: none"> 1. That the report be received and noted. 2. That in relation to the Adelaide Hills Region Waste Management Authority Board: <ol style="list-style-type: none"> a. To appoint Cr Chris Grant to the Board Member position for a term to commence from 29 January 2025 and conclude on 28 January 2027 (inclusive) b. To appoint Mr David Waters to the Deputy Board Member position for a term to commence from 29 January 2025 and conclude on 28 January 2027 (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. 	Zoe Gill	Completed	Letter sent to AHRWMA advising of resolution.	FALSE
28/01/2025	Ordinary Council	13/25	AHRWMA Board Nominations	General - Cr Chris Grant					
					That the report be received and noted. To appoint Ms Vanessa Godden to the position of CEO Performance Review Panel Presiding Member to commence 29 January 2025 and conclude on 10 December 2025 (inclusive).	Zoe Gill	Completed	- Website, contact lists updated - Induction scheduled - Stakeholder advised	FALSE
28/01/2025	Ordinary Council	15/25	CEO PRP Presiding Member Appointment	Nil					
					That the CEO writes to the organisers and community groups who supported the Australia Day long weekend celebrations congratulating them on their excellent organisation for the long weekend and providing venues for the community to celebrate this important weekend.	Jess Charlton	Completed	Letters sent 17 February 2025 and included in correspondence for noting on 25 February 2025 Council Agenda	FALSE
28/01/2025	Ordinary Council	19/25	MWN - Cr Herrmann Australia Day	Nil					

11/02/2025	Ordinary Council	47/25	Ashton/Norton Summit CFS Site Lease Proposal	Nil	<p>Council resolves:</p> <ol style="list-style-type: none"> 1. That the report be received and noted. 2. That Council approves commencement of public consultation on the proposed twenty-one (21) year lease with the CFS, at a rental of \$1 per annum if demanded with a further option to renew for an additional twenty-one (21) years at the Ashton/Norton Summit CFS site situated at 5 Colonial Drive, Norton Summit SA 5136. The Land is contained within Certificate of Title Volume 5624 Folio 6. 3. That this report forms part of the Community Consultation report. 4. That the following community consultation is in accordance with Council's Community Consultation Policy: <ol style="list-style-type: none"> a. That if there is substantive community objections to the proposed Lease, a further report will be submitted to Council providing information on the outcomes of the consultation and proposed process to deal with the proposal moving forward. b. That if there are no substantive community objections, Council approves the signing of the twenty-one (21) year Lease. 5. That in the event that 4(b) applies, the Mayor and/or Chief Executive Officer or his delegate be authorised to sign all documents necessary, including attestation of the common seal if necessary, to give effect to this resolution. 	David Waters	In Progress	March 2025 - Public consultation to commence shortly	FALSE
11/02/2025	Ordinary Council	48/25	Woodside CFS Site Proposal	Nil	<p>Council resolves:</p> <ol style="list-style-type: none"> 1. That the report be received and noted. 2. That Council approves commencement of public consultation on the proposed twenty-one (21) year lease with the CFS, at a rental of \$1 per annum if demanded with a further option to renew for an additional twenty-one (21) years at the Ashton/Norton Summit CFS site situated at 5 Colonial Drive, Norton Summit SA 5136. The Land is contained within Certificate of Title Volume 5624 Folio 6. 3. That this report forms part of the Community Consultation report. 4. That the following community consultation is in accordance with Council's Community Consultation Policy: <ol style="list-style-type: none"> a. That if there is substantive community objections to the proposed Lease, a further report will be submitted to Council providing information on the outcomes of the consultation and proposed process to deal with the proposal moving forward. b. That if there are no substantive community objections, Council approves the signing of the twenty-one (21) year Lease. 5. That in the event that 4(b) applies, the Mayor and/or Chief Executive Officer or his delegate be authorised to sign all documents necessary, including attestation of the common seal if necessary, to give effect to this resolution. 	David Waters	In Progress	March 2025 - public consultation to commence shortly	FALSE
11/02/2025	Ordinary Council	51/25	Confidential Items Review	Nil	<p>Council resolves to defer Decision 3 to the Ordinary Council meeting of 25 February 2025 in order for the CEO to provide the Chamber with our policy and process on how we may best redact elements of the minutes which disclose the affairs of any person (living or dead) or information which is commercial in confidence so that the items may be released to the public.</p> <p>That the CEO undertake a process that enables elected members to proactively review items currently listed on our 'Confidential Items Register'.</p> <p>That a workshop be held by May 2025 to provide feedback in relation to the questions raised through this process. Consider any improvements that can be made to procedures for elected members to review items in confidence.</p>	Zoe Gill	Completed	Updated report provided to 25 February 2025 Council meeting.	FALSE
11/02/2025	Ordinary Council	57/25	Confidential Items Register	Nil	<p>That the Council refer the Petitions regarding the Representation Review be referred to CL Rowe and Associates Pty Ltd for consideration and advice to Council along with the other representations received.</p>	Zoe Gill	In Progress	Workshop scheduled for May 2025.	FALSE
11/02/2025	Ordinary Council	58/25	Proposed names for the Adelaide Hills Council Wards Petitions	Nil	<p>1. Council receives and notes the Code of Practice for Council Meeting Procedures [the Policy], Appendix 1.</p> <p>2. Effective forthwith, Council</p> <p>a) amends clause 3.8.1 [Mayor's Opening Remarks] of the Policy:</p> <p>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."</p> <p>TO - "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."</p> <p>b) Adds clauses 3.8.2-3.8.3 as follows: 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 4.8 of this Code of Practice.</p>	Zoe Gill	Completed	Petitions provided to CL Rowe as per resolution.	FALSE
25/02/2025	Ordinary Council	62/25	MON - Code of Practice for Council Meeting Procedures	Nil	<p>3. Effective forthwith, Council amends clause 4.8.1 [Addresses by Members] of the Policy:</p> <p>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</p> <p>That the petition signed by 43 signatories requesting the Adelaide Hills Council take urgent action regarding the recent erection of barricade fencing at the end of Branch Road, which has restricted access to Woorabinda Bushland Reserve be received and noted. That costings for a new set of compliant staves at this location be considered as part of the 2025-26 budget process. That the CEO advise the principal signatory of the Council's noting of the petition and of any resolutions relating to the matter.</p>	Zoe Gill	Completed		FALSE
25/02/2025	Ordinary Council	63/25	Restore safe access to Woorabinda Bushland Reserve from Branch Road	Nil	<p>1. The CEO or his delegate request AHRWMA to consider textile waste streams and opportunities to provide options for residents to recycle textiles, including the provision of a textile recycling collection point at the Heathfield Resource Recovery Centre or other suitable locations within the Adelaide Hills Council area;</p>	David Waters	In Progress		FALSE
25/02/2025	Ordinary Council	64/25	Textile Recycling	Nil	<p>2. That AHRWMA's response be reported to Council for consideration.</p>	David Waters	Not Started		FALSE

25/02/2025	Ordinary Council	65/25	Lenwood Main Street Beautification Program	General - Cr Chris Grant	<p>1. Council acknowledges the Deputation made to Council by Mr Steve Smith on behalf of the Lenwood and Forest Range Community Association proposing works to improve the amenity, beauty and safety of the Lenwood precinct, the Lenwood Beautification Project, including:</p> <ul style="list-style-type: none"> a. footpath widening and paving in the vicinity of the post office; passive traffic calming measures to slow traffic and improve safety such as tree planting, hard and soft landscaping, planter boxes and/or signage; reduction of the speed limit in Lenwood from 60kph to 50kph; pedestrian access on the north side of Lobethal Road between Lenwood Centennial Park and the Lenwood general store; construction of a pedestrian crossing point of some sort on Lobethal Road to increase the safety of children crossing the main road; plantings to beautify the Lenwood main street precinct and screen Lobethal road from unsightly properties; alter the geometry of the intersection of Lobethal and Swamp Road to better guide and smooth heavy traffic flow and discourage heavy vehicles cutting the corner; demarcate parking along Lobethal Road to accommodate a school bus stop, car parking and a heavy vehicle stopping point; provision of a bike lane or widened shoulder on the north side of Lobethal Road between the Post Office and Lenwood Cold Store to separate cyclists from heavy vehicle traffic. <p>2. That a high-level estimate of costs for further development and implementation of the project (potentially staged over multiple years) be developed for consideration as part of the Long Term Financial Plan and 2025-26 Annual Business Plan and budget setting process.</p> <p>3. That the CEO promotes the beautification project to the Department of Infrastructure and Transport with a view to undertaking a consolidated effort to further the project.</p> <p>4. That a summary of existing or future grant opportunities if any, be provided to Council which may assist in funding aspects of the Lenwood beautification project.</p>	David Waters	Not Started	<p>Lenwood and Forest Range Community Association proposing works to improve the amenity, beauty and safety of the Lenwood precinct, the Lenwood Beautification Project, including:</p> <ul style="list-style-type: none"> a. footpath widening and paving in the vicinity of the post office; b. passive traffic calming measures to slow traffic and improve safety such as tree planting, hard and soft landscaping, planter boxes and/or signage; c. reduction of the speed limit in Lenwood from 60kph to 50kph; d. pedestrian access on the north side of Lobethal Road between Lenwood Centennial Park and the Lenwood general store; e. construction of a pedestrian crossing point of some sort on Lobethal Road to increase the safety of children crossing the main road; f. plantings to beautify the Lenwood main street precinct and screen Lobethal road from unsightly properties; g. alter the geometry of the intersection of Lobethal and Swamp Road to better guide and smooth heavy traffic flow and discourage heavy vehicles cutting the corner; h. demarcate parking along Lobethal Road to accommodate a school bus stop, car parking and a heavy vehicle stopping point; i. provision of a bike lane or widened shoulder on the north side of Lobethal Road between the Post Office and Lenwood Cold Store to separate cyclists from heavy vehicle traffic. <p>2. That a high-level estimate of costs for further development and implementation of the project (potentially staged over multiple years) be developed for consideration as part of the Long Term Financial Plan and 2025-26 Annual Business Plan and budget setting process.</p> <p>3. That the CEO promotes the beautification project to the Department of Infrastructure and Transport with a view to undertaking a consolidated effort to further the project.</p>	FALSE
25/02/2025	Ordinary Council	66/25	22 Wright Road Stirling - Licence to Save our Wildlife Foundation Inc	Nil	<p>1. That the report be received and noted.</p> <p>2. That Council undertakes community consultation on the SOWFI proposal to establish a wildlife finishing school at 22 Wright Road, Stirling, being a portion of the Evelyn Halliday Reserve including the existing dwelling and immediate surrounds with a lease/licence period of up to 5 years. The consultation should include updating the community land management plan for the site to include this use.</p> <p>3. That the outcome of the consultation be reported back to Council in order for a decision to be made concerning leases and licences applicable to the proposal.</p> <p>That the report and Community Grants Review and Response 2025 in Appendix 1 be received and noted.</p> <p>With an effective date of 11 March 2025, to revoke the 27 April 2021 Grant Giving Policy and to adopt the 25 February 2025 Grant Giving Policy as per Appendix 2.</p> <p>That the Chief Executive Officer be authorised to make any formatting, nomenclature or other minor changes to the 25 February 2025 Grant Giving Policy as per Appendix 2.</p>	David Waters	Not Started	<p>3. That the CEO promotes the beautification project to the Department of Infrastructure and Transport with a view to undertaking a consolidated effort to further the project.</p>	FALSE
25/02/2025	Ordinary Council	67/25	Review of Grant Giving Policy and Grant Programs	Nil	<p>1. That the Innovate Reconciliation Action Plan report be received and noted.</p> <p>2. That Council adopt the Innovate Reconciliation Action Plan 2025 - 2026 as contained in Appendix 1.</p> <p>3. That the Chief Executive Officer be authorised to make any formatting, nomenclature or other minor changes to the Innovate Reconciliation Action Plan 2025-2026 as per Appendix 1.</p> <p>That the report be received and noted.</p>	Jess Charlton	Completed	<p>That the Council request an extension from the CFS for AHC's response to the CFS Survey into Bushfire Safer Places and Last Resort Refuges to allow Council the time to ensure the submission accurately reflects community feeling and concerns on Bushfire Safer Places and Last Resort Refuges.</p>	FALSE
25/02/2025	Ordinary Council	68/25	Innovate Reconciliation Action Plan	Nil	<p>1. That the report be received and noted.</p> <p>2. That Council adopt the Innovate Reconciliation Action Plan 2025 - 2026 as contained in Appendix 1.</p> <p>3. That the Chief Executive Officer be authorised to make any formatting, nomenclature or other minor changes to the Innovate Reconciliation Action Plan 2025-2026 as per Appendix 1.</p> <p>That the report be received and noted.</p>	Jess Charlton	Not Started	<p>That the Council request an extension from the CFS for AHC's response to the CFS Survey into Bushfire Safer Places and Last Resort Refuges to allow Council the time to ensure the submission accurately reflects community feeling and concerns on Bushfire Safer Places and Last Resort Refuges.</p>	FALSE
25/02/2025	Ordinary Council	70/25	CFS Review into Bushfire Safer Places and Last Resort Refuges	Material - Cr Adrian Cheater General - Cr Malcolm Herrmann	<p>1. That the report be received and noted.</p> <p>2. To consider funding the installation of traffic control and calming devices, at an approximate cost of \$57,000, as indicated in Appendix 2 as part of the 2025-26 Annual Business Plan and Budget development.</p> <p>3. To consider funding the installation of an emu school crossing at School Road, Lobethal, at an approximate cost of \$42,000, to improve safety within Mill Road vicinity as part of the 2025-26 Annual Business Plan and Budget development.</p>	David Waters	Not Started	<p>To receive and note the report titled "Confidential Items Review (deferred decision 3)" (Agenda Item 12.6, 25 February 2025 Council Meeting). That the minutes of the 8 February 2024 CEO Performance Review Panel and the 12 March 2024 Council Meeting be released from confidence.</p>	FALSE
25/02/2025	Ordinary Council	71/25	Road Safety Analysis Lobethal	Nil	<p>1. That the report be received and noted.</p> <p>2. To consider funding the installation of an emu school crossing at School Road, Lobethal, at an approximate cost of \$42,000, to improve safety within Mill Road vicinity as part of the 2025-26 Annual Business Plan and Budget development.</p> <p>3. To consider funding the installation of an emu school crossing at School Road, Lobethal, at an approximate cost of \$42,000, to improve safety within Mill Road vicinity as part of the 2025-26 Annual Business Plan and Budget development.</p>	David Waters	Not Started	<p>That the report be received and noted.</p>	FALSE
25/02/2025	Ordinary Council	72/25	Confidential Item Review (deferred decision 3)	Nil	<p>To receive and note the report titled "Confidential Items Review (deferred decision 3)" (Agenda Item 12.6, 25 February 2025 Council Meeting). That the minutes of the 8 February 2024 CEO Performance Review Panel and the 12 March 2024 Council Meeting be released from confidence.</p> <p>That the report be received and noted.</p>	Zoe Gill	Completed	Items released.	FALSE
25/02/2025	Ordinary Council	74/25	Adelaide Hills Tourism Funding Agreement	Nil	<p>That the one-year funding agreement, as contained in Appendix 1 including a contribution of \$115,669, with the Adelaide Hills Tourism be approved and that the Chief Executive Officer be authorised to make any minor changes or variations to the Agreement before execution by both parties or during the life of the Agreement.</p> <p>That the Chief Executive Officer be authorised to execute the Agreement on behalf of Council.</p>	Jess Charlton	Not Started	<p>That the one-year funding agreement, as contained in Appendix 1 including a contribution of \$115,669, with the Adelaide Hills Tourism be approved and that the Chief Executive Officer be authorised to make any minor changes or variations to the Agreement before execution by both parties or during the life of the Agreement.</p>	FALSE
25/02/2025	Ordinary Council	75/25	Procurement Policy Update	Nil	<p>That the Procurement Policy update be received and noted.</p> <p>With an effective date of 1 March 2025, to adopt the amendments as presented in the Procurement Policy as per Appendix 1.3. That the Chief Executive Officer be authorised to make any formatting, nomenclature or other minor changes to the Policy as per Appendix 1.</p>	Gary Lewis	Not Started	<p>That the Procurement Policy update be received and noted.</p>	FALSE
25/02/2025	Ordinary Council	76/25	Budget Review 2	Nil	<p>That the Budget Review 2 report be received and noted.</p> <p>To note that the Audit Committee considers that the Budget Review 2 has been prepared with appropriate due diligence, legislative compliance and reference to risk management.</p> <p>To note that the Audit Committee has considered and discussed the Budget Review 2 report and acknowledges that the adjustments are expected corrections as a result of previously identified accounting assumptions.</p> <p>To approve the proposed budget adjustments presented in Budget Review 2 which result in an increase in the Operating Deficit from \$1,728m to \$3,013m for the 2024-25 financial year due primarily to depreciation, interest expenses and legal fees. Changes to the Capital Works budget increasing capital expenditure by \$60,000 for the 2024-25 financial year resulting in a revised capital expenditure budget of \$20,648 million. A net borrowing result of \$34m. An Operating Surplus/(Deficit) Ratio of 14.9% compared to the 2024-25 target of 1-5% and BR1 of 12.9%. A Net Financial Liabilities Ratio of 55% compared to the 2024-25 target of 25-75% and BR1 of 56%. An Asset Renewal Funding Ratio of 132% compared to the 2024-25 target of 95-105% and BR1 of 133%.</p>	Gary Lewis	Not Started	<p>To note that the Audit Committee has considered and discussed the Budget Review 2 report and acknowledges that the adjustments are expected corrections as a result of previously identified accounting assumptions.</p> <p>To approve the proposed budget adjustments presented in Budget Review 2 which result in an increase in the Operating Deficit from \$1,728m to \$3,013m for the 2024-25 financial year due primarily to depreciation, interest expenses and legal fees. Changes to the Capital Works budget increasing capital expenditure by \$60,000 for the 2024-25 financial year resulting in a revised capital expenditure budget of \$20,648 million. A net borrowing result of \$34m. An Operating Surplus/(Deficit) Ratio of 14.9% compared to the 2024-25 target of 1-5% and BR1 of 12.9%. A Net Financial Liabilities Ratio of 55% compared to the 2024-25 target of 25-75% and BR1 of 56%. An Asset Renewal Funding Ratio of 132% compared to the 2024-25 target of 95-105% and BR1 of 133%.</p>	FALSE

25/02/2025	Ordinary Council	77/25	Review of Policies referencing the Mayor	Nil	<p>1. To receive and note the report.</p> <p>2. With an effective date of 4 March 2025, to revoke the Code of Practice for Access to Council Policy and to adopt the revised Code of Practice for Access to Council Policy at Appendix 2.</p> <p>3. With an effective date of 4 March 2025, to revoke the Complaint Handling Policy and to adopt the revised Complaint Handling Policy at Appendix 3.</p> <p>4. With an effective date of 4 March 2025, to revoke the Council Member Training and Development Policy and to adopt the revised Council Member Training and Development Policy at Appendix 4.</p> <p>5. With an effective date of 4 March 2025, to revoke the Council Member Training and Development Approval Form and to adopt the revised Council Member Training and Development Approval Form at Appendix 5.</p> <p>6. With an effective date of 4 March 2025, to revoke the Councillor Policy and to adopt the revised Councillor Policy at Appendix 6.</p> <p>7. With an effective date of 4 March 2025, to revoke the Internal Review of Council Decision Policy and to adopt the revised Internal Review of Council Decision Policy at Appendix 7.</p> <p>8. With an effective date of 4 March 2025, to revoke the Internal Audit Policy and to adopt the revised Internal Audit Policy at Appendix 8.</p> <p>9. With an effective date of 4 March 2025, to revoke the Behavioural Management Policy and to adopt the revised Behavioural Management Policy at Appendix 9.</p> <p>10. With an effective date of 4 March 2025, to revoke the Advisory Group Operation Conduct Policy and to adopt the revised Advisory Group Operation Conduct Policy at Appendix 10.</p> <p>11. That the Chief Executive Officer be authorised to make any formatting, nomenclature or other minor changes to the above policies. That the changes listed in the policies which remove powers from the Mayor and allocate them to the Deputy Mayor, are current until the end of the current Council term.</p>	Zoe Gill	Completed	FALSE
25/02/2025	Ordinary Council	76/25	Review of policies referencing the mayor	Material - Cr Nathan Daniell	With an effective date of 4 March 2025, to revoke the Council Members Allowance and Support Policy and to adopt the revised Council Member Allowance and Support Policy at Appendix 4. That the Chief Executive Officer be authorised to make any formatting, nomenclature or other minor changes to the above policies. That the changes listed in the policy which remove powers from the Mayor and allocate them to the Deputy Mayor, are current until the end of this current Council term.	Zoe Gill	Completed	FALSE
25/02/2025	Ordinary Council	80/25	Ashton Landfill	nil	See confidential resolution	David Waters	Not Started	FALSE
25/02/2025	Ordinary Council	87/25	Policy Amendments - Elected Members access to Legal Advice Policy	Nil	<p>1. That the report be received and noted.</p> <p>2. To note that the administration undertook a comprehensive review of the Mayor Seeking Legal Advice Policy and has proposed a number of amendments to the Policy.</p> <p>3. With an effective date of 4 March 2025, to revoke the Mayor Seeking Legal Advice Policy and to adopt the Elected Members Access to Legal Advice Policy, as provided for at Appendix 2.</p> <p>4. To authorise the CED to make any formatting, nomenclature or other minor amendments to the Policy.</p>	Zoe Gill	Completed	FALSE

**ADELAIDE HILLS COUNCIL
ORDINARY COUNCIL MEETING
Tuesday 11 March 2025
AGENDA BUSINESS ITEM**

Item:	12.5
Responsible Officer:	Zoë Gill Executive Governance Officer Office of the CEO
Subject:	Elector Representation Review (Community Consultation Outcomes)
For:	Decision

SUMMARY

An Elector Representation Review is held to examine fundamental aspects of a Council's composition and ward structure. This is a formal process which is closely regulated under the *Local Government Act 1999* (the Act) and is required to be conducted at least every eight years.

Council began the process of undertaking a review in mid-2024 and at the 24 September 2024 meeting resolved 'in principle' to consult on a three ward composition after consideration of a draft representation review report.

Council endorsed the draft representation review report at the 12 November 2024 meeting and resolved to undertake community consultation for a period of not less than three weeks on the draft report.

Council undertook a community consultation process between the dates of 18 December 2024 to 28 January 2025.

The purpose of this report is to present the outcome of the community consultation process to enable Council to carry into affect the final proposal.

RECOMMENDATION

Council resolves:

- 1. That the report be received and noted.**
- 2. That the Elector Representation Review Community Consultation Outcomes Report at Appendix 1 containing 58 valid submissions and 2 petitions is received and noted.**
- 3. The following proposal for the future composition and structure of the Adelaide Hills Council be carried into effect as follows:**

- a) **The principal member of Council continues to be a Mayor, elected by the electors for the area.**
 - b) **The Council elected body comprise a Mayor and twelve councillors.**
 - c) **The Council area be divided into three wards (as per the structure presented in the Representation Review Report dated November 2024 at Appendix 2).**
 - d) **The proposed wards be identified as the _____, _____ and the _____ Ward, with each Ward being represented by four Councillors.**
4. **The Chief Executive Officer be authorised to prepare and forward the necessary final report and documents to the Electoral Commissioner, pursuant to the provisions of Section 12 of the *Local Government Act 1999*.**
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1. **BACKGROUND**

Section 12(3) of the *Local Government Act 1999* (the Act) indicates that Council must undertake a ‘representation review’ to determine whether its community would benefit from an alteration to Council’s composition or ward structure. This review is required to be undertaken and completed during the period April 2024 – April 2025.

Council last undertook a review of its elector representation in 2016/2017, the outcome of which was:

- the retention of the then existing composition (i.e. a Mayor elected by the community and twelve (12) ward councillors); and
- the division of the Council area into two (2) wards (i.e. the Ranges Ward represented by seven (7) ward councillors and the Valleys Ward represented by five (5) ward councillors).

This elector representation arrangement came into effect at the Local Government elections in November 2018.

C L Rowe and Associates Pty Ltd was engaged to assist Council with the review process. Under their delegation powers, the Executive Governance Officer determined that the consultants were an organisation which is qualified to address the representation and governance issues that may arise with respect to the matters under review (as per the requirements of Section 12(5) of the Act).

An information and briefing session was conducted on the 5th August 2024 to generally inform members of the matters relevant to the review and the review process. Members were also provided with an “Information Paper” which contained general information pertaining to the review process and relevant key issues.

A further information and briefing session was conducted on the 2nd September 2024, at which time the elected members discussed a number of issues, including the number of elected members required to provide adequate and fair representation; and whether the Council area should continue to be divided into wards, or whether the existing ward structure should be abolished. Elected Members discussed the unique nature of the Adelaide Hills Council, its diverse communities, and geographic spread. The elected members were also provided with a “Discussion Paper” which provided further relevant information and

contained eight (8) ward structure options (as examples of how the Council area could be divided into wards), as well as information pertaining to the “no ward” alternative.

At the 24 September 2024 Council meeting, Members considered the Discussion Paper and resolved, in principle, that Council should consult on option 3 in the Discussion Paper:

12.6 Representation Review

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

347/24

Council resolves:

- 1. That this report be received and noted.**
- 2. To note that administration, under their delegation for the purposes of s12(5) of the *Local Government Act 1999*, was satisfied that C L Rowe and Associates Pty Ltd are qualified to address the representation and governance issues that may arise with respect to the representation review.**
- 3. That the Representation Review Discussion Paper – August 2024 prepared by C L Rowe and Associates Pty Ltd (*Appendix 1*) be received and noted.**
- 4. That in principle, Council should consult on Option 3 as detailed in *Appendix 1* for the future elector representation arrangement to come into effect at the next Local Government elections in 2026.**
- 5. That a draft “Representation Report” be prepared presenting Option 3 as detailed in *Appendix 1*.**
- 6. That the draft “Representation Report” be presented to Council, for consideration and endorsement, prior to the initiation of the public consultation process.**

Carried Unanimously

Option 3 was to retain the number of Councillors and to divide the Council into 3 wards with each ward having 4 Councillors.

At the 12 November 2024 Council meeting it was resolved to endorse the draft representation review report and commence public consultation.

12.5 Draft Representation Review Report

Moved Cr Adrian Cheater
 S/- Cr Nathan Daniell

393/24

Council resolves:

1. To receive and note the report titled "Draft Representation Review Report" (Agenda item 12.5, 12 November 2024 Council Meeting).
2. To approve the draft representation report in Appendix 1 of the Draft Representation Review Report (Agenda Item 12.5, 12 November 2024 Council Meeting) for public consultation, in compliance with the provisions of Section 12 (7) of the Local Government Act 1999.
3. To delegate to the Chief Executive Officer the discretion to make any formatting, nomenclature or other minor changes to the draft Representation Review Report for consultation purposes.
4. To delegate to the Chief Executive Officer the discretion to determine the final consultation dates, for a period not less than three (3) weeks.

Carried Unanimously

This report delivers the results of this public consultation for consideration by Council in determining the final elector representation arrangement.

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**

Legislative requirements regarding an Elector Representation Review are laid out in Division 2 *Powers of councils and representation reviews*, section 12(3) of the Act and the *Local Government (General) Regulations 1999* (the Regulations).

➤ **Risk Management Implications**

Undertaking the Representation Review in accordance with the requirements of legislation and engaging in genuine consultation 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)	Medium (3D)	Medium (3D)

Note that there are many other controls that assist in mitigating this risk.

➤ **Financial and Resource Implications**

An external consultant CL Rowe and Associates has been engaged by Council to assist during the Representation Review process.

This is at a capped fee of \$15,000 which is inclusive of research, consultation with Council, preparation and presentation of Ward structure options, preparation and presentation of a discussion paper, preparation of a representation report for public consultation, preparation and the presentation of public consultation notices and other documents, examination of public submissions, preparation of a final report and consultation with Electoral Commission SA throughout the assessment of the final report.

There are some small costs associated with the public consultation process which are budgeted for within the departments standard operating costs.

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

Through the Representation Review process Council will consider whether the Adelaide Hills community may benefit from an alteration to its composition and/or ward structure.

➤ **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: Workshops delivered to Elected Members on the 5th August 2024 and the 2 September 2024.

Advisory Groups: Not Applicable.

External Agencies: C L Rowe and Associates Pty Ltd.

Community: Public Consultation undertaken as detailed in **Appendix 1**.

➤ **Additional Analysis**

Representation Review Report Consultation Results

At the conclusion of the consultation 28 January 2025, Council had received 58 submissions in the following formats: email, online survey, hard copy response form. Council also received 2 petitions. The Elector Representation Review Public Consultation Report (*Appendix 1*) contains analysis of the submissions received. This is summarised below.

Of the 58 submissions, fifty (50) on-line submissions and eight (8) written submissions were received. Two (petitions) were also received. Of the fifty-eight (58) submissions received, thirty-four (34) or 58% supported the proposed three-ward structure; fifteen (15) or 26% opposed the proposed ward structure; and nine (9) or 16% were uncertain or unclear.

Whilst the receipt of fifty-eight submissions is a very small sample size of the local community, it is clear that there is more support amongst the respondents for the Council proposal. The stated reasons for support included:

- More logical than existing ward structure.
- Consistent level of representation in the proposed wards.
- Three wards provides the best compromise between strength of representation and community fit.
- Fairer way to represent the differing economic and lifestyle composition of the Council area.
- Appears to ensure relevant communities of interest with similar demographics are linked together.
- The two ward structure has failed, and parts of the Council area received no elected member support or visibility.
- It is simple and efficient, provides good representation and reasonable workloads for the councillors.
- The Council area is large and three wards will allow for a more focused approach; and residents and businesses will be better represented by the local councillors.

The primary concerns of the respondents who opposed the proposed ward structure included the following.

- There should be more wards with lower levels of ward representation (e.g. one or two councillors per ward).
- The proposed wards are too large in area and will result in excessive workloads for the ward councillors.
- A change from the current structure is not needed.
- Ward structures are obsolete.
- The proposed ward structure puts suburbs in the same ward as country towns; and splits areas that already have a strong association and places them in a ward with localities that they have no association with.
- Montacute and Castambul are lumped in with other suburbs that have nothing in common with the Montacute area.
- The existing two-ward structure is considered to provide better outcomes for the Council area as a whole.
- The current and proposed ward structures are considered to be undemocratic and dysfunctional. Should have twelve (or ten or eight) wards based around existing township communities, each represented by one councillor.
- Oakbank and Balhannah share rural and semi-rural characteristics, a strong historical connection, and common social and economic interests, which are vastly different from the suburban priorities of Rostrevor.
- No wards is the most democratic possible structure, allowing residents maximum say and maximising the strengths amongst councillors.
- Bridgewater should be included in proposed Ward 3 with Crafers, Stirling and Aldgate.

As for the two (2) petitions, these collectively contained four hundred and thirteen (413) signatories who expressed support to have the proposed wards named Torrens, Onkaparinga and Cox after local watercourses. This is a considerable response which warrants consideration by Council. Council considered the Petitions under its *Petitions Policy* at the 11

February 2025 Council meeting and it was moved that the Petitions be provided to the consultant for consideration with other submissions.

8.1 Petitions

8.1.1 Proposed names for Adelaide Hills Council wards

Moved Cr Malcolm Herrmann
S/- Cr Kirsty Parkin

45/25

1. Council resolves that the petitions signed by 413 signatories requesting that in regard to the Representation Review, that Council assigns the names of the wards as follows:

- North Ward – to be named Torrens Ward
- Central Ward - to be named Onkaparinga Ward
- South Ward - to be named Cox Ward

be received and noted.

Carried Unanimously

The Electoral Commission SA has indicated that it would likely accept the renaming of the proposed wards to the aforementioned (or similar) as a minor variation to the proposal which was presented to the community during the public consultation stage of the review. This being the case, no further consultation in regard to this particular issue will likely be required.

It should be noted that whilst Cox Creek does run through small parts of the boundaries of Ward 3, the substantial pathway of Cox Creek runs through Piccadilly towards Bridgewater which is mostly through Ward 2. Other waterways which could potentially be used as waterways options in Ward 3 are Aldgate Creek, Leslie Creek or Hadrian Creek. Additionally, whilst the Onkaparinga River does run through substantial areas of Ward 2 it also runs through Ward 3. **Appendix 3** identifies the location of relevant waterways in the proposed Wards.

In contrast, 42% (n=21) of survey respondents preferred using 'directions' for the name of wards.

Determination of Proposal

Taking into consideration the requirements of s12 of the Act including, but not limited to, the consultation feedback received, the principles under s26(1)(c) and the matters referred to in s33 (see *Appendix 2*), the next step of the representation review process is for Council to determine the status of its proposal. There are two options:

Option 1: Affirm (endorse) the final position on the future structure and composition and finalise the Representation Review Report in a timely manner

To do so Council will need to resolve to endorse the future composition and structure.

In accordance with s12(11) Council may include in its report any recommendations with respect to such related or ancillary matters as it thinks fit. Any requests for the administration to include such matters could be added to the resolution. Council must also resolve on the final names for the 3 proposed wards.

Additionally, Council will need to resolve for the Chief Executive Officer (CEO) to develop the final report to the Electoral Commissioner on the representation review process in accordance with the requirements of the Act.

In doing so, it is recommended that Council delegate the power to the CEO to lodge the final report on Council's behalf.

Option 2: Resolve to adopt an alternate course of action

Should Council determine not to proceed with the current '3 wards' proposal or not do so in a timely manner to meet the timeframe set by the Electoral Commission (i.e. submission of the Final report on or before 30 April 2025), there are no other valid options open to Council (without likely breaching the provisions of s12).

A failure to submit the Final Report on or before 30 April 2025, would likely be a trigger for the Electoral Commissioner to exercise his powers under s12(20) to 'take such action as, in the circumstances of the particular case, appears appropriate to the Electoral Commissioner and may then, by notice in the Gazette, give effect to a proposal that could have been carried into effect by the council under this section.' This also carries a maximum penalty of \$2500 s12(19).

Next Steps

On the reasonable assumption that Council resolves to affirm the '3 wards' proposal and lodge the Final Report, the structure of the report will indicatively be as follows:

1. Introduction
2. Background
3. Proposal
4. Review Process
5. Public Consultations
6. Proposal Rationale (in the form of the Representation Review Report including how it addresses the provisions of ss26 & 33)
7. Conclusion
8. Appendices (containing copies of the public notices, Options Paper and Representation Review Reports, Submissions Reports and Council Agenda Reports and Minutes)

In considering the lodged Final Representation Review Report, the Electoral Commissioner must determine whether the requirements of Section 12 have been satisfied and then under s12(13):

- a) if of the opinion that the requirements have been satisfied—give an appropriate certificate, or
- b) if of the opinion that the requirements have not been satisfied—refer the matter back to the council together with a written explanation of the reasons for not giving a certificate under this subsection.

Once a certificate is provided, Council must, under s12(15)(b) by notice (or notices) in the Gazette, provide for the operation of the proposal that it has recommended in its report.

3. OPTIONS

Council has the following options:

- I. Council to carry into effect the Representation Review Proposal delegating to the CEO to prepare and submit a report for ECSA. (Recommended)
- II. Resolve to adopt a different course of action (Not Recommended)

4. APPENDICES

- (1) Elector Representation Review Community Consultation Outcomes Report
- (2) Elector Representation Review Report
- (3) Waterways locations in proposed ward maps

Appendix 1

*Electoral Representation Review Community Consultation
Outcomes Report*

Electoral Representation Review Community Consultation Outcomes Report

February 2025



Adelaide Hills
COUNCIL

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1 INTRODUCTION

This report presents feedback received from 18 December 2024 to 28 January 2025 as part of the Elector Representation Review process.

This report will be presented to Council on Tuesday 11 March 2025 and made available to those who participated in the consultation on Council’s Engagement Platform after this date.

The consultation comprised an opportunity for the Community to provide feedback via hardcopy and online submission as well as providing submissions by email, letter, and phone contact. A copy of information provided on Council’s Engagement Platform and submission form is available in Appendix A.

There was a total of 58 participants providing feedback on the Elector Representation Review. 48 respondents provided their feedback by online submission form and 2 via hardcopy feedback form. A further 8 participants provided a response by email. In addition to this, 2 petitions were received with 413 participants signing a petition.

All email submissions are provided in Appendix B.

Social media posts, email blasts and advertisements are provided in Appendix C.

2 SUMMARY OF ENGAGEMENT

2.1 BACKGROUND

Representation reviews are a legislated requirement under Section 12(4) of the *Local Government Act 1999* and are generally undertaken every eight years. The key issues that need to be addressed during these reviews include:

- the number of elected members of Council that are required to provide fair and adequate representation to the community;
- the division of the Council area into wards, or alternatively the abolition of wards; and
- if applicable, the preferred future ward structure, the level of ward representation and the name/title of any proposed future wards.

A Representation Review Report was prepared reflecting the current position of the Council and set out what Council believed should be carried into effect at the next Local Government elections. It provided information and analysis relevant to the composition and structure of Council. In summary it proposed:

- The principal member of Council will be a Mayor elected by the community (as per the requirements of Section 51 of the Act).
- The future elected body of Council will comprise the Mayor and twelve (12) ward councillors.
- The Council area will be divided into three (3) wards, with each of the proposed wards being represented by four (4) councillors.
- The proposed wards will be identified as North, central and South, noting that the consultation sought community views on how the wards should be named.

The consultation presented the Representation Review Report and provided the opportunity for the Community to share their thoughts prior to any final decision being made in respect to Council's future composition and/or structure.

2.2 COMMUNITY ENGAGEMENT STRATEGY

A community engagement strategy was developed, and consultation was undertaken with the Community over 42 days from Wednesday 18 December 2024 to Tuesday 28 January 2025.

The consultation was undertaken in accordance with Section 12(4) of the *Local Government Act 1999* and Council's *Public Consultation Policy*.

2.3 ENGAGEMENT APPROACH

The Council's engagement approach aimed to provide information, collect and collate community feedback about people's level of support for a three-ward structure, thoughts on ward names, and retention of an Elected Mayor and 12 ward Councillors. Feedback could be provided via an online or hardcopy submission form, email, mail, or phone.

A simple submission form was developed and provided online and in hardcopy format. It contained 12 questions, including both closed and open style questions. Questions were designed to seek the level of support Participants had for the proposed ward structure and retention of an elected Mayor and 12 ward Councillors, preference for ward names and opportunity to raise any concerns or other feedback.

Anyone could participate in the consultation with submission forms and information made available online and in hard copy at our customer service centres and libraries at Gumeracha, Stirling, Woodside and Norton Summit.

A copy of information provided and the submission form is included in Appendix A.

2.4 DISTRIBUTION AND PROMOTION

The opportunity to provide feedback was promoted through a number of channels including:

- Advertisement in Courier (18 December 2024)
- Email to January Hills Voice Subscribers (18 December 2024 – 4119)
- Adelaide Hills Council Website and Community Engagement Hub Page
- Email Campaign via campaign monitor (18 December 2024 – 12,829)
- Email Campaign via Engagement Hub (18 December 2024 – 1952)
- Email to Mayor and Elected Members to share
- Social media posts x 5
- Hardcopy information and submission forms available at customer service centres and libraries.

Email and social media promotion statistics are presented below:

Media	Number of posts	Emails opened	Engagement (reaction, comment, share or opening link)
Facebook	2	n/a	20
Linked In	1	n/a	6
X	2	n/a	72
Email Blast	2	7284	305

All email blasts, advertisements and posts are provided in full in Appendix C.

3 PARTICIPANTS

This section provides details about participation during the engagement period and demographic information about respondents who completed a submission and/or provided an email.

Engaged participants are considered to be those who were not only aware of and informed about the consultation process but who also chose to provide their feedback. The number of aware and informed people who chose not to provide feedback is presented within the table below:

Table 1 Aware, informed and engaged community

	Email	Social Media	EHQ Platform
Aware <i>Sighted information that the consultation was open</i>	7284	-	518
Informed <i>Accessed information via visiting multiple sites or downloading information</i>	305	98	363
Engaged <i>Provided feedback</i>	Unknown		50

An interesting note about the informed group of 363 people in the EHQ platform, is that 323 of them downloaded a document and 161 of them visited multiple pages within the engagement project page and 50 decided to provide their feedback.

3.1 PARTICIPATION RATE

The following table displays the level of engaged participants who provided feedback.

Table 2 Level of Participation

Activity	Number Participating
Online submissions	48
Hardcopy submission form	2
Written response –email, letter, submission	8
Petition (addressing part of the consultation)	2
TOTAL CONSULTATION PARTICIPATION	58 plus 2 petitions

3.2 PARTICIPANT CHARACTERISTICS

Demographic data was collected from respondents on the suburb/township in which they lived, their age range and what their connection was to the hills.

Respondents Suburb

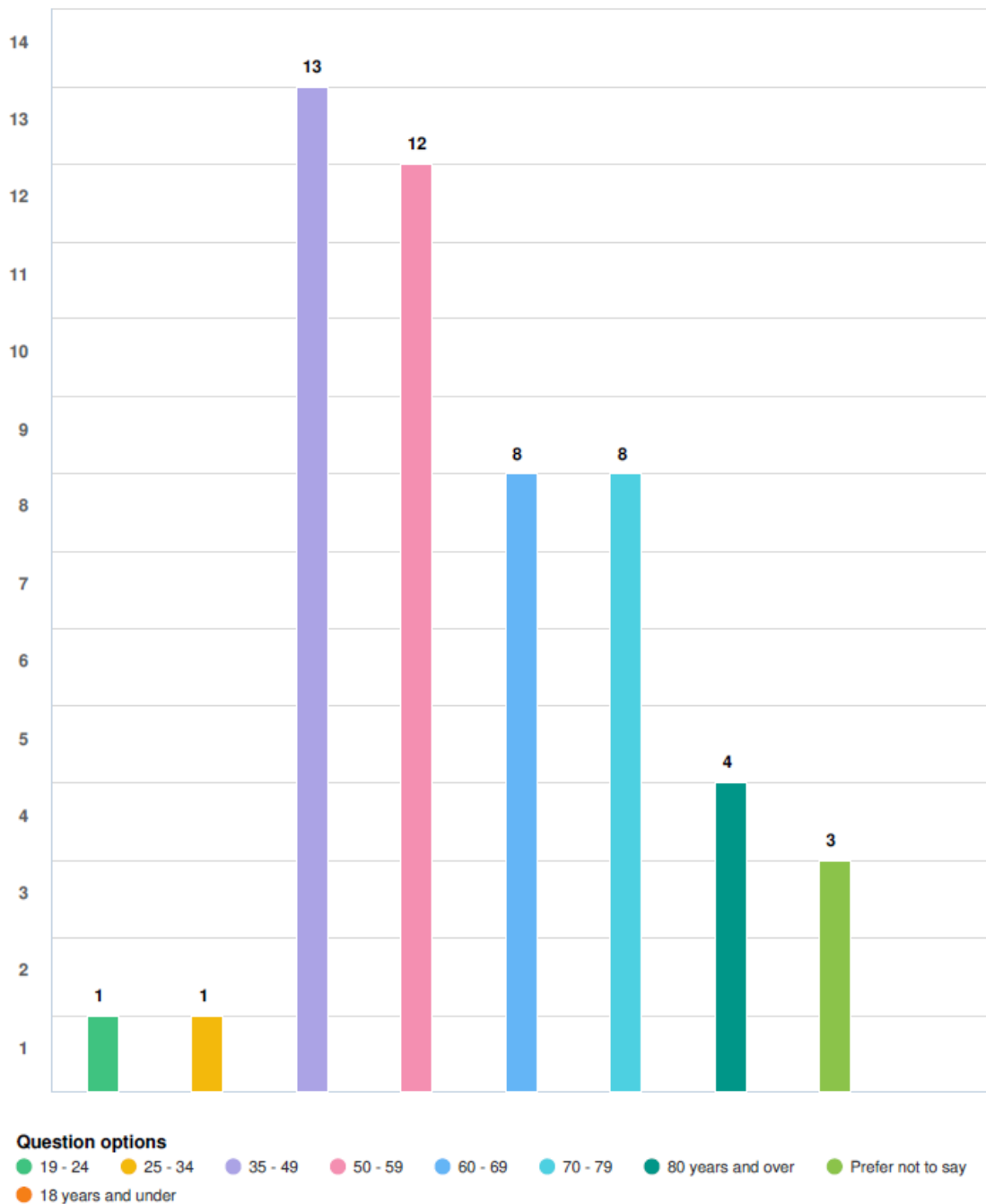
Respondents were asked if they could provide the suburb/township in which they resided. This was a mandatory question with 50 submission responses.

SUBURB	No. of Respondents	Current Ward
STIRLING, SA	6	Ranges
BALHANNAH, SA	4	Valleys
BRIDGEWATER, SA	4	Ranges
GUMERACHA, SA	4	Valleys
LOBETHAL, SA	4	Valleys
ALDGATE, SA	3	Ranges
MONTACUTE, SA	3	Ranges
OAKBANK, SA	3	Valleys
IRONBANK, SA	2	Ranges
PARACOMBE, SA	2	Valleys
WOODSIDE, SA	2	Valleys
BIRDWOOD, SA	1	Valleys
BRADBURY, SA	1	Ranges
CHARLESTON, SA	1	Valleys
CRAFERS WEST, SA	1	Ranges
FOREST RANGE, SA	1	Valleys
FORRESTON, SA	1	Valleys
GREENHILL, SA	1	Ranges
HUMBUG SCRUB, SA	1	Valleys
KERSBROOK, SA	1	Valleys
MOUNT TORRENS, SA	1	Valleys
MYLOR, SA	1	Ranges
UPPER STURT, SA	1	Ranges
WOODFORDE, SA	1	Ranges

Respondents Age Range

Respondents were asked to select their age range. This was a mandatory question with 50 submission responses. As seen in the chart over the page the highest response rates came from the 35-59 age groups (n=25) and the 60-79 age groups (n=16).

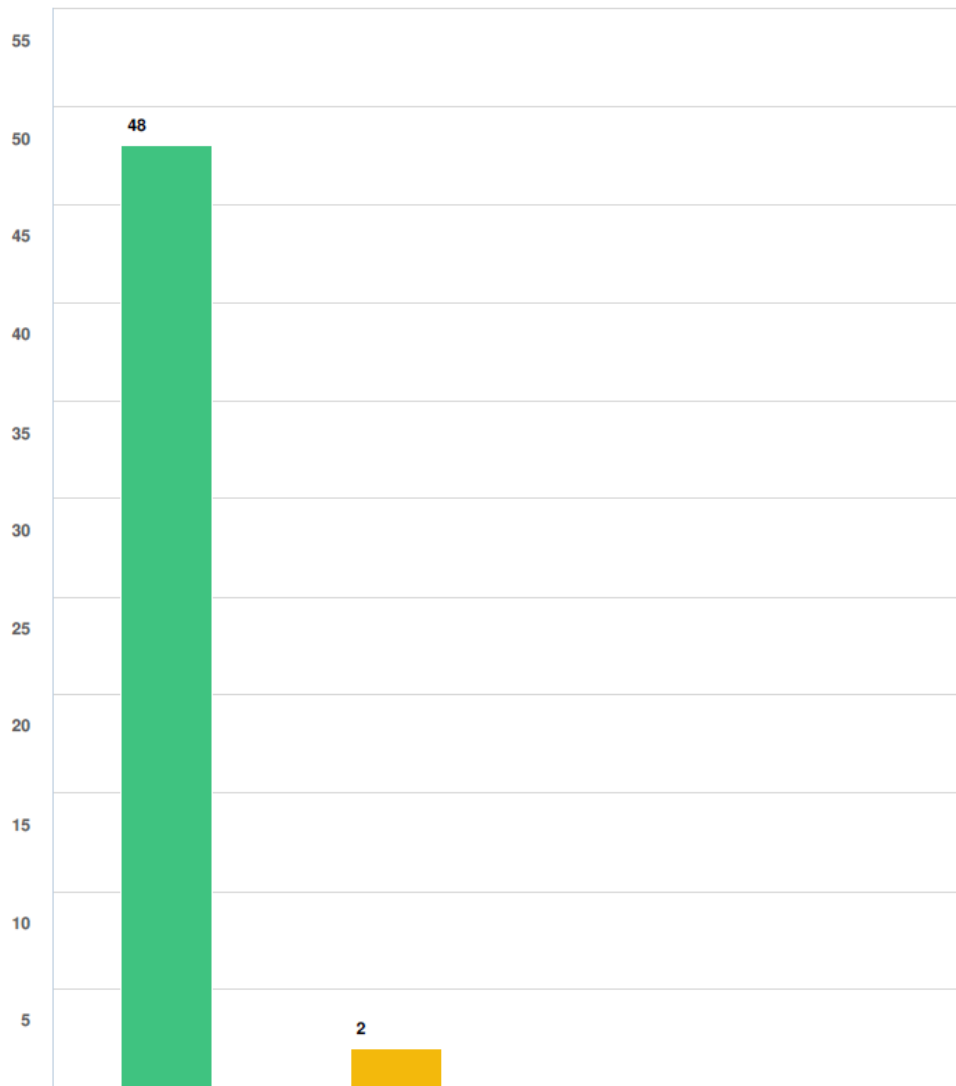
Chart 1 Respondents age range



Respondents Connection to the Hills

Respondents were asked what their connection was to the Adelaide Hills Council area. This was a mandatory question with 50 submission responses. As seen below almost all respondents (n=48) were residents or ratepayers of the Adelaide Hills Council area.

Chart 2 Respondents connection to the Adelaide Hills Council area



Question options

- AHC Resident or Ratepayer ● AHC Business Owner ● Visitor to the Adelaide Hills ● Other (please specify)

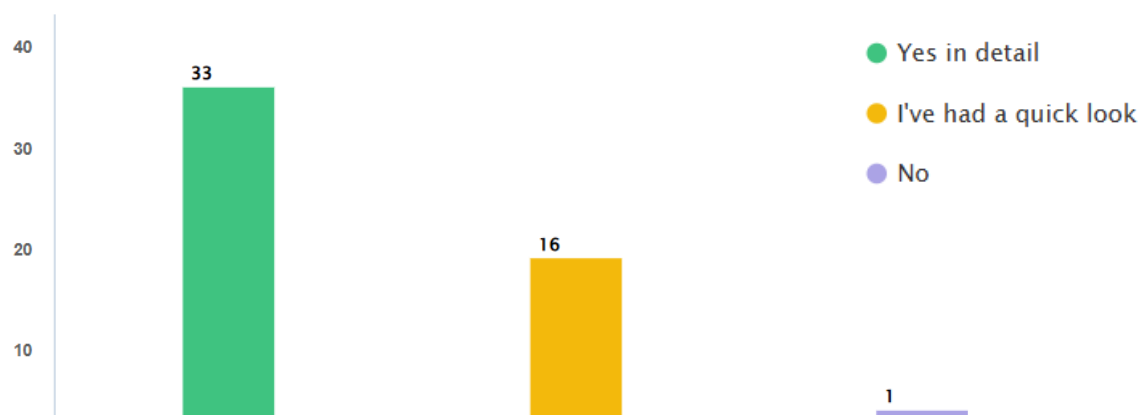
4 ONLINE SUBMISSION FEEDBACK

50 online submission responses were received as part of this consultation. Analysis of questions in the submission form for the Elector Representation Review are provided below.

4.1 WHO READ THE REPRESENTATION REVIEW REPORT

Respondents were asked if they had read the Representation Review Report. This was a mandatory question with 50 Respondents. As presented below 66% (n=33) of Respondents said they had read the Representation Review Report in detail while 32% (n=16) said they had a quick look. One Respondent did not read the Representation Review Report.

Chart 3 Respondents reading of the representation review report

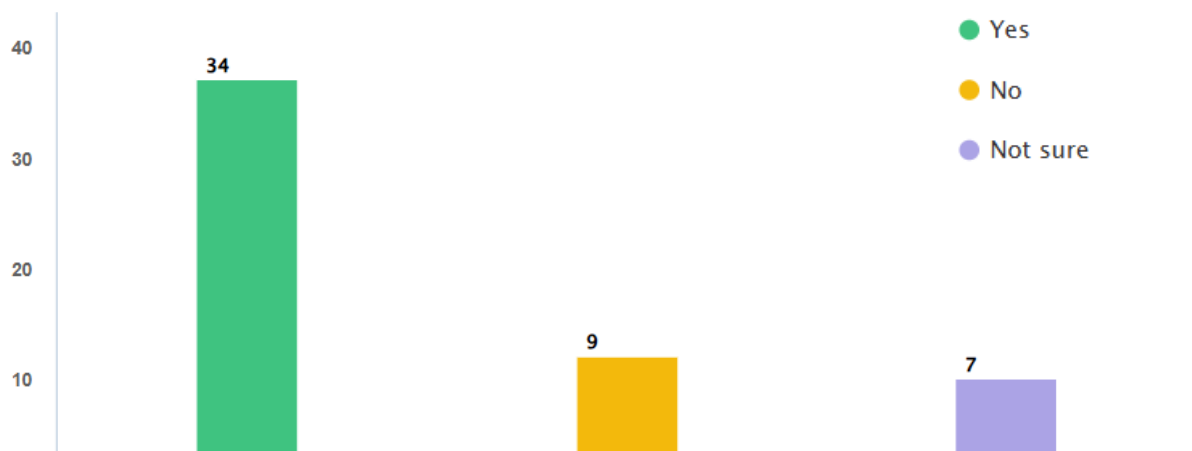


4.2 LEVEL OF SUPPORT FOR A THREE-WARD STRUCTURE

Respondents were asked if they supported a three-ward structure. As presented below:

- 68% (n=34) supported the three-ward structure
- 18% (n=9) did not support the three-ward structure
- 14% (n=7) said they were not sure.

Chart 4 Respondents level of support for a three-ward structure



Respondents who supported the three-ward structure were provided with the opportunity to share why they supported it. 30 Respondents provided a response, a general summary of which are presented below:

- More logical than existing ward structure.
- Consistent level of representation in the proposed wards.
- Three wards seems to provide the best compromise between strength of representation and community fit.
- Prefer four wards but three wards is better than two wards.
- Prefer three councillors per ward and an elected Mayor.
- Prefer six wards with two councillors per ward.
- Should afford the opportunity for closer relationships between the community and the ward councillors.
- Localising candidates to smaller wards will hopefully give them an opportunity to talk to more people and get feedback on the many issues in the area that need resolving.
- Fairer way to represent the differing economic and lifestyle composition of the Council area.
- Appears to ensure relevant communities of interest with similar demographics are linked together.
- The interests of each ward differ enough from each other to warrant separate representation.
- Better representation of local issues.
- The structure proposed seems to better ensure a balance of the natures of the communities the wards would include.
- The two ward structure failed, and parts of the Council area received no elected member support or visibility, with preferences going to the higher profile areas.
- It provides a greater representation of the differing population in the AHC. One basically rural, one basically hills dwellers and the third being a mixed community that

is most likely to be a demographic of change. The differing groups each represent what residing in the Adelaide Hills is all about to them, protecting them from wholesale change while considering the inevitable change that will take place as population grows.

- It is simple and efficient, provides good representation and reasonable workloads for the councillors.
- Allows for the election of candidates from least populated areas to represent their community rather than being overridden by the larger townships. Also recognises the different land uses, the larger towns versus the villages interspersed with agricultural and rural land uses.
- The two-ward change occurred with considerable scepticism at the time with electors in the "outlying" areas expressing concern that their representative voice could become diluted.
- The Council area is large and three wards will allow for a more focused approach; and residents and businesses will be better represented by the local councillors.
- It will be easier to know which councillor to approach and localise the sense of belonging to the Adelaide Hills Council.

The receipt of thirty-four on-line submissions favouring Council's proposed future representation arrangement represents 68% of the on-line submissions received. However, Council will need to determine what weight it applies to these submissions, given that thirty-four respondents actually represents only a very small sample of the local community (i.e. approximately 0.008% of the estimated population, as at June 2023; or 0.11% of the eligible electors in the Council area, as at 31st January 2025).

Respondents who did not support the three-ward structure or weren't sure were provided with the opportunity to share their concerns or opinions about the proposed structure. 12 respondents provided a response which are presented below:

- Bridgewater should be included in proposed Ward 3 Crafers, Stirling and Aldgate, as it has always been viewed as part of this urban condominium and does not have anywhere near as strong community connections with Verdun, Balhannah, or Summertown-Uraidla.
- There should be more wards with lower levels of ward representation (e.g. one or two councillors per ward). The proposed wards are too large in area and will result in excessive workloads for the ward councillors. It's not fair or practical for residents and businesses to have such a dispersed, unfocussed representation. The only thing that will be accomplished post-2026 is a watering down of representation.
- A change from the current structure is not needed.
- Not enough people representing such a diverse area.
- Leave it as it is, we do not need or afford to spend money on this whilst we have unsafe local roads, no footpaths, no street lighting and overgrown verges.
- Ward structures are obsolete.
- Return to more wards (2 or 3 councillors per ward) otherwise Council risks failing to do what they were established to do - provide adequate local representation to advocate on behalf of a community.

- The proposed ward structure puts suburbs in the same ward as country towns; and splits areas that already have a strong association and places them in a ward with localities that they have no association with.
- Montacute and Castambul are limped in with other suburbs that have nothing in common with the Montacute area.
- Oakbank and Balhannah share rural and semi-rural characteristics, a strong historical connection, and common social and economic interests, which are vastly different from the suburban priorities of Rostrevor.
- No wards is the most democratic possible structure, allowing residents maximum say and maximising the strengths amongst councillors.

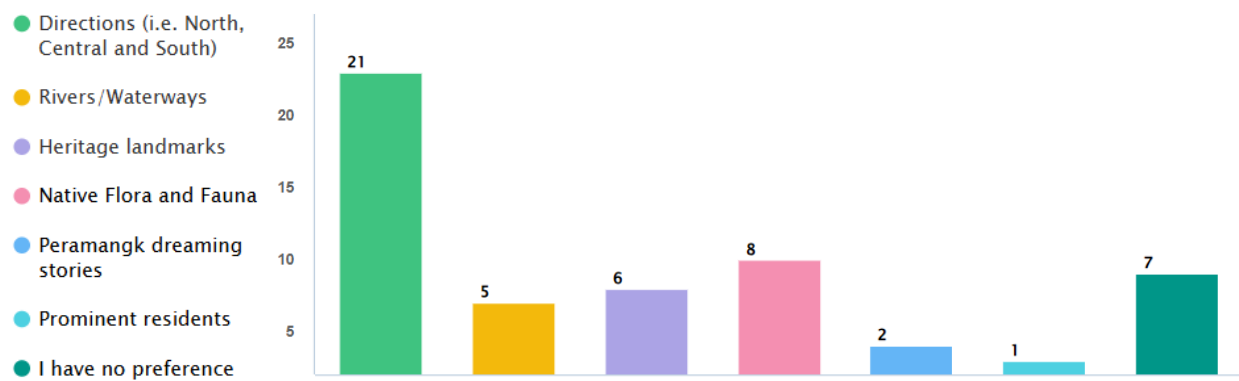
Of the on-line respondents, a total of sixteen (32%) either opposed the proposed ward structure or were uncertain about it. Whilst this represents a very small sample of the local community, the submissions do provide some indication of the concerns of a section of the community.

It should also be noted that an objective of the representation review should be to uphold the democratic principle of “one person, one vote, one value”. As such, one of the primary aims of the review should be to divide the Council area into wards which either have a similar number of electors within each of the proposed wards, or alternatively similar elector ratios (under circumstances where there are differing levels of representation between the proposed wards). Unfortunately, given the varying distribution of electors throughout the Council area, it is not always achievable that similar or neighbouring communities can be contained within the same ward.

4.3 RESPONDENTS PREFERENCES FOR WHAT THE WARDS SHOULD BE NAMED AFTER

Respondents were asked if they had a preference as to what they thought the wards should be named after. This was a mandatory question with 50 respondents. As presented below the most highly selected option that was provided was 'directions' with 42% (n=21) of respondents selecting this option. The second most selected option was 'native flora and fauna' with 16% (n=8) of respondents selecting this option. There were 14% (n=7) of respondents who had no preference.

Chart 5 Respondents preferences for what wards should be named after



Respondents were then asked if they had any further comments and/or suggestions regarding the proposed themes for the ward names. 33 respondents provided further feedback. Below is a general summary of the responses received:

- Use locally recognisable names if possible for each ward. If not North, Central, South works, but it's generic.
- Rivers (e.g. Torrens and Onkaparinga) would unambiguously characterise the geography of the wards, but the suggested southern ward would be hardest to name.
- Stay functional.
- Floral names.
- To what we all knew and understood (Torrens Valley, Stirling, Onkaparinga and/or local landmarks).
- Preference for direction or area landmarks to make geographical identification easier.
- Recognise the wonderful people who have done great things in their area, or indigenous native flowers or north south and central.
- Simple descriptive names.
- Names should be simple, easy to pronounce and immediately signal their physical location.

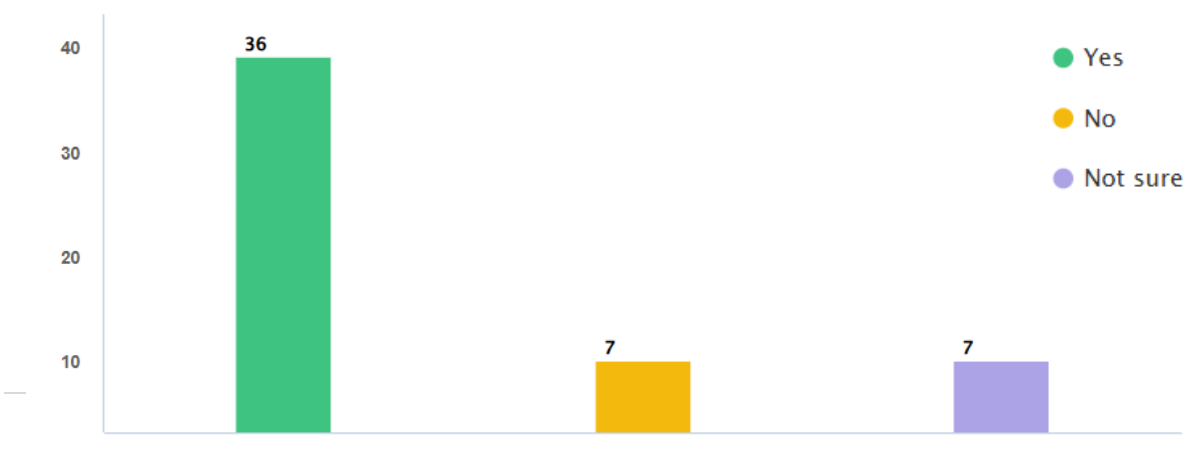
- Keep the names simple such as a "directions" based name to eliminate any arguments over suitable/acceptable indigenous/prominent people or location names which would cause undue argument/unrest/resentment within the community.
- Any ward names should be relevant and easily comprehensible by all ratepayers (who will be the main people referencing the ward names), e.g. well-known landmarks or endemic native flora and fauna, rather than choosing obscure names from Indigenous dreaming stories.
- Definitely not prominent residents as this is a denial of the history of our region, extending way beyond the settlement of Europeans.
- Most people can relate to North, Central, South.
- Names need to be practical, and should allow easy recognition of where they represent. Vague names without easy recognition are detrimental to the requirements of the review.
- The names of the wards have nothing to do with how well the council operates, should seek to achieve a functional council that appropriately represents its residents.
- North, Central and South is so unimaginative.
- Maybe subject to a further round of consultation or some form of competition.

Electoral Commission SA (ECSA) has been consulted over the potential ramifications of amending the proposed ward names at this late stage of the review process. The response received indicates that, while ECSA cannot make a final determination at this stage, ECSA would likely consider the renaming of the proposed wards as a minor variation to the proposal which was initially presented to the community and, as such, would not likely require further public consultation.

4.4 RESPONDENTS LEVEL OF SUPPORT TO RETAIN AN ELECTED MAYOR AND TWELVE (12) WARD COUNCILLORS

Respondents were asked if they supported the Council proposal to retain an elected Mayor and twelve (12) ward Councillors. This was a mandatory question with 50 respondents. As presented below 72% (n=36) of respondents were supportive of retaining an elected Mayor and twelve ward Councillors. 14% (n=7) did not support this and 14% (n=7) were not sure.

Chart 6 Respondents supporting retaining an elected Mayor and twelve ward Councillors



Respondents supporting retaining an elected Mayor and twelve Ward Councillors were asked if they could share why they supported this. 28 Respondents provided their feedback regarding their support, a general summary of which is presented below:

- No reason to change.
- More representatives shares the workload, but also gives electors better access to representatives.
- Provides adequate representation.
- With twelve proposed councillors the workload may become excessive and limit the councillors ability to make representations on behalf of their electors.
- Fair representation of the community's interests.
- The geographic spread of the Council area requires twelve councillors.
- Sufficient representatives are required to share the workload if the work is to be done with due diligence
- This is sufficient looking at other councils ratios.
- Better represents a democratic system.
- Provides a reasonable workload for members. Smaller wards make it possible for members to better cover the area.
- It has worked well for a long time.
- Divides the numbers of councillors per ward evenly and the Mayor has the deciding vote. True democracy.
- It is representative without being cumbersome.
- Symmetry. The ratio of electors to Councillors seems a bit low compared to many other councils.
- An elected mayor is required
- Twelve councillors is a lot, but we are the biggest council, by area, and this number allows better representation.
- Logical.
- Ensures a reasonable range of opinions to be present on council. Any reduction will reduce the diversity.
- Council needs to be of a size that allows good communication. This seems the right size.
- Will provide a better representation of the needs and feel of the respective wards.
- It works well.

Council is reminded that Section 51 of the *Local Government Act 1999* specifies that the principal member of Council must be elected as a representative of the area as a whole or appointed (by the Governor under circumstances prescribed under Section 10 of the Act); and is to be called mayor. The Act no longer affords any alternative.

Respondents who did not support or were not sure about supporting an elected Mayor and twelve Ward Councillors were asked if they could share what concerns or opinions they had regarding this. 11 Respondents provided their feedback regarding this, a general summary of which is presented below:

- Too many representatives for the area, six plus a mayor would be ample
- A diverse range of people as ward councillors is a great idea. The single Mayor is unnecessary and could facilitate corruption/single-minded/selfish ideals.
- Limit of three members per ward.
- Fears of being overworked is not suitable justification to have a lot of elected members.
- Would like to see an increase in member numbers.
- Ten councillors would be better.
- Some wards may struggle to have four people nominate, forcing the conduct of a supplementary election (at Council/ratepayers costs).

4.5 RESPONDENTS FINAL COMMENTS

Respondents were provided the opportunity to share any final comments they had regarding the Representative Review Report. 23 Respondents provided final comments, a general summary of which is presented below:

- Make the wards smaller, with less councillors per ward. Keep 12 councillors.
- Current ward system was a mistake.
- Bridgewater should be in proposed Ward 3.
- Less elected members moving forward.
- Prefer four wards.
- The proposed boundaries better reflect the widely diversified community.
- The proposed wards are based on a very simplistic approach and does not in attempt to consider the diversity and range of communities of interest that exists in the council district.
- Montacute is horticulturally and geographically identified with Ward 2. More thought needs to be given to the dynamics between suburbs.

5 EMAIL AND WRITTEN FEEDBACK

8 Participants provided a response by email, written submission or letter. In addition, 2 petitions were received relating to the names/titles of the proposed wards.

Copies of the written submissions have been provided in Appendix B, and it is recommended that the elected members take the opportunity to read these documents so as to understand the thoughts and opinions of the respondents

A brief summary of the written responses is as follows:

Respondent 1:

The current and proposed ward structures are considered to be undemocratic and dysfunctional. Preference is for twelve (or ten or eight) wards based around existing township communities, each represented by one councillor.

Respondent 2:

The implementation of the current two-ward structure was a backward step.

Respondent 3:

The comments provided are not relevant.

Respondent 4:

An extensive submission that provides opinions, interpretations and comments on a miscellany of matters and information contained within the Representation Report. Supports the retention of the existing two-ward structure as it is considered to provide better outcomes for the Council area as a whole.

Respondent 5:

Another extensive submission which provides comments and opinions on a miscellany of matters and information contained within the Representation Report. The Law Reform Society of South Australia has been a long-time advocate for the abolition of wards, thereby affording electors the opportunity to vote for any candidate in a Local Government election.

Respondent 6:

Does not support the proposed ward structure as it “slices and dices” existing (long established) communities of interest (with particular reference to Montacute); and will limit the choice of candidates.

Respondent 7:

The proposed ward structure does not adequately reflect the unique needs of the community, particularly the communities of Oakbank and Balhannah which have longstanding ties. Oakbank and Balhannah should be located in a ward with the other “valley” towns, or the abolition of wards should be considered. Wards that reflect natural and historic divisions will provide stronger representation.

Respondent 8:

Prefers ward names/titles based on water features/ivers (e.g. Torrens, Onkaparinga and Cox). The metropolitan areas of Rostrevor, Teringie and Woodforde should not be included in a ward which contains rural towns such as Balhannah, Basket Range and Oakbank as there is no “community of interest” and/or relationship between the residents. Likewise, Aldgate, Bridgewater, Stirling and Crafers should be within the same ward.

Petitions:

Council also received two petitions, both seek to have the names/titles of the proposed wards changed to Torrens, Onkaparinga and Cox (i.e. geographical features/ivers). The petitions contain 212 and 201 signatures which collectively represent a reasonably significant response from the local community in regard to the subject issue. It should be noted that whilst Cox Creek does run through small parts of the boundaries of Ward 3, the substantial pathway of Cox Creek runs through Piccadilly towards Bridgewater which is mostly through Ward 2. Other waterways which could potentially be used as waterways options in Ward 3 are Aldgate Creek, Leslie Creek or Hadrian Creek. Additionally, whilst the Onkaparinga River does run through substantial areas of Ward 2 it also runs through Ward 3.

The means of ward identification are limited. They include the allocation of direction points (i.e. north, south, east, west and central), letters, numbers, suburb/locality names, place names and/or names of local heritage significance. Where possible, future ward boundaries should be aligned with easily identifiable features (e.g. main roads, property boundaries, established district boundaries, Hundred boundaries and/or prominent geographical or man-made features).

As indicated earlier, Electoral Commission SA (ECSA) has advised that, should Council opt to change the names/titles of the proposed wards at this stage of the review process, it is unlikely that further public consultation would be required.

6 CONCLUSION

The public consultation stage of the representation review was conducted in accordance with the provisions of Section 12 of the *Local Government Act 1999*.

Fifty (50) on-line submissions, eight (8) written submissions and two (petitions) were received. Of the fifty-eight (58) submissions received, thirty-four (34) or 58% supported the proposed three-ward structure; fifteen (15) or 26% opposed the proposed ward structure; and nine (9) or 16% were uncertain or unclear.

Whilst the receipt of fifty-eight submissions is a very small sample size of the local community, it is clear that there is more support amongst the respondents for the Council proposal.

The response is somewhat consistent with what transpired during the previous elector representation review in 2016/2017 when the three (3) public consultation stages attracted sixty-one (61), five hundred and twenty-five (525) and forty-seven (47) valid submissions. The previous review was more contentious as it proposed to replace the then existing five-ward structure with the current two-ward structure.

The stated reasons for support included:

- More logical than existing ward structure.
- Consistent level of representation in the proposed wards.
- Three wards provides the best compromise between strength of representation and community fit.
- Fairer way to represent the differing economic and lifestyle composition of the Council area.
- Appears to ensure relevant communities of interest with similar demographics are linked together.
- The two ward structure has failed, and parts of the Council area received no elected member support or visibility.
- It is simple and efficient, provides good representation and reasonable workloads for the councillors.
- The Council area is large and three wards will allow for a more focused approach; and residents and businesses will be better represented by the local councillors.

The primary concerns of the respondents who opposed the proposed ward structure included the following.

- There should be more wards with lower levels of ward representation (e.g. one or two councillors per ward).
- The proposed wards are too large in area and will result in excessive workloads for the ward councillors.
- A change from the current structure is not needed.

- Ward structures are obsolete.
- The proposed ward structure puts suburbs in the same ward as country towns; and splits areas that already have a strong association and places them in a ward with localities that they have no association with.
- Montacute and Castambul are lumped in with other suburbs that have nothing in common with the Montacute area.
- The existing two-ward structure is considered to provide better outcomes for the Council area as a whole.
- The current and proposed ward structures are considered to be undemocratic and dysfunctional. Should have twelve (or ten or eight) wards based around existing township communities, each represented by one councillor.
- Oakbank and Balhannah share rural and semi-rural characteristics, a strong historical connection, and common social and economic interests, which are vastly different from the suburban priorities of Rostrevor.
- No wards is the most democratic possible structure, allowing residents maximum say and maximising the strengths amongst councillors.
- Bridgewater should be included in proposed Ward 3 with Crafers, Stirling and Aldgate.

As for the two (2) petitions, these collectively contained four hundred and thirteen (413) signatories who expressed support to have the proposed wards named Torrens, Onkaparinga and Cox after local watercourses. This is a considerable response which warrants consideration by Council. In contrast, 42% (n=21) of survey respondents preferred using 'directions' for the name of wards. It should be noted that whilst Cox Creek does run through small parts of the boundaries of Ward 3, the substantial pathway of Cox Creek runs through Piccadilly towards Bridgewater which is mostly through Ward 2. Other waterways which could potentially be used as waterways options in Ward 3 are Aldgate Creek, Leslie Creek or Hadrian Creek. Additionally, whilst the Onkaparinga River does run through substantial areas of Ward 2 it also runs through Ward 3.

Electoral Commission SA has indicated that it would likely accept the renaming of the proposed wards to the aforementioned (or similar) as a minor variation to the proposal which was presented to the community during the public consultation stage of the review. This being the case, no further consultation in regard to this particular issue will likely be required.

Feedback and proposed actions will be reviewed and considered at the 11 March 2025 Council meeting. Subsequently the final report including community feedback will be submitted to the Electoral Commission prior to 30th April 2025.

This report will be shared with the wider community and anyone who participated in the consultation via Councils Engagement Platform.

Elector Representation Review 2024

Home / Elector Representation Review 2024

Elector Representation Review 2024



This consultation has now closed. Thank you to everyone who provided their feedback. We will be reviewing all feedback and will provide a community engagement outcomes report soon.

Background

Representation reviews are a legislated requirement under Section 12(4) of the *Local Government Act 1999* and are generally undertaken every eight years. The key issues that need to be addressed during these reviews include:

- the number of elected members of Council that are required to provide fair and adequate representation to the community;
- the division of the Council area into wards, or alternatively the abolition of wards; and
- if applicable, the preferred future ward structure, the level of ward representation and the name/title of any proposed future wards.

We have prepared a [Representation Review Report](#) that reflects the current position of the Council. This report sets out what we believe should be carried into effect at the next Local Government elections. It provides information and analysis relevant to the composition and structure of Council.

No final decision will be made in respect to Council's future composition and/or structure until consideration has been given to any and all public submissions received throughout this consultation period.

Key Dates

 Consultation Open
18 December 2024 → 28 January 2025

Current Ward Structure



What you need to know

If you are interested in your community and how your Elected Members represent you, your ideas and interests, then this is a valuable opportunity to share your thoughts and tell us, have we got it right!

This review is looking at our representative and electoral ward setup. It has included considering whether the community would benefit from an alternative composition or ward structure. Our preferred structure proposes:

- The principal member of Council will be a Mayor elected by the community (as per the requirements of Section 51 of the Act).
- The future elected body of Council will comprise the Mayor and twelve (12) ward councillors.
- The Council area will be divided into three (3) wards with each of the proposed wards being represented by four (4) councillors.

Knowing how our community feels about the representative composition and ward structure that we are proposing is important to us.

- Do you think our review provides you with the right amount of access to Councillors?
- Do you think the ward boundaries that we are proposing are logical?
- What are your thoughts on proposed ward name themes?

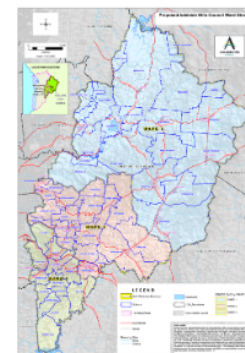
We encourage you to read the [Representation Review Report](#) and provide your feedback.

Share your thoughts on the Review via any of the options below:

- Preferably using the online submission form below
- Email to engage@ahc.sa.gov.au
- Send a letter to Community Engagement, 63 Mount Barker Road, Stirling SA 5152
- Phone 8408 0400
- Print and send us a hardcopy feedback form which can be printed from the document library on the right or collected from and returned to any AHC Library or Customer Service Centre at Gumeracha, Stirling, Norton Summit or Woodside during [opening hours](#).

Opportunity to provide feedback closes at 4pm on Tuesday 28 January 2025

Proposed Ward Structure



FAQs

- ? What is a Representation Review?
- ? Why is Council undertaking a Representation Review?
- ? When did Council undertake their last review?
- ? What has Council considered as part of the review?
- ? When will the proposed representation structure come into effect?

Submission Form

! CLOSED: This survey has concluded.

Elector Representation Review 2024 Submission Form

Thank you for your interest in the Elector Representation Review. Before making your submission, you should read the Elector [Representation Review Report](#).

You will be submitting this survey as **AHCcommunicationsevents**, to change this [logout](#)

0% answered

All fields marked with an asterisk (*) are required

About You

So we can better understand who is responding to this consultation please tell us a bit about yourself.

Interested persons are invited to make submissions in relation to the Representation Review Report. Submissions must contain your full name and address, these details will not be released to the public however the content of the submissions may be included in review reports.

1. Please provide your full name: *

Maximum 255 characters


0/255


2. Please provide your address *


? What is being Proposed?


? How can I get involved?


Key Documents

 Elector Representation Report (1.57 MB) (pdf)

 Information Sheet - Elector Representation Review (141 KB) (pdf)

 Current AHC Ward Structure Image (9.8 MB) (png)

 Submission Form - Elector Representation Review (226 KB) (pdf)

 Proposed AHC Ward Structure Image (10.7 MB) (png)

Who's Listening

Governance Officer


Governance Team
Adelaide Hills Council

GO

Phone 8408 0400

Email governanceandperformance@ahc.sa.gov.au

3. Please provide your suburb or township *

4. What is your main connection to the Adelaide Hills Council area? *

- AHC Resident or Ratepayer
- AHC Business Owner
- Visitor to the Adelaide Hills
- Other (please specify)

5. What is your age range?

(please select from one option below) *

- 18 years and under
- 19 - 24
- 25 - 34
- 35 - 49
- 50 - 59
- 60 - 69
- 70 - 79
- 80 years and over

**Communications, Events and
Engagement Team**



Engagement and Communications
Officers
Adelaide Hills Council

Phone 8408 0400

Email engage@ahc.sa.gov.au

Lifecycle



Consultation Open

This consultation is open for contributions from Wednesday, 18 December 2024 until Tuesday, 28 January 2025.



Under Review

Consultation feedback will be reviewed and considered in the Final Representation Review Report.



**Final Representation Review Report
submitted to the Electoral Commissioner**

The final Representation Review Report submitted to the Electoral Commissioner will be documented here. This may include a summary of all contributions collected.



**New representation structure comes into
effect**

New representation structure comes into effect with the 2026 Local Government Elections.

Have Your Say Elector Representation Review

Are you interested in your community and how your Elected Members represent you, your ideas and interests?

Share your thoughts about the composition of our Elected Members and the structure of our wards.

Council have completed a review looking at our representative and electoral ward setup, which we must legally do every 8 years. It has included considering whether the community would benefit from an alternative composition or ward structure. After review, our preferred structure proposes:

- The principal member of Council will be a Mayor elected by the community (as per the requirements of Section 51 of the Act).
- The future elected body of Council will comprise the Mayor and twelve (12) ward councillors.
- The Council area will be divided into three (3) wards with each of the proposed wards being represented by four (4) councillors.

Knowing how our community feels about the representative composition and ward structure that we are proposing is important to us.

- Do you think our review provides you with the right amount of access to Councillors?
- Do you think the ward boundaries that we are proposing are logical?
- What are your thoughts on proposed ward name themes?

We encourage you to read the Representation Review Report which is available online at engage.ahc.sa.gov.au, in hardcopy at our Libraries and Service Centres or via the QR code below.

Share your thoughts on the Review via any of the options below:

- Complete the online feedback form at engage.ahc.sa.gov.au or via the QR code below
- Email to engage@ahc.sa.gov.au
- Send a letter to Community Engagement, 63 Mount Barker Road, Stirling SA 5152
- Phone 8408 0400
- Collect a hardcopy feedback form from any AHC Library or Customer Service Centre at Gumeracha, Stirling, Norton Summit or Woodside and return via any of the ways listed above.



Opportunity to provide feedback closes at 4pm on Tuesday 28 January 2025.

08 8408 0400
mail@ahc.sa.gov.au
ahc.sa.gov.au

Elector Representation Review Submission Form



This feedback form is also available online at engage.ahc.sa.gov.au or scan the QR code
Submit your feedback by 4pm, Tuesday 28 January 2025

Interested persons are invited to make submissions in relation to the Representation Review Report. Submissions must contain your full name and address, these details will not be released to the public however the content of the submissions may be included in review reports.

Full Name _____

Full Address _____

Email _____

If you provide your email address, we will keep you in the loop with the outcomes of the consultation.

ABOUT YOU

So we can better understand who is responding to this consultation please tell us a bit about yourself.

1. What is your main connection to the Adelaide Hills Council area?

- AHC Resident or Ratepayer
- AHC Business Owner
- Visitor to the Adelaide Hills
- Other (please specify) _____

2. What is your age range: (please select one option below)

- 18 years and under
- 19 - 24
- 25 - 34
- 35 - 49
- 50 - 59
- 60 - 69
- 70 - 79
- 80 years and over
- Prefer not to say

08 8408 0400
mail@ahc.sa.gov.au
ahc.sa.gov.au

THE PROPOSAL

Having duly considered all relevant provisions of the Act and considerable information pertaining to the primary issues pertaining to the review, Council proposes the following in respect to its future composition and structure.

The principal member of Council will be a Mayor elected by the community (as per the requirements of Section 51 of the Act).

The future elected body of Council will comprise the Mayor and twelve (12) ward councillors.

The Council area will be divided into three (3) wards (as depicted in Map 2 and described hereinafter), with each of the proposed wards being represented by four (4) councillors.

Ward 1: Comprising the districts/localities of Birdwood (part), Castambul, Chain of Ponds, Charleston, Cromer (part), Cudlee Creek, Forreston, Gumeracha, Houghton (part), Humbug Scrub (part), Inglewood, Kenton Valley, Kersbrook, Lobethal, Lower Hermitage, Millbrook, Montacute, Mount Crawford (part), Mount Torrens (part), Paracombe (part), Upper Hermitage (part) and Woodside.

Ward 2: Comprising the districts/localities of Ashton, Balhannah, Basket Range, Bridgewater (part), Carey Gully, Cherryville, Forest Range, Greenhill, Hahndorf (part), Hay Valley (part), Horsnell Gully, Lenswood, Marble Hill, Mount George, Norton Summit, Oakbank (part), Piccadilly, Rostrevor (part), Summertown, Teringie, Uraidla, Verdun (part) and Woodforde.

Ward 3: Comprising the districts/localities of Aldgate, Belair (part), Bradbury (part), Cleland, Crafers, Crafers West (part), Dorset Vale (part), Heathfield, Ironbank (part), Longwood, Mylor (part), Scott Creek, Stirling, Upper Sturt (part) and Waterfall Gully (part).

- The proposed wards will be identified as North, central and South.

The distribution of electors between the proposed wards is detailed in Table 2, and the reasons for Council's "in principle" decisions, together with an analysis of compliance with the relevant provisions and requirements of the Act, are provided hereinafter.

Table 2: Elector distribution between proposed wards.

Ward	Councillors	Electors	Elector Ratio	% Variance
Ward 1 - North	4	9,898	1:2,475	-2.30
Ward 2 - Central	4	10,212	1:2,553	+0.80
Ward 3 - South	4	10,284	1:2,571	+1.51
Total	12	30,394		
Average			1:2,533	

Source: Electoral Commission SA, House of Assembly Roll (28 March 2024)
Council Voter's Roll (June 2024)

3. Have you read the Representation Review Report?

Please select from one of the options below.

- Yes in detail
- I've had a quick look
- No

4. Do you support Council's proposal to introduce a three-ward structure?

Please select from only one of the options below.

- Yes
- No
- Not sure

5. If you selected 'yes' above, can you share why you support the three-ward structure?

6. If you selected 'no' or 'not sure' above, what are your concerns and/or opinions about the proposed structure?

7. Do you have a preference regarding what you think the wards should be named after?

Please select your preferred option from the list below.

- Directions (i.e. North, Central and South)
- Rivers/Waterways
- Heritage landmarks
- Native Flora and Fauna
- Peramangk dreaming stories
- Prominent residents
- I have no preference

8. Do you have any further comments and/or suggestions regarding the proposed themes of the ward names?

9. Do you support the Council proposal to retain an elected Mayor and twelve (12) ward Councillors?
Please select from only one of the options below.

- Yes
- No
- Not sure

10. If you selected 'yes' above, can you share why you support retaining an elected Mayor and twelve ward Councillors?

11. If you selected 'no' or 'not sure' above, what are your concerns and/or opinions about the proposed level of representation?

12. Do you have any final comments or feedback that you haven't already provided?

Thank you for providing your feedback

Your feedback will be considered by the project team. We will keep you informed of the outcome via your email address, or you can register via our Community Engagement Hub at: engage.ahc.sa.gov.au.

08 8408 0400
mail@ahc.sa.gov.au
ahc.sa.gov.au

APPENDIX B – EMAILS AND WRITTEN FEEDBACK

Email Feedback 1

Thank you for your invitation to comment on this review. I note the following:

- That in the previous elector representation review (201/8) AHC ignored the clearly stated preference from the majority of submissions to the consultation process and instead abolished the preferred 5 ward structure for a 2 ward structure which has failed to improve governance and has significantly reduced direct community representation.
- That AHC failed to provide any compelling evidence to justify their decision to abolish the old wards, nor any compelling rationale to ignore the views of the people they represent.
- I therefore have no faith in AHC's consultation process and must assume this current effort is merely window dressing to make it look like consultation was conducted. This is NOT consultation process. Consultation should be a method for informing your decision making process – not a system to rubber stamp decisions that have been made already. The rigid and limited format of the submission survey very clearly shows that this is not a consultation process.

I therefore decline your invitation to support either continued 2 ward model or the proposed 3 ward model, both of which I regard as undemocratic and dysfunctional. AHC currently suffers a severe lack of community confidence brought about by a complete disconnection from the community it is supposed to represent. Residents do not feel they have any local representative they can approach and must take 'pot-luck' gaining the interest of councillors who have no obligation to represent them. This has been VERY apparent when natural disasters strike and residents have no-one to speak for them. I am confident that most residents feel they are better supported (and better heard) by state and federal members who cover vastly bigger areas and who can do much less. Direct representation is a vital part of Australian democracy and it is appalling this is being subverted at a local level, where it should be strongest.

AHC needs to have 1 member per ward and that member (in addition to their broader responsibilities) must be responsible for meeting with their local community regularly and representing their views fairly and accurately. It is ridiculous to have such a small electorate of 40,000 people without the benefit of direct representation. Twelve wards (or even 10 or 8) would be best based around the existing township/region areas which are currently used for planning and emergency responses. This would dramatically improve the capacity of Council to genuinely represent their electorate and also improve levels of engagement with Council processes. It's a great shame that good governance for the community does not seem to be a priority here.

Best wishes

Email Feedback 2

I think council took a backward step a few years back when they implemented 2 wards. To me it was like doing away with the senate for state and akin 1 or 2 wards for Australia I would prefer to be able to. Contact MY councillors for MY ward if needed. Thanks for listening. [REDACTED]

Email Feedback 3

Yes reverse your woke Australia Day presentation policy

Email Feedback 4

Adelaide Hills Council
Representation Review Submission



Introduction

In reviewing the proposal by Adelaide Hills Council to change the elector representation I am of the opinion that the changes are unnecessary and in fact reduce Council's ability to adhere to principle (vii) of Section 26 of the Local Government Act which states that "a council should reflect communities of interest of an economic, recreational, social, regional or other kind and be consistent with the community structure, values, expectations and aspirations."

I have set out my reasoning as comments responding to how the changes fit with the various parts of the legislation. I start by saying the rationale given for supporting the proposed wards structure are also true for the existing ward structure so do not justify or support the need to change.

I do not support the proposal in respect of the change to the ward structure and believe the communities are best served by leaving the current ward structure in place.

Methodology.

All numerical data used in the analysis of the proposed change has been sourced from the State government's data repository data.sa.gov.au, the Australian Bureau of Statistic community profile where number of voters in a locality was determined by totalling the number of people over the age of 20 and using the relative proportion within a ward to determine fraction of a quota. The CFS groups are from personal knowledge as a member of the CFS. Quantum GIS software was used to create the maps.

Discussion

I begin by commenting on the reasons given by Council for favouring the proposed ward structure:

- *is relatively simple in configuration*

The principle of simplicity is not a consideration in the Act or Regulations besides which the current two ward arrangement is simpler.

- *is reasonably well balanced in terms of the distribution of electors between the proposed wards (and the resulting ward elector ratios);*

Balancing the distribution of electors between wards is not a requirement of the legislation and shows a lack of consideration of other factors mentioned by the legislation such as topographical features and the impact on communities of interest which exist within the council district. Many councils have different sized wards populations and in fact Adelaide Hills Council has for its entire existence had wards with differing voter populations. Why is it so important now?

- *exhibits ward elector ratios which lay well within the specified quota tolerance limits (and are therefore capable of sustaining reasonable future fluctuations in elector numbers);*

The current two wards are both within tolerance and better able to cope with any future fluctuations in elector numbers so this is not a reason to favour this particular arrangement over the existing arrangement.

- *has consistent levels of ward representation;*

It is a requirement of the legislation that the ward quota (ward elector ratio) not vary by more than 10% so it is a given that the distribution between wards would be well balanced or the ward boundaries would be in breach of the legislation. If this really means the same number of councillors in each ward it hasn't been a problem in the past so doesn't seem valid reason for favouring this proposal over the existing arrangement.

- *will provide sufficient opportunities for aspiring candidates to run for Council;*

The opportunity for aspiring candidates to run for council is the same whether wards exist or not. In fact aspiring candidates would feel they have a greater chance of being successful when more positions are available so the proposal could be perceived as being less attractive to aspiring candidates as there are fewer positions to be filled.

Where is the evidence that this arrangement of wards is an improvement over the existing arrangement of wards?

In fact a simple analysis of the role of proportion representation will show that this change will in fact make it more difficult for a candidate to be elected. A candidate in the existing Valleys ward only requires 16.7% of the vote to be elected and a candidate in the Ranges ward only requires 12.6% while under the proposed ward composition a candidate would require greater than 20% of the vote to be elected. Although the same number of actual votes maybe required the bigger the pool of voters in a ward the more people a candidate has to draw on for those votes. Also division into more wards means some people will be unable to vote for a candidate they preferred because they live in the wrong ward.

- *will provide a level of ward representation which will ensure continued representation within a ward under circumstances whereby a ward councillor or councillors are absent or unavailable;*

This reason is spurious because matters should not be decided on a ward basis and with a ward councillor absent that ward would no longer have equal influence over any ward based decisions so constituents of that ward are actually disadvantaged when the reason suggests they are not. This also assumes that residents of a ward and the councillors elected by the ward have uniform views on issues. There is always a diversity of views on issues within a ward and within the councillors elect to council and the missing Councillor may hold different views to those still present so certain views of voters in that ward are not represented. Proximity does not mean uniformity and diversity is a key element of good decision making.

- *should maintain reasonable and manageable workloads for the ward councillors;*

People within a ward contact a councillor they know or feel comfortable with, regardless of which ward they represent, thus workloads are never equal. No composition of wards can guarantee equal workloads and it could be argued that no wards gives the best distribution of workloads because all councillors are

accessible to all constituents therefore every councillor shares the work with every other councillor.

- *proposes wards which are not excessively large in area and, as such, should provide an environment wherein close relationships between ward councillors and their constituents can still be fostered, and ward councillors can be more familiar with the issues and/or concerns within their ward.*

The idea that proximity is the only reason people vote for a candidate is flawed as many people vote for a candidate based on their assessment of their values, whether political or otherwise. To suggest that the area is not excessively large is a factor for this arrangement of wards ignores that fact that the Local Government Elections Act 1999 introduced the requirement of proportional representation by the use of ward quotas. One vote one value. Thus the area of a ward will be determined by the population density in that ward and the ability to elect a "local" member is dependent on sufficient population in a locality to provide a quota. This means any area that has a small population relative to its physical size will always struggle to get a "local" representative.

In the proposal the population bias which exists between Montacute/Castambul and the rest of ward 1 means that if voters in Montacute were to vote for a "local" candidate there would be insufficient votes to elect a representative (see figure 1). Thus the likely outcome would be candidates from Gumeracha, Birdwood, Lobethal and Woodside would be successful and Montacute and Castambul would not have local representation. A councillor living in Lobethal would be 25Km away. While one living in Birdwood would be 32Km away and Kersbrook 22Km. Under the current ward composition there is a councillor who lives in Woodforde which is less than 6km for Montacute. In all probability if the proposed wards are implemented a councillor in ward 2 would be more local to Montacute than a councillor in ward 1.

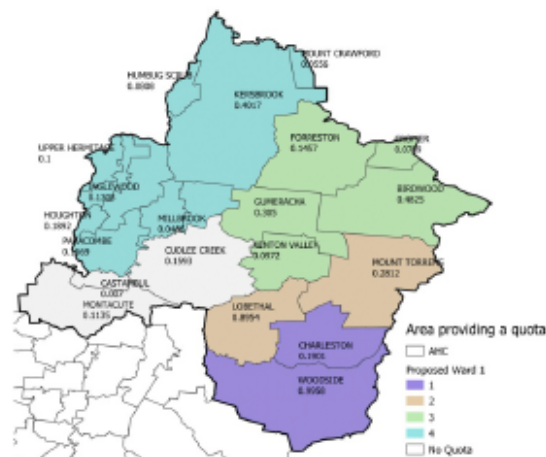


Figure 1 Areas providing a quota in Ward 1

The rationale that the "... proposed wards which are not excessively large in area ..." justifies the change from the current ward arrangement ignores the fact that the new proposal Ward 1 is very similar in size to the current Valleys ward.

For comparison Ward 1 is 508 sqKm and to the Valleys ward 568 sqKm and the number of councillors changes from 5 to 4 meaning each councillor will have to cover 127 sqKm instead of 114sqKm in Valleys Ward. Thus the area covered by a Councillor has actually increased by 11% under the proposed change.

Although the distance north-south in proposed Ward 1 will decrease from 39Km to 35Km the distance east-west will increase from 33Km to 38Km

A comparison of the existing wards against the proposed wards shows that the size of the proposed wards is not significantly different to the size of the existing wards so a change cannot be justified on the basis of ward size.

Proposed	Area (sqKm)	Current	Area (sqKm)
Ward 1	508	Ranges Ward	568
Ward 2	186	Valleys Ward	224
Ward 3	98		

Legislative requirements

In reviewing the Representation Report there is no discussion of how the Council has considered the various element of the legislation. It would be helpful to understand what information Council has analysed to reach the decision that a change to three wards is justified. I provide a commentary below of how I see the proposal aligning with the legislation that has been identified in the Representation Report.

Section 26(1)(c) requires that, when considering a reform proposal, Council should have regard to a list of principles, the most relevant being the following.

- *Proposed changes should, wherever practicable, benefit ratepayers.*

There is no demonstrated benefit to ratepayers in this proposal. One of the reasons given for favouring this model was better understanding of local issues based on the ward areas not being excessively large however the localities the current councillors are drawn from shows a good distribution of geographic locations and therefore "local" knowledge so the current two wards adequately addresses this issue

- *A council should reflect communities of interest of an economic, recreational, social, regional or other kind, and be consistent with community structures, values, expectations and aspirations.*

If the Council implements this proposal then the quota for each ward will be 20% of the formal votes plus one. This means "community of interest" which are present at levels less than 20% are unlikely to be reflected in the composition of the council because they cannot provide sufficient votes to achieve a quota.

In the current ward arrangement the figures are 16.7% for Valleys Ward and 12.5% for Ranges Ward meaning council has a better chance of reflecting the range of interest present in the communities.

- *Residents should receive adequate and fair representation within the local government system, while over-representation in comparison with councils of a similar size and type should be avoided (at least in the longer term)..*

This has been adequately address and I support the proposed number of elected members

Section 33(1) requires that, in the formulation of a proposal that relates to the boundaries of a ward or wards, the review must also take into account, as far as practicable:

- *the desirability of reflecting communities of interest of an economic, social, regional or other kind;*

The only consideration that appears to have been given to communities of interest is that people may associate with the locality in which they reside. The report takes this very simplistic approach stating ‘...all of which could conceivably constitute “communities of interest”.’ The fact that this is a feature they may have in common does not recognise that many people do not socialise with neighbours and in fact have circles of friends who do not live in that community. Too much weight is commonly given to this aspect without consideration of many other potential interests. The resultant proposal seems to be based entirely on consideration of this “community of interest” and does not attempt to quantify or qualify any other possible community of interest although several exist and are readily identified.

Community of interest (Regional) - Great Metropolitan Adelaide

The proposed wards ignore the fact that the current Ranges Ward was created to contain localities within metropolitan Adelaide as defined in the Development Act 1993 within the Ranges ward while the Valleys Ward contained localities outside the metropolitan area. The Valleys ward is serviced by organisations like Regional Health Services and Country Arts which do not cover the Ranges Ward. This is clearly a community of interest that warrants consideration.

Community of interest (economic) – Pensioners and Self-Funded Retirees

These people are distributed throughout the council district and may find that they have an interest in electing a councillor who could promote concessional rates for this group or improved services in council owned and operated community centres such as Nairne Road positive aging centre, the Summit and Gumeracha community centres. Data available in the past indicated that between 18% and 20% of ratepayers fitted into this category. By increasing the number of wards to three this group’s ability to provide enough votes collectively to elect a candidate is reduced to the point that there would be insufficient numbers in each ward to elect anyone.

Communities of interest (Social) – CFS Volunteers

One very prominent community of interest which has not been considered is the CFS brigades that draw their members from local communities. These CFS brigades are formed into groups for administration purposes and members of brigades associate with these groups. Four groups exist in AHC they are Torrens Valley Group, Onkaparinga Group, East Torrens Group, and Mt Lofty Group, The only group that is not fragmented is Torrens Valley Group while Ward 2 contains

portions of three CFS groups (see figure 1). None of the groups are fragmented in the existing two ward arrangement (see figure 2).

Other communities of interest that have not been considered are recreational groups like football, netball and cricket. No attempt has been made to identify any of these groups and the impact that the proposed ward boundaries might have on their ability to influence council decisions in relation to their activities.



Figure 2 CFS Groups under 3 Wards



Figure 3 - CFS Brigades under existing wards

Community of interest (Social)

As a resident of Montacute I can definitely say that residents of Montacute interact social with residents of Cherryville and to put each in a separate Ward show no consideration of the existence of this social network. The CFS

community has been discussed at length elsewhere. Also residents of Montacute, Cherryville and Ashton view Uraidla Hotel as their local pub.

Another community of interest that links Montacute to Cherryville, Basket Range and Norton Summit are two landcare groups which work in the area. One is the Sixth Creek catchment that operates within the catchment of Sixth Creek, a geographic feature which extends to Summertown and Uraidla and the other is Morialta Biolink which is a collection of private lands extending from Norton Summit to the Coralinga Biosphere in Basket Range. Both these landcare groups has strong connections the Hills Environment Centre at Norton Summit and meet occasionally in the Summit Community Centre. Under the existing two ward arrangement all of these groups sit within the Ranges Ward. The proposed three ward arrangement will place Montacute in a different ward to the others fragmenting the membership of these groups and causing confusion over which Councillors should be seen as the "local councillor" to approach for support.

Another issue which is obvious to me is the decision to put Bridgewater in a different ward to Stirling and Aldgate. This seems to be denying the logic that they are all one community (see figure 4). It is clear from a review of the density of development that these localities form a continuous residential area and the Planning and Design Code Zone of Rural Neighbourhood covers all three localities (see figure 5). Under the current ward arrangement Bridgewater, Stirling and Aldgate are all contained within the one ward so the proposed wards consciously divides an obvious social community of interest which does not match Council's stated aim that '... identified "communities of interest" are maintained in their entirety within one ward'. The proposal is consciously dividing a community to support the proposed change to three wards.

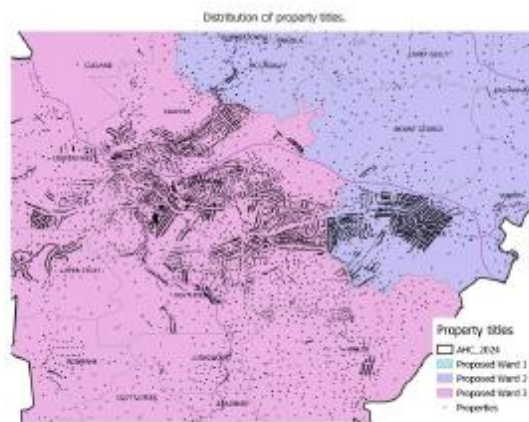


Figure 4 Properties in Stirling, Aldgate and Bridgewater

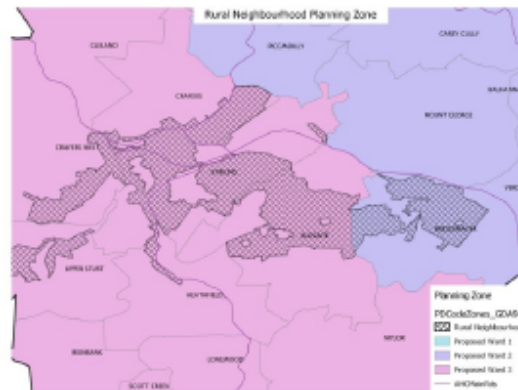


Figure 5 Rural Neighbourhood Zone

Community of interest (other) – Dog owners

Increasing the number of wards has the effect of fragmenting interest groups that are distributed across the council area and can have the effect of decreasing the ability to collectively support a candidate that would support their interest. Dog owners have in past years had issue that require their interests to be presented to council and candidates elected entirely on geographic boundaries such as location may not have the same interests at heart therefore cannot represent the interest of this group.

- *the population of the area, and of each ward affected or envisaged by the proposal;*

Most grow was expected in Woodforde and has probably occurred as the development of Hamilton Hill Estate nears completion. The prohibition on expanding townships boundaries and the limited potential for infill within these townships means future big changes in the demographics of the council area are not possible. The existing two wards can more than adequately cope with this limited growth and no change is required to accommodate any future growth.

- *the topography of the area, and of each ward affected or envisaged by the proposal;*

The proposed change appears to have failed to take into account the very significant tract of Government and SA water lands that exist between Montacute, Castambul and the rest of the proposed Ward 1. These lands form a significant barrier to the interactions between Montacute, Castambul and the rest of Ward 1. On the other hand Montacute has a strong relationship with Cherryville which shares the same postcode. Castambul has the same postcode as Athelstone and residents of Castambul are all receive their mail through the Athelstone Australia Post agency.

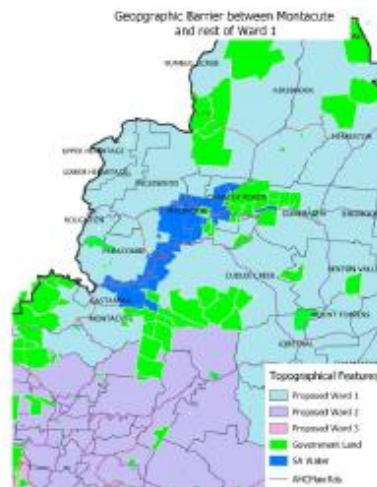


Figure 6 - Government and SA Water Land

A review of the road network shows that the inclusion of Castambul and Montacute into Ward 1 does not reflect any consideration of the topography of the area.

The only road which connects other areas of Ward 1 to Castambul and Montacute is Gorge Road and the traffic volumes available from Data SA show that a majority of the traffic in Ward 1 uses Torrens Valley Road. Much of the traffic on Gorge Road from the eastern part of Ward 1 diverts up Torrens Hill Road and never reaches Castambul. The majority of the population of Montacute uses Montacute Road to access facilities in the suburbs and the city and do not rely on services in any part of the proposed Ward 1.



Figure 7 – Traffic Volumes in proposed Ward 1

Verdun, Oakbank, Balhannah, Woodside and Lobethal are all in the Onkaparinga River Valley while Mt Torrens and Birdwood are connected via the Onkaparinga Road which runs from Verdun to Birdwood. This provides a logic reason for these towns to be in the one ward as they are in the current ward

arrangement. Putting Balhannah and Oakbank in a different ward to Woodside denies the clear physical connect that exists between these towns.

In the proposed Ward 2 Greenhill Road is the only road to reasonably connect the south part of Ward 2 and a review of the traffic volumes on major roads in Ward 2 shows that a vast majority of the traffic in the east uses Onkaparinga Valley Road to access the South Eastern Freeway rather than using Greenhill Road to access the city and suburbs (see figure 8)



Figure 8 Traffic Volumes in Proposed Ward 2

The residents of Rostrevor, Woodforde and Teringie are on the other side of many hills and valleys to

The current ward arrangement better reflects the topography of the area with the flatter areas of the council with strong transport connections consolidated into the Valleys ward. The proposed ward arrangement will place these areas in two different wards.

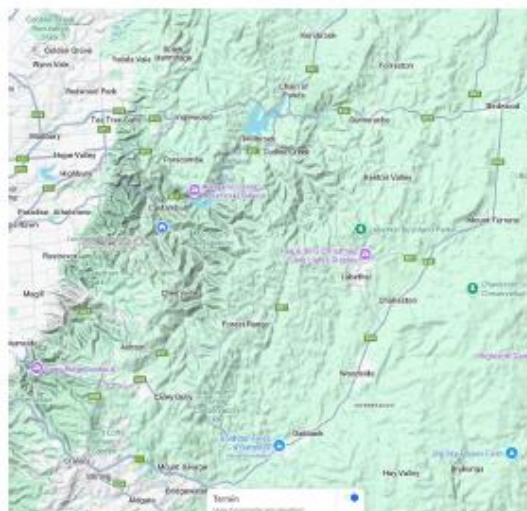


Figure 9 Topography of Council District

- *the feasibility of communication between electors affected by the proposal and their elected representatives;*

Considering the nature of the road network which has previously been discussed it is difficult to see that the proposal enhances the ability of many resident to connect with an elected representative in person. The orientation of major roads within the existing wards supports physical access to a Councillor better than the proposed wards. Of course in today's technological age telephony and email are the obvious solutions to communication and these are not affected by the nature of any ward.

- *the nature of substantial demographic changes that may occur in the foreseeable future; and*

Although the proposed ward structure has adequate capacity to absorb future changes in demographics the current ward structure has better capacity to absorb any change.

- *the need to ensure adequate and fair representation while at the same time avoiding over-representation in comparison to other councils of a similar size and type (at least in the longer term).*

This has been adequately addressed.

Conclusion

In conclusion I do not support the changing of the ward structure from two wards to the proposed three wards and believe that the existing ward structure provides better outcomes for the district as a whole. I implore the Council to maintain the existing arrangements and discontinue any thoughts of changing the ward structure.

Valleys ward Councillors

- *Pauline Gill – Kersbrook*
- *Chris Grant – Forrest Range*
- *Malcolm Herrmann - Birdwood*
- *Lucy Huxter - Lobethal*
- *Melanie Selwood- Lobethal*

Ranges Ward Councillors

- *Kirrilee Boyd – Aldgate*
- *Adrian Cheater- Crafers*
- *Nathan Daniel - Bridgewater*
- *Leith Mudge - Bridgewater*
- *Mark Osterstock -*
- *Kirsty Parkin -Stirling*
- *Louise Pascale - Woodforde*

Email Feedback 5

Adelaide Hills Council
Representation Review 2024
Submission by
Electoral Reform Society of SA

The Electoral Reform Society of SA (ERSSA) makes the following submission to the Adelaide Hills Council's proposal to change its current ward boundaries.

Introduction.

The Local Government Act 1993 changed the way councils approached representation by enshrining proportional representation as the central element of electing members to council. The purest form of election for true proportional representation is to have all voters be able to vote for any candidates in the election. This means no arbitrary division into wards which limits a voter's choice. Thus the ERSSA recommends that councils should eliminate wards. We understand that many people think that by dividing a council into wards it guarantees local representation but this is because they do not understand the electoral system. In a preferential system a candidate must achieve a quota to be elected. The quota depends on the number positions needing to be filled. In a single member electorate that is $50\% + 1$ of the valid votes. This means the most an unsuccessful candidate can obtain is 2 votes less than the successful candidate. When more than one position is to be filled the quota is determined by dividing the number of valid votes by one more than the number of vacant positions then adding one to that figure (see Table 1).

Table 1: Proportion of vote required for a quota

Number of positions to be filled	Quota (proportion of vote to be elected)	Maximum potentially unrepresented voters
1	$50.0\% + 1$	$50.0\% - 1$
2	$33.3\% + 1$	$33.3\% - 2$
3	$25.0\% + 1$	$25.0\% - 3$
4	$20.0\% + 1$	$20.0\% - 4$
5	$16.7\% + 1$	$16.7\% - 5$
6	$14.3\% + 1$	$14.3\% - 6$
12	$7.7\% + 1$	$7.7\% - 12$

South Australia uses the partial preferential system of one transferable vote per voter. This means that a voter must mark the ballot to indicate the candidates they prefer in the order in which they prefer them up to the number of positions to be filled. On counting the vote is

allocated to the voter's first preference. If this candidate does not receive a quota of vote then the vote can be transferred to their second choice. If a candidate receives more than a quota then part of the vote will be used to elect that candidate and the surplus part of the vote will be transferred to the 2nd preference. The process of counting is rather complex but is designed to try to ensure that the successful candidates are actually those preferred by the most numbers of voters.

A vote that is not used to elect a candidate is wasted and that person could be defined as being unrepresented on council. As can be seen in table 1 the maximum proportion of votes which may be wasted decreases as the number of positions increases. In the proposed changes to 3 wards with 4 councillors the maximum of wasted votes is 20% - 4. With the number of voters identified in the report 30,394 the maximum number of votes that may be wasted across council is 6,074. This means that near 20% of the voters may feel unrepresented on Council.

Under the existing two ward arrangement with 7 members in the Ranges ward and 5 members in the Valleys ward the maximum number of wasted votes is 12.5%-1 and 16.7%-1. Clearly the maximum number of wasted is lower under the current ward arrangement. A weighted average would suggest the figure would be 14.7%-2 or 4,466 votes.

Clearly there is no increased benefit to the voters in the AHC district if there is the potential for more votes to be wasted.

Since the change is not necessary to comply with any legislative requirement it is contrary to Section 26(1)(c) "Proposed change should, wherever practicable, benefit the ratepayers." as no effort appears to have been made to ensure that ratepayers will benefit from the proposed change and in fact there is a demonstrable detriment to ratepayers who vote.

The most practical solution would be to leave the current ward configuration in place.

The concern that without wards more populous areas will dominate does not take into account that the ratio of councillors to voters is required to be the same across the whole council. The number of councillors in a ward is directly related to the number of voters in that ward. If wards are abolished the population in the area previously defined by the wards does not change. Therefore the areas still have the capacity to elect the same number of councillors as before.

Legislative Requirements

Communities of Interest

The ward model of representation is often justified on the basis that only a local knows what a local community needs. Local means living within a geographically defined area. The suggestion that all people living in a geographically defined area have the same interests and needs is rarely true. More often than not a range of interests exist within a local community and a single individual will never be able to adequately represent all these different interests nor should they be expected to. The reality is that often only the majority interests are represented and a portion of the community will be unrepresented.

If no candidate in a ward is acceptable to a voter the only choice left is not to vote. Without wards the likelihood of no candidate being acceptable is greatly reduced because the voter has the choice of all candidates.

The identification of social or economic interests is more difficult but local government land categories could be used as an indicator of economic interests. This data is available to councils via their rates database and should be considered as part of a representation review.

Communities of interest

In Adelaide Hills Council an obvious economic community of interest which can be measured by reviewing land use categories is primary production while other communities of social interest exist for which data is readily available to Council. They are dog and cat owners. A number of less easily quantified but recognisable groups include: Friends of Library, Historical Societies, Landcare Groups, Netball and Tennis Clubs, Football Clubs and Horse Owners. All of these will be dispersed across the council district but could decide that particular candidates are worthy of their vote because of perceived support for their interest. By dividing council into many wards the ability of these voters to elect a candidate sympathetic to their interests is reduced.

Conclusion

ERSSA believes the residents of the Adelaide Hills Council would be best served if Council abolished wards but if Council has no appetite for abolishing wards then the current configuration of two wards is a better arrangement than the proposed change to three wards. Attached in the Appendices is a list of arguments and issues often presented when the abolition of wards is raised.

Appendix – Responses to issue raised concerning no wards

Arguments in favour of no wards

- Greatest choice available to voters
- Candidates do not have to choose a ward in which to nominate
- Reduced risk of no contest election
- Minimises chance of a voter not liking any candidate.
- Guarantees most popular candidates are elected
- Provides an opportunity for small interest groups to elect a representative to council
- Composition of council should most closely match the values and expectations of the community.
- Councillors are elected to represent the whole of the district so parochial influences on decisions are eliminated.

Rebuttal of Arguments against

Issue	Response
Voters have to indicate preference for at least 12 candidates and they may not know or like 12 candidates	Definitely could be an issue for some voters. No easy solution.
A potential candidate may not nominate because of perception that they have to campaign across the whole council at great expense.	Quota is only slightly higher than it would have been if the council had been divided into wards so candidates can target a specific area or interest group where sufficient numbers exist to obtain a quota. Campaigning does not have to cover the whole of the district.
Work load may increase as councillors available to all voters.	Theoretically all councillors should be available to all ratepayers even when councils are divided into wards. A resident would be expected to approach a councillor for whom they voted. A more popular Councillor might expect to get more votes.
May lead to political parties	Nominations by political parties are not currently supported by SA legislation. No evidence at a national level to support this claim.
May lead to domination of council by interest groups	This could occur in a divided council as any interest group can field candidates in all wards [ala Back to Basics in 2014] but this outcome will only occur if it is the will of the people and that is democracy.
Outcome may be dominated by more populous areas.	The number of councillors allocated to a particular ward is directly proportional to the population of that ward. Population density gives the perception of a more populous area having an advantage but the size of the ward is adjusted to compensate. Thus some wards are large and other wards are small. Distribution of population does not change when wards are abolished so each area has the capacity to continue electing the same number of councillors.

Discussion of frequently raised issues

Issue: Wards allow for direct or local representation

As the Council has 60 different localities it is not possible for all localities to have direct or local representation. The Local Government Act identifies regional interest as a form of community of interest which should be considered but it also identifies several other forms of community of interests and does not attempt to rank any in order of importance or precedence. The aggregation of localities into wards implies some a commonality amongst those communities.

As most communities have diversity amongst their members it is important to not ignore the differences of opinions and attitudes which may exist. It is unreasonable to expect one Councillor to represent all the diverse views of a group of communities. The notion that some voters should be denied access to a councillor with similar values to them because others believe that local representation can only be achieved by wards is perverse.

Geographic areas defined by wards are represented by a number of Councillors based on the number of voters in that area (ward quota). The number of voters in an area will be the same without ward as it was with wards so voters can still elected the same number of Councillors of the local area if that is what they want.

As candidates do not have to live in a ward to nominate in that ward it would be expected that candidates who do not live in a ward would not be successful in getting elected if living locally was of primary concern to voters. The outcome of each election in Adelaide Hills Council up until 2018 when two wards were adopted saw at least 3 and as many as 4 candidates elected to represent wards in which they did not live. This shows that for a large portion of voters local representation is not as important as other issues.

Wards are fair

Wards base systems are inherently unfair as they decrease the ability of smaller interest groups to elect a councillor to represent them. The proportional representation used in South Australia is meant to elect Councillors whose views mirror that of the community they are elected to represent. In a Council with 12 councillors if 7.8% of the community hold a common view they should be able to elect a Councillor. If a Council is divided into wards this figure increase such that in a 4 councillor ward the group needs to represent 20% of the community within a ward to even get one Councillor.

Issue: The more populous areas will dominate the election

The concern that without wards more populous areas will dominate does not take into account that the ratio of councillors to voters is required to be the same across the whole council. The number of councillors in a ward is directly related to the number of voters in that ward (ward quota). If wards are abolished the population in the area previously defined by the wards does not change. Therefore the areas still has the capacity to elect the same number of councillors as before.

Issue: Wards allow a voice from smaller towns/areas

No system can guarantee a voice for all smaller towns or areas. The representation ratio defines how many voters each councillor represents and smaller towns and areas by their very nature will never have sufficient votes to elect a representative without combining with several other towns or areas. Wards do not increase the ability regions (aggregated towns/areas) to elect a representative. As the number of Councillors allocation to a ward is dependent on the voter base of that ward the outcome should be the same with or without wards.

Issue: Diversity of community requires wards

The diversity of the community can only be fully addressed in a situation where proper proportional representation exists. Diversity is not limited to geographic distributed communities. It also occurs within and across communities. Wards can divide the diversity that is distributed across the council district in such a way that it is unable to gain a proportional number of representatives on council.

Issue: Rural representation

Rural areas exist in many locations across the Council district. Wards will ultimately divide the rural community and reduce its capacity to elect an appropriate number of representatives.

Issue: Area Councillors are less empathetic to local issues

Councillors have a responsibility to consider the interest of all areas and constituents of the Council. This issue is also often expressed as Councillors not having empathy for all areas of Council a situation which can occur even under wards.

Issue: Wards prevent/courage political party involvement

An analysis of NSW councils in 2017 shows that political party involvement in local government is independent of whether the Council is divided into wards or not. The incidence of political party involvement is significantly higher in metropolitan councils. NSW legislation supports the nomination of candidates by political parties South Australian legislation does not. Figure in brackets is number were party membership is an issue.

Table 2: Comparison of NSW Metropolitan and Country Councils with no wards and wards

NSW Councils	With wards	With no wards	Total
metro	24(21)	6(5)	30(26)
non-metro	25(7)	73(21)	98(28)
Total	49	79	128

Issue: Single interest or narrow interest groups may dominate

In Queensland where divided councils are required to have single member wards. The most significant domination of an election by a group was in Townsville where 2 opposing groups contested all positions. The council was divided into 10 single member wards and although

Adelaide Hills Council Representation Review 2024

one group got 42% of the vote across the whole council none of its candidates were successful in getting elected because none got the require majority of 50%+1 in any ward. Thus the whole council was controlled by one group. Under the proportional representation used in South Australia if the council was undivided the outcome would have been a 6/4 split of positions giving some diversity of opinion on the council.

A single or narrow interest group will only win a majority of positions if this is the will of the voters and this is democracy at work.

Note the domination by single or narrow interest groups can occur regardless of whether a council is divided into wards or not.

Issue: Ain't broke/Works well

This is a matter of perspective. Some voters will expressed concern that the ward system does not work for them. Of course those who are served well by a ward system will argue it isn't broken but this does not make it the best system or most democratic system of representation.

Issue: Need Councillors with local knowledge

When a candidate stands for election the first time they are unlikely to have knowledge of areas beyond their own immediate locality. The development of "local" knowledge occurs as a Councillor is exposed to issue in an area. Wards have a tendency to create a belief that only a Councillor elected within a ward can manage issues present in that ward regardless of the fact that another Councillor may live closer geographically and be more aware of the issues.

All Councillors will have knowledge of their own immediate locality and should develop an understanding of issues in other localities. Councillors who limit their activities to representing a portion of the Council district are not fulfilling their responsibilities as a Councillor. Local knowledge can be and is provided by the local community when it is needed.

Issue: Candidates will be discourage from standing because the perceived cost of campaigning

Table 3: Nominations versus positions in SA local government elections

Election year		Positions	Nominations	Ratio
2022	No wards	294	428	1.46
	Wards	314	674	2.15
2018	No wards	288	476	1.60
	Wards	356	762	2.10
2014	No wards	288	458	1.60
	Wards	368	761	2.10
2010	No wards	276	413	1.50
	Wards	389	739	1.90
2006	No wards	186	286	1.54
	Wards	364	712	1.96
2003	No wards	164	237	1.45
	Wards	329	610	1.85
2000	No wards	288	458	1.59
	Wards	367	760	2.07

This issue may have some validity as table 2 shows councils divided into wards have a high number of candidates contesting a vacancy than those not divided into wards. However the nominates are often concentrated into one or two wards within a council district and many other wards have few nominations while the chance of an uncontested election are significantly higher as demonstrated in table 3. In uncontested elections the voters do not get any say about who represents them. This denies those voters their democratic right to have a say in who represents them.

Table 4: Uncontested SA local government elections

	2000	2003	2006	2010	2014	2018	2022
Undivided	6 councils	5 councils	7 councils	4 councils	1 councils	3 councils	7 councils
Divided	32 wards in 19 councils	54 wards in 28 councils	38 wards in 20 councils	27 wards in 16 councils	22 wards in 15 councils	10 wards in 7 councils	17 wards in 13 councils

Issue: Wards reduce the cost of supplementary elections

If a vacancy occurs in a ward system then the Council is compelled to incur the cost of conduct a supplementary election. However if a vacancy occurs in a no wards system and Council has an appropriate policy then one vacancy can be carried to the next election allowing the Council to avoid the cost of a supplementary election.

Issue: Create a sense of identity

Wards are another layer to the sense of identity which can be positive or negative. It is important that residents feel a part of the Adelaide Hills Council and wards has in the past tended to create a level of ill feeling between areas. Care should be taken not to recreate past animosities.

Email Feedback 6

To All Adelaide Hills Councillors

I am opposed to the proposed changes to the wards and provide the following comments elucidating my concerns that the changes will have a detrimental effect on my interest in relation to having my views represented on Council.

The review report states on page 12 that *'The Council ... incorporates sixty (60) districts and/or localities, all of which could be conceivably constitute a "community of interest"'* and further states *'Council is keen to ensure that, where possible, identified "communities of interest" are maintained in their entirety within the bounds of a ward...'* but the proposal seems to only consider these localities as the key element for creating wards. The proposed wards seem to have sliced and diced these localities to create an arrangement which meets the requirements section 33(2) of the Local Government Act 1999. This does not recognize that many of these localities have a broader connection with adjacent localities that extends the community of interest beyond their identified boundaries. Some obvious things which create connections between localities is accessing facilities like Libraries, Community centres, Council service centres and membership of organizations like CFS, SES, History groups and Sports clubs and Associations. There is no evidence in the report that any of these connections have been considered in delineating the ward boundaries.

The Summit community centre was established as a facility to provide a service to Montacute and other communities in the old East Torrens area and this facility is readily accessed via Montacute/Marble Hill Road. As a resident of Montacute I have attended many functions using the Summit as a venue and expect to continue to do so in the future. I do not see the Gumeracha Community centre, Service Centre or Library as facilities for servicing my needs. Stirling Library and Service Centre are closer and more accessible to me than Gumeracha.

The Montacute community has strong ties to the Cherryville community and no ties to the Paracombe Community which is the closest locality in the proposed Ward 1. Paracombe, is also separated from Montacute by the River Torrens and the only access to Paracombe is via Gorge Road and Torrens Hill Road, a 14Km drive from Montacute Institute to Paracombe Hall.

My husband is a member of the Montacute CFS which is part of the East Torrens Group. He interacts with other members of the brigades in the East Torrens Group and as a CFS member has had nothing to do with any of the brigades in the Torrens Valley Group, of which Paracombe CFS is the closest. Putting Montacute into proposed Ward 1 does not recognize that the Montacute residents, who are CFS members, have a strong connection with CFS members in the west area of proposed Ward 2 but have no connection with CFS members in the rest of Ward 1. In 2023 the Montacute CFS brigade had a Christmas function at Lost in the Forest in Uraidla.

The proposal wards will limit my choice of candidates in future Council elections as candidates who nominate for the proposed ward 3, which is currently part of the Ranges Ward, will not be available to me. I often found it difficult to vote for the required two candidates when the Council had 5 wards and my choice was limited to those who nominated in the Marble Hill ward. In the Ranges ward I have had no trouble voting for 7 candidates as the range of candidates has given me enough choice and my first preference has been going to a candidate who lived in the area proposed for Ward 3. If the proposed changes are implemented I will no longer be able to do this.

I have serious doubts that I will find enough candidates nominating in the proposed Ward 1 with values that align with mine for me to vote for 4 candidates. . This will force me to either not vote or vote informally as I will not vote for someone who has values with which I do not agree.

To summarise I am opposed to the proposal and support the retention of the existing two wards.

Email Feedback 7

Community Engagement

63 Mount Barker Road,
Stirling SA 5152

Dear Council,

Re: Feedback on Proposed Ward Structure Changes – Section 4.3

I am writing to provide feedback on the proposed ward structure outlined in the Elector Representation Review report. While I appreciate the Council's efforts to ensure fair representation, I believe the proposed structure does not adequately reflect the unique needs of our community, particularly for towns like Oakbank and Balhannah. Historically and geographically, Oakbank and Balhannah are deeply interconnected with the Valley Ward. These towns share longstanding ties in terms of community, culture, and infrastructure, making the Valley Ward a natural fit for their inclusion. Preserving this alignment would ensure that representation on the council continues to reflect the unique identity and shared interests of this area.

Key Concerns

1. Communities of Interest

The report highlights the importance of preserving "communities of interest" to ensure effective representation. However, the proposed grouping of Oakbank and Balhannah with the urban suburb of Rostrevor disregards these principles. Oakbank and Balhannah share rural and semi-rural characteristics, a strong historical connection, and common social and economic interests, which are vastly different from the suburban priorities of Rostrevor. This misalignment risks diluting the representation of these Valley towns.

2. Topography and Travel

The Adelaide Hills' unique geography creates challenges for travel and communication between some areas. Grouping rural Oakbank and Balhannah with an urban center like Rostrevor introduces impractical distances and differences in infrastructure needs. Councillors representing such diverse areas may find it difficult to adequately serve all constituents.

3. Elector Numbers vs. Representation

While the proposed ward structure achieves balance in elector numbers, this comes at the expense of meaningful representation for smaller, cohesive communities. Oakbank and Balhannah should remain grouped with other Valley towns to ensure their needs are addressed, rather than being overshadowed by the larger population and urban focus of areas like Rostrevor.

4. Challenges for Councillors

Grouping towns with significantly different identities and priorities, such as Oakbank, Balhannah, and Rostrevor, places undue pressure on councillors. They would face competing demands from rural and urban constituents, making it harder to focus on specific issues affecting each community. Smaller towns like Oakbank and Balhannah may receive less attention in this arrangement.

5. Future Growth

The report references population growth in certain areas. It is essential to ensure that rural communities like Oakbank and Balhannah are not left underrepresented as urban populations grow within their proposed ward. Grouping these rural towns with suburban areas may exacerbate this imbalance over time.

Suggestions for Improvement

1. Preserve Community Connections

Oakbank and Balhannah should remain in the same ward with other Valley towns that share similar rural characteristics, such as Woodside and Lobethal. This approach aligns with the principle of reflecting “communities of interest” and ensures fairer representation for these towns.

2. Avoid Mismatched Groupings

Urban suburbs like Rostrevor should not be grouped with rural or semi-rural areas. Instead, they should be part of a ward that reflects their urban identity and priorities.

3. Consider a No-Ward Model

A no-ward structure could simplify representation and eliminate the challenges posed by mismatched groupings. It would ensure all councillors are accountable to the entire council area and provide smaller communities like Oakbank and Balhannah with equal opportunity for representation.

4. Reflect Topography and Geography

Ward boundaries should take into account the Adelaide Hills’ unique geography, ensuring that councillors can practically represent their constituents. Wards that respect natural and historic divisions would provide stronger representation.

Conclusion

I trust that the Council will carefully consider these concerns and suggestions. Ensuring that communities like Oakbank and Balhannah are accurately represented is critical to maintaining the integrity of the Valley Ward and providing fair governance for all residents.

Thank you for the opportunity to provide feedback on this important matter.

Yours sincerely,

Email Feedback 8

I have already made a submission - please consider this as a supplementary .

Ward names. I have advocated that water features i.e. rivers be used - Torrens, Onkaparinga and Cox(although there may be a more appropriate river for the south.

I am particularly committed to Onkaparinga. This name is a Anglosaxon version of Ngangkiparri orNgangkiparingga which means "place of the women's water". The name would recognise the link to First Nations people (source Wikipedia)

Ward boundaries. I recognise that numbers are important.

BUT:

for Ward 2, I struggle with including the metro suburbs of Rostrevor, Teringie and Woodforde with rural towns such as Balhannah, Basket Range and Oakbank . There is no community of interest and no relationships between residents.

For Ward 3, From my viewpoint and many others who live in the Northern area, we view Aldgate, Bridgewater, Stirling and Crafers as a conglomerate and hard to differentiate between them. One would assume the residents have similar lifestyles and interests and therefore should be in the same ward.

I have no suggestions how the above could be achieved.

APPENDIX C - E-BLASTS, ADVERTISEMENTS AND SOCIAL MEDIA POSTS

18 December 2024 – E-blast Elector Representation Review 2024 (Sent to 12,829)



Hi there,

Council is currently undertaking a Representation Review which is a process every Council must undertake approximately every 8 years. It is to consider whether the composition of the Council meets the needs of the local community.

Matters to be considered as part of the review include:

- The number of Elected Members to represent the community
- The number and structure of Wards
- Ward names.

We have prepared a [Representation Review Report](#) that reflects the current position of the Council. This report sets out what we believe should be carried into effect at the next Local Government elections in 2026. It provides information and analysis relevant to the composition and structure of Council.

A basic overview:

This review is looking at our representative and electoral ward setup. It has included considering whether the community would benefit from an alternative composition or ward structure. Our preferred structure proposes:

- The principal member of Council will be a Mayor elected by the community (as per the requirements of Section 51 of the Act).
- The future elected body of Council will comprise the Mayor and twelve (12) ward councillors.
- The Council area will be [divided into three \(3\) wards](#) with each of the proposed wards being represented by four (4) councillors.

Knowing how our community feels about the representative composition and ward structure that we are proposing is important to us.

No final decision will be made in respect to Council's future composition and/or structure until consideration has been given to any and all public submissions received throughout this consultation period.


How to share your thoughts:

- Preferably using the [online submission form here](#)
- Email to engage@ahc.sa.gov.au
- Send a letter to Community Engagement, 63 Mount Barker Road, Stirling SA 5152
- Phone 8408 0400
- Collect a hardcopy feedback form from any AHC Library or Customer Service Centre at Gumeracha, Norton Summit, Stirling, or Woodside during [opening hours](#).

Opportunity to provide feedback closes at 4pm on Tuesday 28 January 2025

[Find out more](#)

18 December 2024 – EHQ Newsletter Consultation Open Today - Elector Representation Review 2024 (Sent to 1,952)



Electoral Representation Review 2024

Dear AHC Engagement Subscriber,

Council is currently undertaking a Representation Review which is a process every Council must undertake approximately every 8 years. It is to consider whether the composition of the Council meets the needs of the local community.

Matters to be considered as part of the review include:

- The number of Elected Members to represent the community
- The number and structure of Wards
- Ward names.

If you are interested in your community and how your Elected Members represent you, your ideas and interests, then this is a valuable opportunity to share your thoughts and tell us, have we got it right!

We have prepared a [Representation Review Report](#) that reflects the current position of the Council. This report sets out what we believe should be carried into effect at the next Local Government elections in 2026. It provides information and analysis relevant to the composition and structure of Council.

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Further information is available [here](#).

How to share your thoughts:


- Preferably using the [online submission form here](#)
- Email to engage@ahc.sa.gov.au
- Send a letter to AHC Community Engagement, 63 Mount Barker Road, Stirling SA 5152
- Phone 8408 0400
- Collect a hardcopy feedback form from any AHC Library or Customer Service Centre at Gumeracha, Norton Summit, Stirling, or Woodside during [opening hours](#).

Opportunity to provide feedback closes at 4pm on Tuesday 28 January 2025

Kind regards,



The Project Team

Have your say on our: Elector Representation Review




If you are interested in your community and how your Elected Members represent you, your ideas and interests, then this is a valuable opportunity to share your thoughts and tell us, if we have it right!

Give your feedback by
4pm 28 January at:
engage.ahc.sa.gov.au




10 January 2025 - Hills Voice E-News (Sent to 4119)



Elector Representation Review 2024- Have your say!

If you are interested in how your Elected Members represent you, your ideas and interests, share your thoughts and let us know if we've got it right!

[Read More](#) 

Social Media - Facebook

Adelaide Hills Council
December 18, 2024 · 🌐

We're reviewing how your Elected Members represent you, including ward boundaries and council composition.

We're proposing:

- A Mayor elected by the community
- 12 Councillors across 3 wards (4 per ward)...

[See more](#)

**Have your say:
Elector Representation Review**



3 🌟 1 comment 2 shares

Like Comment Share

Hmm is it coming close to an election, who are the people that won't acknowledge Australia Day !!

7w Like Reply 2 🌟

Adelaide Hills Council
January 7 · 🌐

We're reviewing how your Elected Members represent you, including ward boundaries and council composition.

We're proposing:

- A Mayor elected by the community
- 12 Councillors across 3 wards (4 per ward)

We want to know:

- Does this give you fair access to Councillors?
- Do the ward boundaries make sense?
- What do you think of the proposed ward names?

View the details and give your feedback here 📄 <https://ow.ly/pf9E50Uskif>

Feedback closes 4pm, 28 January.

#ElectorReview

**Have your say:
Elector Representation Review**



6 🌟 1 comment 7 shares

Like Comment Share

Will you listen to us as you didn't ask our opinion over Australia Day

4w Like Reply


Social Media – X

Adelaide Hills Council @AHCouncil · Dec 18, 2024

We're reviewing how your Elected Members represent you, including ward boundaries and council composition. View the details and give your feedback here 📄 ow.ly/bag750Uskk4

#ElectorReview

**Have your say:
Elector Representation Review**




39 🗨️ 🔄 ❤️ 📌 📤

Adelaide Hills Council @AHCouncil · Jan 7

We're reviewing how your Elected Members represent you, including ward boundaries and council composition. View the details and give your feedback here 📄 ow.ly/bag750Uskk4

#ElectorReview

**Have your say:
Elector Representation Review**



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4

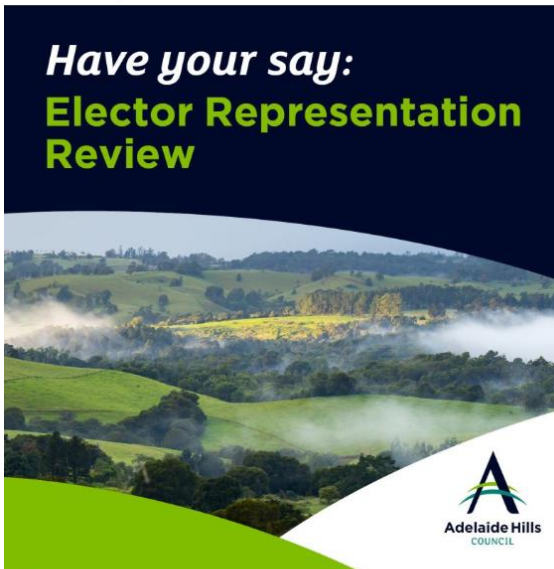
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4

2 reposts

- Like
- Comment
- Repost
- Send

Appendix 2

Electoral Representation Review Report



ADELAIDE HILLS COUNCIL

REPRESENTATION REPORT

(SECTION 12(5) – 12(7) OF THE LOCAL GOVERNMENT ACT 1999)

Disclaimer

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1. Introduction

Section 12(3) of the *Local Government Act 1999* (the Act) indicates that Council must undertake a “representation review” to determine whether the community would benefit from an alteration to Council’s composition and/or ward structure.

Section 12(4) of the Act states: *“A review may relate to a specific aspect of the composition of the council, or of the wards of the council, or may relate to those matters generally – but a council must ensure that all aspects of the composition of the council, and the issue of the division, or potential division, of the area of the council into wards, are comprehensively reviewed under this section at least once in each relevant period that is prescribed by the regulations”.*

Representation reviews are generally undertaken every eight (8) years, and the Minister for Local Government has specified that the Adelaide Hills Council (Council) is required to undertake and complete a review during the period April 2024 – April 2025. The review outcome must be published in the Government Gazette by the 1st January 2026, and any changes will come into effect at the next Local Government elections in November 2026.

This report has been prepared in accordance with the requirements of Sections 12(5) and 12(6) of the Act. It sets out the elector representation proposal that Council believes should be carried into effect at the next Local Government elections; provides information pertaining to matters relevant to the composition and structure of Council; and presents an analysis of how Council’s proposal relates to the relevant provisions and principles prescribed under Sections 26(1)(c) and 33 of the Act.

The key issues that need to be addressed during the review include:

- the number of elected members of Council that are required to provide fair and adequate representation to the community;
- the division of the Council area into wards, or alternatively the abolition of wards; and
- if applicable, the preferred future ward structure, the level of ward representation and the name/title of any proposed future wards.

Whilst the proposal presented herein reflects the current position of the Council, no final decision will be made in respect to Council’s future composition and/or structure until consideration has been given to any and all public submissions which may be received during the prescribed public consultation stage.

2. Background

Adelaide Hills Council covers approximately 795.1km²; and had an estimated resident population of 41,842 as at the 30th June 2023. According to Electoral Commission SA, there were 30,881 eligible electors within the Council area as at the 28th June 2024, this equating to an elector ratio (i.e. the average number of electors represented by a councillor) of 1:2,573.

The Council area is currently divided into two (2) wards, as described hereinafter and depicted on Map 1. The Ranges Ward is represented by seven (7) ward councillors, whilst the Valleys Ward is represented by five (5) ward councillors. The Mayor is the thirteenth and principal member of Council. This arrangement formally came into effect at the Local Government elections in November 2018.

Ranges Ward: Comprising the suburbs/localities of Aldgate, Ashton, Basket Range, Carey Gully, Castambul, Cherryville, Cleland, Crafers, Greenhill, Heathfield, Horsnell Gully, Longwood, Marble Hill, Montacute, Mount George, Norton Summit, Piccadilly, Scott Creek, Stirling, Summertown, Teringie, Uraidla and Woodforde; and part of the localities of Belair, Bradbury, Bridgewater, Crafers West, Dorset Vale, Ironbank, Mylor, Rostrevor and Upper Sturt.

Valleys Ward: Comprising the localities of Balhannah, Chain of Ponds, Charleston, Cudlee Creek, Forest Range, Forreston, Gumeracha, Inglewood, Kenton Valley, Kersbrook, Lenswood, Lobethal, Lower Hermitage and Millbrook; and part of the localities of Birdwood, Cromer, Hahndorf, Hay Valley, Houghton, Humbug Scrub, Mount Crawford, Mount Torrens, Oakbank, Paracombe, Upper Hermitage, Verdun and Woodside.

The distribution of electors between the existing wards is detailed in Table 1.

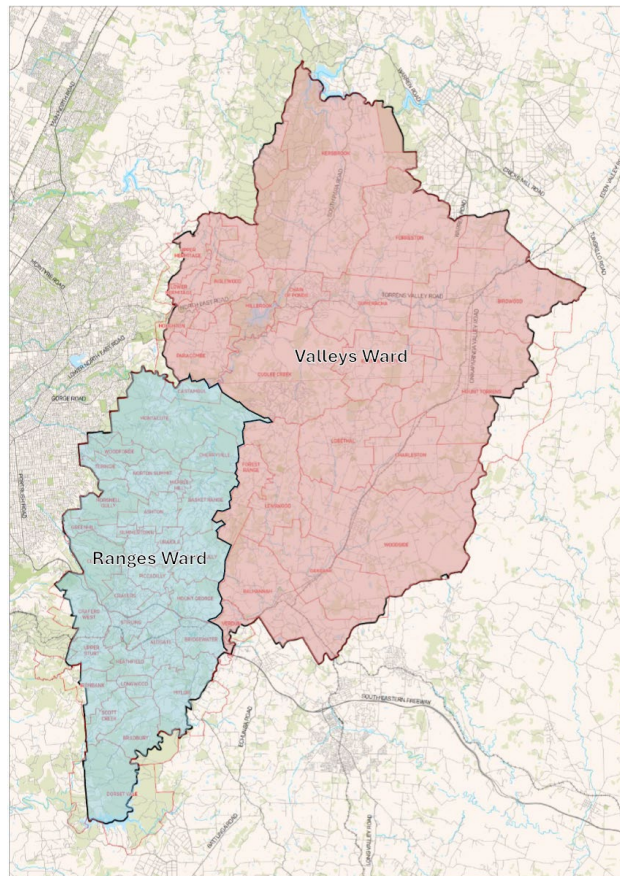
Table 1: Elector numbers and ratios for the existing wards.

Ward	Crs	H of A Roll	Council Roll	Total Electors	Elector Ratio	% Variance
Ranges	7	18,396	9	18,405	1:2,629	+2.18
Valleys	5	12,467	9	12,476	1:2,496	- 3.03
Total	12	30,863	18	30,881		
Average					1:2,020	

Source: Electoral Commission SA, 28th June 2024

The elector ratios (i.e. the total number of electors divided by the number of councillors) in both of the existing wards lay within the specified quota tolerance limits (refer 5.6 Quota, page 14) and, as such, the ward structure can be retained, if so determined by Council.

Map 1: Current ward structure



Council commenced its review on the 5th August 2024 with an initial briefing of the elected members on matters relevant to the review. A subsequent workshop/briefing was conducted on the 2nd September 2024 at which time the elected members further discussed matters relevant to the review; and considered a Discussion Paper which provided further information, including potential alternative ward structure options. Key issues of discussion have included:

- the “member cap” specified under Section 11A of the Act;
- the continued division of the Council area into wards, as opposed to the abolition of wards;
- the number of elected members required to provide adequate and fair representation;
- the provisions of Sections 26(1)(c) and 33 of the Act, in particular the requirement to avoid over-representation in comparison with councils of a similar size and type; and
- the anticipated population growth over coming years, and the likely impacts thereof upon elector representation across the Council area.

At its meeting on the 24th September 2024 Council identified the preferred (in principle) option in respect to its future composition and ward structure.

3. Proposal

Having duly considered all relevant provisions of the Act and considerable information pertaining to the primary issues pertaining to the review, Council proposes the following in respect to its future composition and structure.

- The principal member of Council will be a Mayor elected by the community (as per the requirements of Section 51 of the Act).
- The future elected body of Council will comprise the Mayor and twelve (12) ward councillors.
- The Council area will be divided into three (3) wards (as depicted in Map 2 and described hereinafter), with each of the proposed wards being represented by four (4) councillors.

Ward 1: Comprising the districts/localities of Birdwood (part), Castambul, Chain of Ponds, Charleston, Cromer (part), Cudlee Creek, Forreston, Gumeracha, Houghton (part), Humbug Scrub (part), Inglewood, Kenton Valley, Kersbrook, Lobethal, Lower Hermitage, Millbrook, Montacute, Mount Crawford (part), Mount Torrens (part), Paracombe (part), Upper Hermitage (part) and Woodside.

Ward 2: Comprising the districts/localities of Ashton, Balhannah, Basket Range, Bridgewater (part), Carey Gully, Cherryville, Forest Range, Greenhill, Hahndorf (part), Hay Valley (part), Horsnell Gully, Lenswood, Marble Hill, Mount George, Norton Summit, Oakbank (part), Piccadilly, Rostrevor (part), Summertown, Teringie, Uraidla, Verdun (part) and Woodforde.

Ward 3: Comprising the districts/localities of Aldgate, Belair (part), Bradbury (part), Cleland, Crafers, Crafers West (part), Dorset Vale (part), Heathfield, Ironbank (part), Longwood, Mylor (part), Scott Creek, Stirling, Upper Sturt (part) and Waterfall Gully (part).

- The proposed wards will be identified as North, central and South.

The distribution of electors between the proposed wards is detailed in Table 2, and the reasons for Council's "in principle" decisions, together with an analysis of compliance with the relevant provisions and requirements of the Act, are provided hereinafter.

Table 2: Elector distribution between proposed wards.

Ward	Councillors	Electors	Electors Ratio	% Variance
Ward 1 - North	4	9,898	1:2,475	-2.30
Ward 2 - Central	4	10,212	1:2,553	+0.80
Ward 3 - South	4	10,284	1:2,571	+1.51
Total	12	30,394		
Average			1:2,533	

Source: Electoral Commission SA, House of Assembly Roll (28 March 2024)

4. Proposal Rationale

4.1 Composition

Section 51 of the Act stipulates that the principal member of Council must be appointed (by the Governor under circumstances prescribed under Section 10 of the Act) or elected by the electors of for the Council area as a representative of the area as a whole; and is to be called mayor. The Act no longer affords any alternative.

Section 52(1) of the Act specifies that all members of Council, other than the principal member, shall have the title of councillor.

Section 52(2) states that a councillor will (depending on how the council is constituted):

- be elected by the electors of the Council area, as a representative of the area as a whole (whether or not the area is divided into wards); or
- if the area is divided into wards, be elected by the electors of a particular ward, as a representative of the ward.

4.2 Wards/No Wards

The Council area has been divided into wards since the Adelaide Hills Council was proclaimed in 1997.

Currently two (2) of the nineteen (19) metropolitan councils (i.e. the Towns of Gawler and Walkerville) have no wards, as do thirty-five (35) of the forty-nine (49) regional councils.

Council acknowledges that the "no ward" alternative could befit the smaller of the metropolitan councils; affords electors the opportunity to vote for all of the vacant positions on Council; automatically absorbs fluctuations in elector numbers; allows for the most supported candidates from across the Council area to be elected; and supposedly enables the elected members to be free of parochial ward attitudes. Notwithstanding this, Council is concerned that the "no ward" alternative:

- does not guarantee direct representation of all communities within the Council area;
- may make it easier for single interest candidates and/or groups to gain support (than does the existing ward based system);
- has the potential to make the task and cost of contesting "council-wide" elections difficult and excessive; and
- has the potential to increase the cost of conducting elections and supplementary elections, given that under the "no wards" structure all contested elections must be conducted on a "council-wide" basis.

On the other hand, Council believes that a ward structure:

- guarantees a level of direct representation of all areas and communities within the Council area;
- ensures local interests/issues are not overlooked in favour of the bigger "city-wide" picture; and
- provides recognizable lines of communication with Council through the ward councillors.

It is also considered that ward councillors can have empathy for, and an affiliation with, the constituents and communities within their ward; and ward councillors deliberate and make decisions on the basis of achieving the best outcome for their ward and the whole of the Council area (as would be the role of an area councillor under the "no ward" alternative). Further, the community knows and accepts the division of the Council area into wards, and the structure and level of representation that it provides. As such, the retention of a ward structure will likely be perceived as an indication of stability within Council and Local Government in general.

Given the aforementioned, Council supports the on-going division of the Council area into wards.

4.3 Proposed Ward Structure

During the course of the review Council considered a number of ward structures based on ten, eleven and twelve councillors.

Council favours the proposed ward structure because it:

- is relatively simple in configuration;
- is reasonably well balanced in terms of the distribution of electors between the proposed wards (and the resulting ward elector ratios);
- exhibits ward elector ratios which lay well within the specified quota tolerance limits (and are therefore capable of sustaining reasonable future fluctuations in elector numbers);
- has consistent levels of ward representation;
- will provide sufficient opportunities for aspiring candidates to run for Council;
- will provide a level of ward representation which will ensure continued representation within a ward under circumstances whereby a ward councillor or councillors are absent or unavailable;
- should maintain reasonable and manageable workloads for the ward councillors;
- proposes wards which are not excessively large in area and, as such, should provide an environment wherein close relationships between ward councillors and their constituents can still be fostered, and ward councillors can be more familiar with the issues and/or concerns within their ward.

Given all of the aforementioned, Council's preference to introduce a new, three-ward structure is considered to be rational and justifiable.

4.4 Number of Councillors

Council has comprised the Mayor and twelve (12) ward councillors for many years.

Section 11A of the Act specifies that a council must not be comprised of more than thirteen (13) members, including the Mayor. However, the Act also allows Council to seek an “exemption certificate” from the Electoral Commissioner if it desires to retain more than the specified maximum number of elected members.

The Council proposal to retain thirteen (13) elected members, being the Mayor and twelve (12) ward councillors, is in keeping with the requirement and intent of the Act.

When determining its preferred future composition, Council also gave consideration to the following.

- Section 12(6)(a)(i) of the Act which specifically requires Council to examine the question of whether the number of members should be reduced. The Act is silent on the issue of a potential increase in the number of elected members.
- Whilst ward councillors are elected to provide representation of (and assistance to) the constituents within their wards, they also act in the best interest of the whole community within the Council area. This includes nearly 12,000 or more residents who are not enrolled to vote but have the same day-to-day concerns and issues which confront the eligible electors throughout the Council area. As the demands and needs of the whole of the local community directly impact upon the workloads of the elected members, the greater the number of elected members the greater the lines of communication between Council and the greater the likelihood that the elected members will be capable of providing an adequate service to the local community.
- It is anticipated that the population of the Council area will continue to grow in the foreseeable future (refer 5.2 Population and Demographic Trends, page 10). Whilst it is difficult to quantify the future population growth with any certainty at this time, the anticipated increase in the population of the Council area over the next eight years (i.e. the next scheduled representation review) will obviously result in greater elector numbers, higher elector ratios and greater demands being placed upon the elected members (both individually and as a collective body).
- There must be sufficient elected members to manage the day-to-day affairs of Council; provide adequate and readily available lines of communication between Council and the community; and ensure that the potential for diversity in the elected member's skill sets, experience and backgrounds is maintained.

Council believes that it is important to reach a balance between adhering to the intent of the Act (in regard to the future number of elected members) and providing fair and adequate representation to, and of, the local community. **Ultimately, Council believes that the retention of twelve (12) ward councillors and the Mayor will meet both objectives at this time.**

5. Legislative Requirements

The provisions of Sections 26(1)(c) and 33 of the Act require Council consider, as far as practicable, the following when developing a proposal that relates to its composition and structure.

Section 26(1)(c) requires that, when considering a reform proposal, Council should have regard to a list of principles, the most relevant being the following.

- Proposed changes should, wherever practicable, benefit ratepayers.
- A council should reflect communities of interest of an economic, recreational, social, regional or other kind, and be consistent with community structures, values, expectations and aspirations.
- Residents should receive adequate and fair representation within the local government system, while over-representation in comparison with councils of a similar size and type should be avoided (at least in the longer term).

Section 33(1) requires that, in the formulation of a proposal that relates to the boundaries of a ward or wards, the review must also take into account, as far as practicable:

- the desirability of reflecting communities of interest of an economic, social, regional or other kind;
- the population of the area, and of each ward affected or envisaged by the proposal;
- the topography of the area, and of each ward affected or envisaged by the proposal;
- the feasibility of communication between electors affected by the proposal and their elected representatives;
- the nature of substantial demographic changes that may occur in the foreseeable future; and
- the need to ensure adequate and fair representation while at the same time avoiding over-representation in comparison to other councils of a similar size and type (at least in the longer term).

Finally, Section 33(2) of the Act requires that a proposal which relates to the formation or alteration of wards of a council must observe the principle that the number of electors represented by a councillor must not, as at the relevant date (assuming that the proposal was in operation), vary from the ward quota by more than 10 per cent.

Council's comments, as they relate to the relevant provisions of Sections 26 and 33 of the Act, are as follows.

5.1 Communities of Interest

The Act speaks of the desirability of reflecting communities of interest of an economic, social, regional or other kind.

Council defines “Communities of interest” as a community of people who share a common interest or passion over an extended period of time, and are generally identified by considering factors including neighbourhood communities; virtual communities; history and heritage communities; sporting facilities; community support services; recreation and leisure communities; retail and shopping centres; work communities; industrial and economic development clusters; and environmental and geographic interests.

The Council area covers 795.1km² and incorporates sixty (60) districts and/or localities, all of which could conceivably constitute a “community of interest”. Council is keen to ensure that, where possible, identified “communities of interest” are maintained in their entirety within the bounds of a ward, taking into account the features of the landscape; the location of, and connection between, the various communities; and the distribution of the electors. In order to achieve this, Council proposes a ward structure wherein all townships and districts are maintained in their entirety within a ward.

5.2 Population and Demographic Trends

Further residential development and urban renewal (and therefore population growth) is expected across the Council area in the future.

The following information provides some insight into the demographic trends that have occurred over recent years, and the extent of the anticipated future population increase. This information has been taken into account by Council when determining its preferred future ward structure.

Data sourced from Electoral Commission SA indicates that the number of electors within the Council area increased at varying rates over the period 2010 – 2024. Overall, during the cited period the number of enrolled electors increased by 2,187 or 7.6% (i.e. 28,767 to 30,954).

The Department of Planning, Transport and Infrastructure document “Local Area (SA2 and LGA), Population Projections for South Australia, 2021 – 2041” (published March 2024) indicates that the population of the Council area is anticipated (medium series) to increase by 3,439 people or 8.3% (i.e. 41,240 to 44,679) during the period 2021 – 2041.

Data provided by the Australian Bureau of Statistics (refer 3218.0 Regional Population Growth, Australia) indicates that the estimated population of the Council area generally increased from year to year during the period 2001 – 2023; and overall increased by 3,293 people or 8.54% over the specified period (i.e. 38,549 to 41,842). The same data indicates that the population increased by 1,669 people or 4.15% during the five year period 2018 – 2023 (i.e. 40,173 to 41,842).

Australian Bureau of Statistics “Quick Stats” indicate that the estimated population of the Council area increased by 4,250 people or 11.6% over the period 2001 – 2021 (i.e. 36,629 to 40,879).

According to the Adelaide Hills Council “community profile”, the estimated resident population of the Council area increased by 555 people or 1.42% (i.e. 39,165 to 39,720) during the period 2006 – 2012; decreased by 57 people or -0.14% (i.e. 39,687 to 39,630) during the period 2013 – 2015; and

then increased by 2,210 people or 5.58% (i.e. 39,632 to 41,842) during the period 2016 – 2023. Overall, this equates to an increase of 2,677 people or 6.84% over the period 2006 – 2023. 15

In addition, Council is aware of the following.

- The residential growth opportunities identified in the District Mastertplan (2015) have largely been realised via the development of Hamilton Estate (Woodforde), “The Crest” at Woodside, Dunnfield Estate at Mount Torrens, Hughes Place Estate at Lobethal, and a small estate (Pomona Road) at Stirling. The anticipated residential development at Birdwood has not eventuated.
- There are currently no Code Amendments seeking the rezoning of land for residential purposes or the expansion of township boundaries.
- Approximately 60% of metropolitan Adelaide’s watershed is within the Council area and this restricts the potential for further residential development.
- Land divisions are largely confined to small scale infill/urban renewal developments.
- Two small land divisions (10 and 12 allotments) have been approved in Charleston.
- Two small land divisions (6 and 11 allotments) have been approved in Lobethal.
- There are opportunities for small residential developments in Birdwood (8 Shannon Street) and Lobethal (30-32 Pioneer Avenue, 13 Kenton Valley Road and Magpie Castle Road).

5.3 Topography

The Adelaide Hills Council is 795.08 km² in area; extends from Mount Bold Reservoir in the south to the South Para Reservoir in the north and from the Hills Face escarpment in the west to the eastern escarpment of the Mount Lofty Ranges; and primarily comprises natural and/or rural landscape, undulating hills, farming land uses and sixty township, settlement and/or district communities.

Council acknowledges that the topography and travel distances can, at times, have some effect upon the elected members’ ability to attend to the requirements and/or demands of the community, and has consequently given due consideration to the impacts of the topography during the review process.

It is considered that the proposed ward structure is a relatively simple and efficient division of the Council area which befits and accommodates the existing topography of the Council area. Further, the proposed wards are smaller in area than the existing wards; each of the proposed wards are to be represented by four councillors who will be able to share the responsibilities and demands of ward representation; and most parts of the Council area are readily accessible via the local road network.

Given the aforementioned, Council believes that the topography of the Council area should have little or no impact upon Council’s elector representation proposal.

5.4 Feasibility of Communication

Council believes that the Mayor and twelve ward councillors will continue to provide adequate lines of communication between the elected members of Council and the community, taking into consideration the anticipated future growth in elector numbers; the size of the Council area; the nature and density of land uses and development within the Council area; and the continual advancements being made in regard to telecommunications and information technology.

5.5 Adequate and Fair Representation

Sections 26(1)(c) and 33(1) of the Act seek to ensure adequate and fair representation while at the same time avoiding over-representation in comparison to other councils of a similar size and type (at least in the longer term). However, such a comparison is not necessarily a straightforward exercise, given that no councils are identical in terms of their size (elector numbers and/or area), character, population, topography or communities of interest

Table 3 provides the elector data, elector ratios and the area of the regional or “rural” councils which are similar (in terms of elector numbers) to the Adelaide Hills Council. Overall, the data indicates that the Adelaide Hills Council is the fifth largest in area; has the highest number of electors and elected members; and is reasonably consistent with three of the cited councils in regard to elector ratio. However, it is noted that the Adelaide Hills Council compares less favourably with Mount Barker District Council, which is the most similar in regard to area and elector numbers.

Table 3: Elector representation comparison – Regional councils

Council	Councillors	Electors	Elector Ratio
Barossa (912 km ²)	11	19,395	1:1,763
Whyalla (1,032.5 km ²)	9	15,960	1:1,773
Murray Bridge (1,832 km ²)	9	15,977	1:1,775
Mount Gambier (33.9 km ²)	8	20,401	1:2,500
Alexandrina (1,827 km ²)	9	22,992	1:2,554
Adelaide Hills (795.1 km²)	12	30,954	1:2,580
Mount Barker (595 km ²)	10	29,916	1:2,991

Source: Electoral Commission SA (28th June 2024)

Table 4 provides (for comparison purposes) the elector data, elector ratios and the size/area of the metropolitan councils. The data indicates that Adelaide Hills Council is the largest metropolitan council in area; and the level of representation and the elector ratio therein are relatively consistent with the elector representation arrangements of the City of Unley, the City of Holdfast Bay and the City of Burnside, all of which are of a similar size (in terms of elector numbers) to Adelaide Hills Council and comprise twelve (12) councillors.

Table 4: Elector representation comparison – Metropolitan councils

Council	Councillors	Electors	Elector Ratio
---------	-------------	----------	---------------

Walkerville (1.34 km ²)	8	5,820	1: 728
Prospect (7.81 km ²)	8	15,254	1:1,907
Norwood Payneham & St Peters (15.1 km ²)	13	26,064	1:2,005
Gawler (41.10km ²)	10	20,344	1:2,034
Unley (14.29 km ²)	12	28,002	1:2,390
Holdfast Bay (13.72 km ²)	12	28,679	1:2,383
Adelaide Hills (795.1 km²)	12	30,881	1:2,573
Burnside (27.53 km ²)	12	32,324	1:2,694
West Torrens (37.07 km ²)	14	43,198	1:3,086
Adelaide (15.57 km ²)	9	30,445	1:3,383
Campbelltown (24.35 km ²)	10	37,148	1:3,715
Mitcham (75.55 km ²)	12	49,608	1:4,134
Playford (344.9 km ²)	15	72,103	1:4,807
Port Adelaide/Enfield (97.0 km ²)	17	90,246	1:5,309
Charles Sturt (52.14 km ²)	16	90,687	1:5,668
Marion (55.5km ²)	12	68,346	1:5,696
Tea Tree Gully (95.2 km ²)	12	74,774	1:6,231
Salisbury (158.1 km ²)	14	98,637	1:7,046
Onkaparinga (518.4 km ²)	12	133,861	1:11,155

Source: Electoral Commission SA (28th June 2024)
* City of Adelaide also comprises two (2) "area councillors".

Whilst a reduction in the number of elected members would result in some financial savings (e.g. elected member's allowances), Council believes that the potential detrimental impacts in regard to the level and/or quality of representation, the lines of communication between Council and the community, and the increase in elected member's workloads, are undesirable outcomes.

Further, when determining the appropriate number of councillors required to provide fair and adequate representation, Council was mindful that:

- sufficient elected members must be available to manage the affairs of Council;
- the elected member's workloads should not become excessive;
- there is an appropriate level of elector representation;
- the potential for diversity in member's skill sets, experience, expertise, opinions and backgrounds should be maintained to ensure robust discussion amongst the elected members; and
- adequate lines of communication must exist between the community and Council.

Given the aforementioned, **Council believes that a change in the number of councillors is not warranted or appropriate at this time.**

5.6 Quota

Ward quota is the number of electors within a ward divided by the number of ward councillors, whereas the “elector ratio” for the Council area is the total number of electors divided by the number of councillors (i.e. the Mayor is excluded).

Given the aforementioned, any potential future ward structure must incorporate wards wherein the distribution of electors is equitable, either in terms of numbers (if the wards have equal representation) or elector ratio. Under the latter circumstance, the elector ratio within each ward must be within 10% of the average elector ratio for the Council area. The Act only allows for the 10% quota tolerance limit to be exceeded in the short term if demographic changes predicted by a Federal or State government agency indicate that the ward quota will not be exceeded at the time of the next periodic Local Government election.

As indicated in Table 2 (refer 3. Proposal, page 4), the elector ratios in each of the proposed wards lay well within the specified quota tolerance limits.



6. Current Public Consultation

In accordance with Section 12(7) of the Act, interested persons are invited to make a written submission to Council expressing their views on the proposed future composition and structure that Council proposes to introduce at the date of the next Local Government elections in November 2026.

Submissions can be made as follows, and will be accepted until **(insert time and date)** 2024.

- Via Council's Website (Hills Voice: Community Engagement Hub) – engage.ahc.sa.gov.au.
- Written submission addressed to the Chief Executive Officer, 63 Mount Barker Road, Stirling 5152.
- Delivered to the Council offices at 63 Mount Barker Road, Stirling.
- Emailed to mail@ahc.sa.gov.au.

Further information regarding the elector representation review can be obtained on Council's website or by contacting the Governance Team on telephone 8408 0400 or email governanceandperformance@ahc.sa.gov.au.



Appendix 3

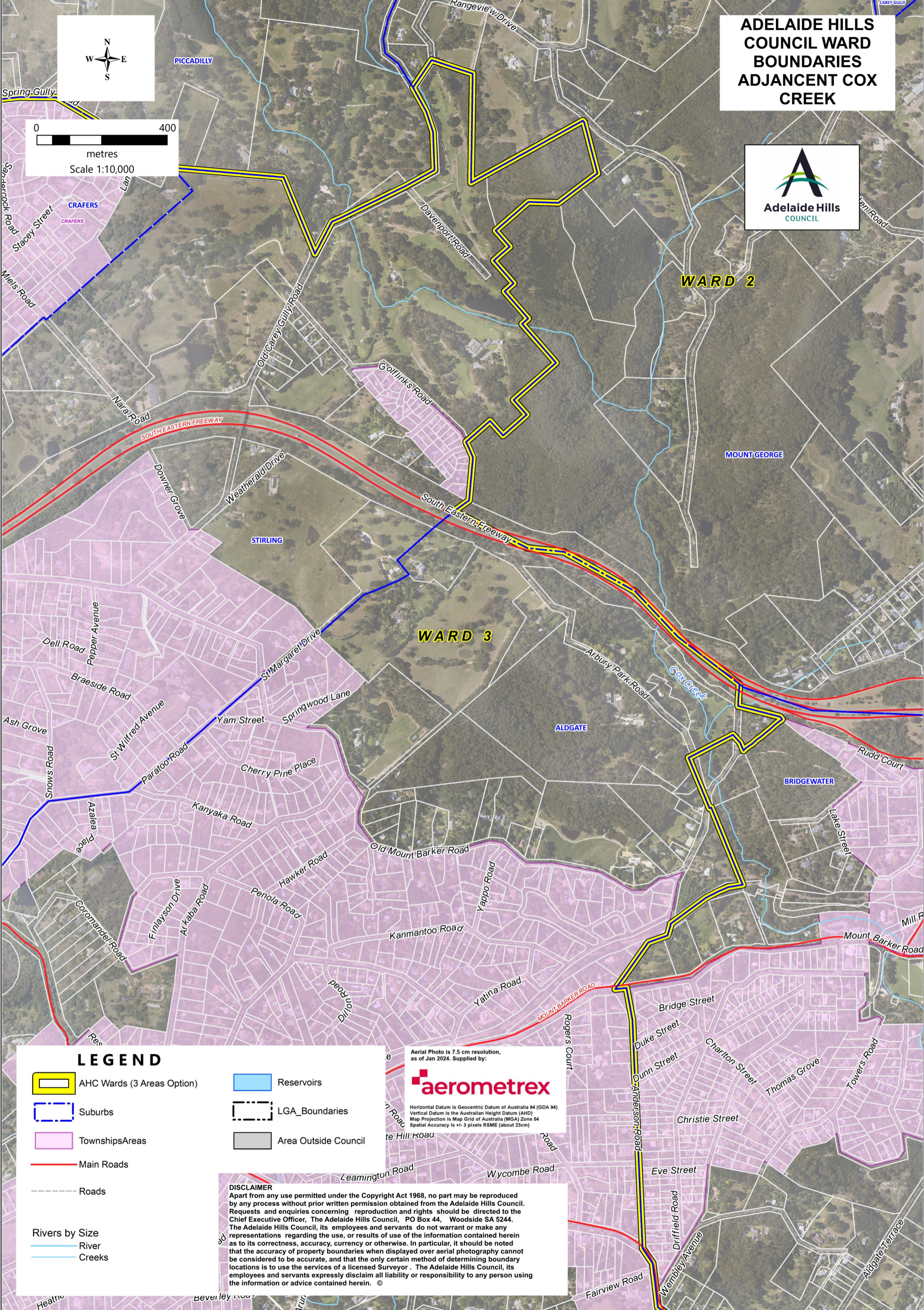
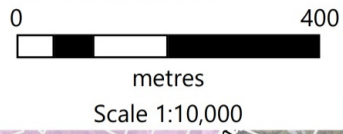
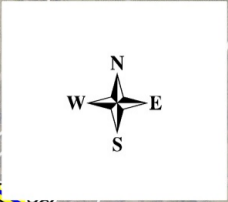
Waterway locations in proposed Wards Maps

ADELAIDE HILLS COUNCIL WARD BOUNDARIES ADJACENT COX CREEK



WARD 2

WARD 3



LEGEND

	AHC Wards (3 Areas Option)		Reservoirs
	Suburbs		LGA_Boundaries
	TownshipsAreas		Area Outside Council
	Main Roads		
	Roads		

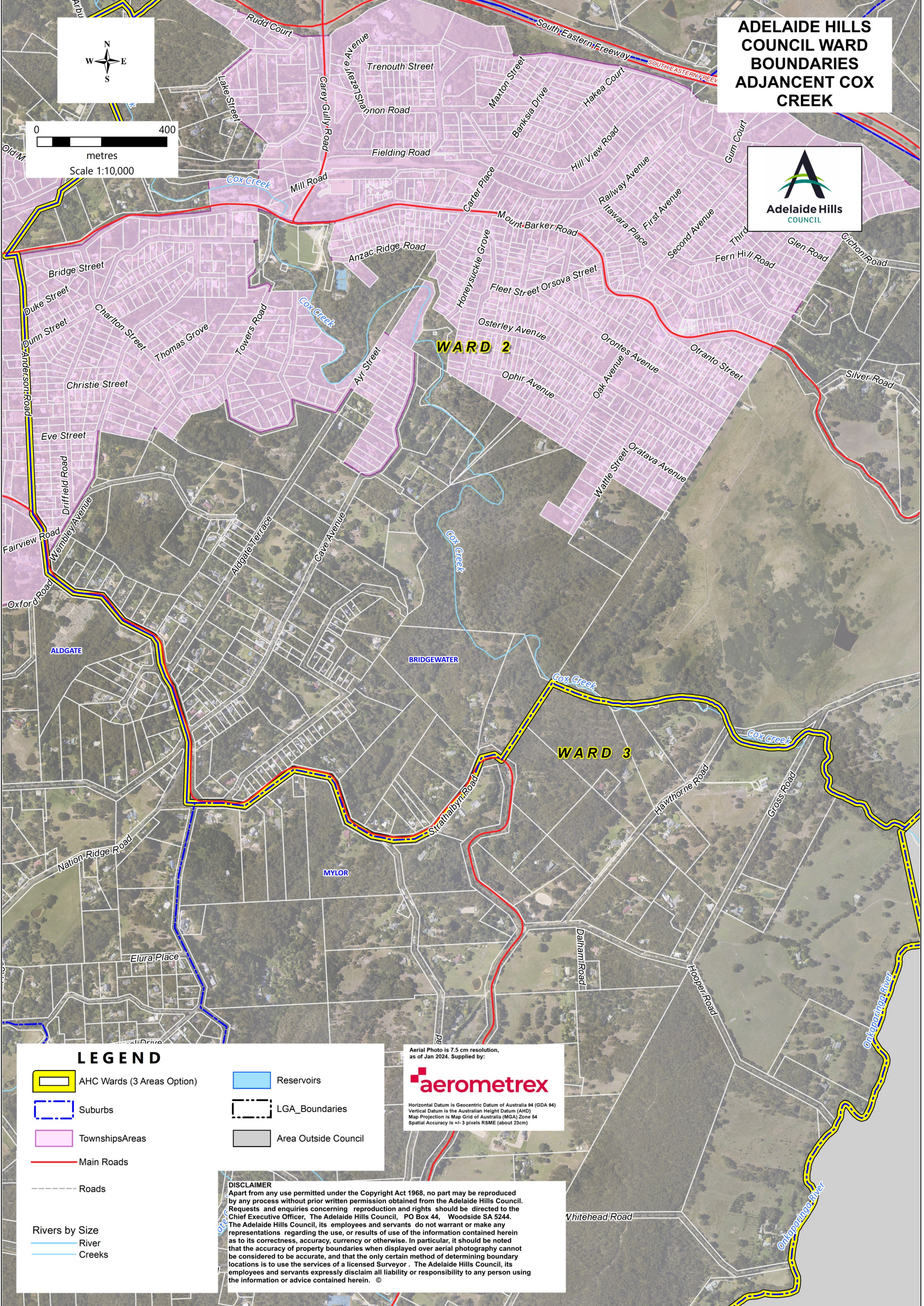
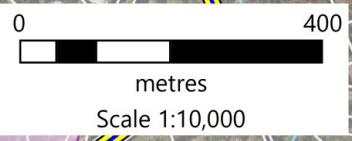
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Rivers by Size
 River
 Creeks

ADELAIDE HILLS COUNCIL WARD BOUNDARIES ADJACENT COX CREEK



LEGEND

AHC Wards (3 Areas Option)	Reservoirs
Suburbs	LGA_Boundaries
TownshipsAreas	Area Outside Council
Main Roads	
Roads	

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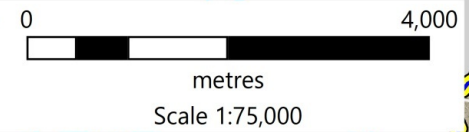
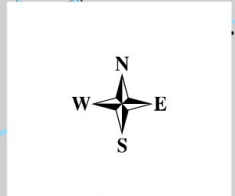
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Rivers by Size
 River
 Creeks

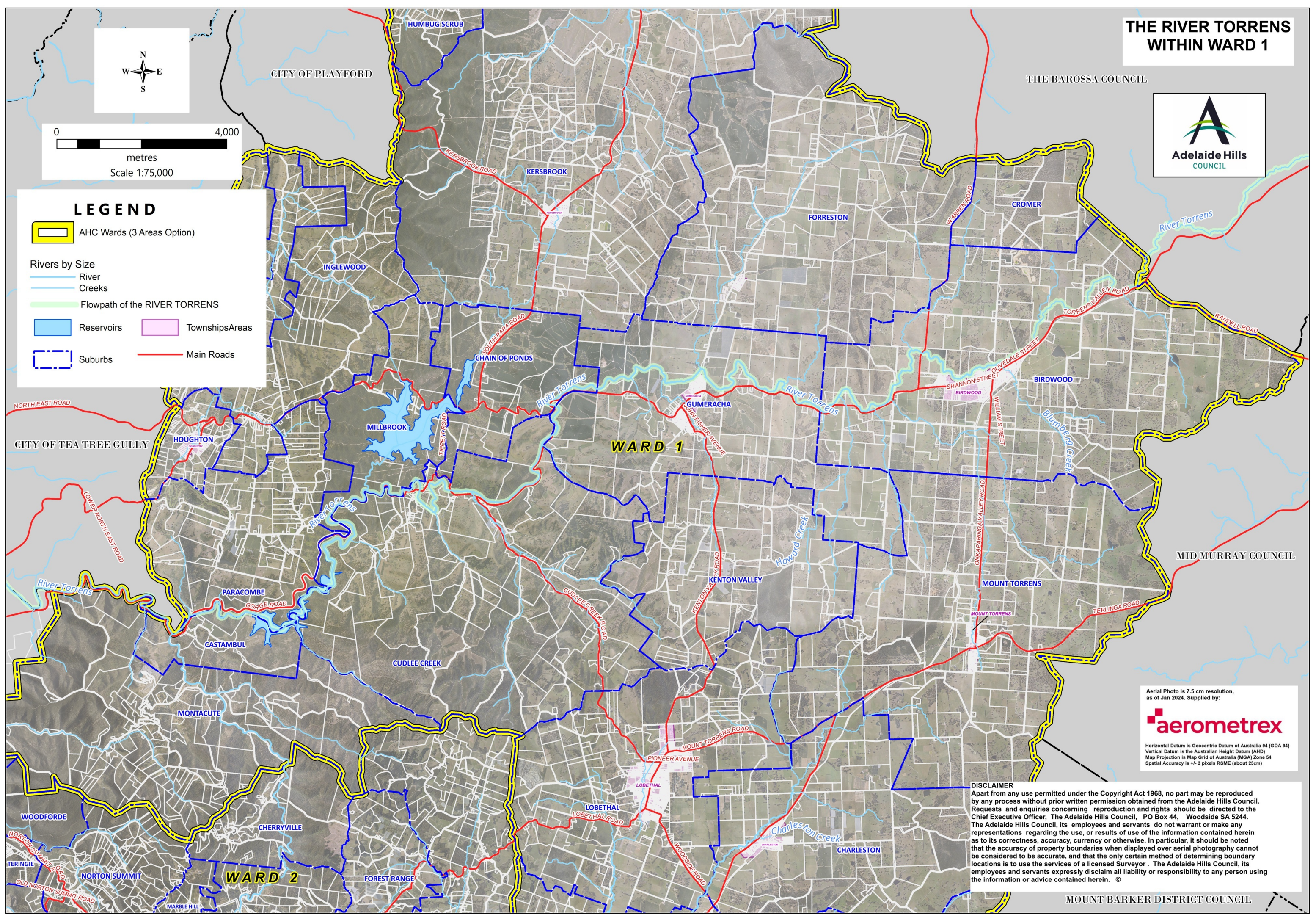
THE RIVER TORRENS WITHIN WARD 1

THE BAROSSA COUNCIL



LEGEND

- AHC Wards (3 Areas Option)
- Rivers by Size**
 - River
 - Creeks
 - Flowpath of the RIVER TORRENS
- Reservoirs
- Townships Areas
- Suburbs
- Main Roads



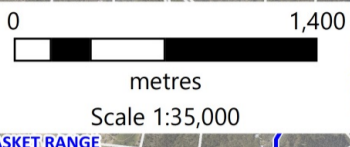
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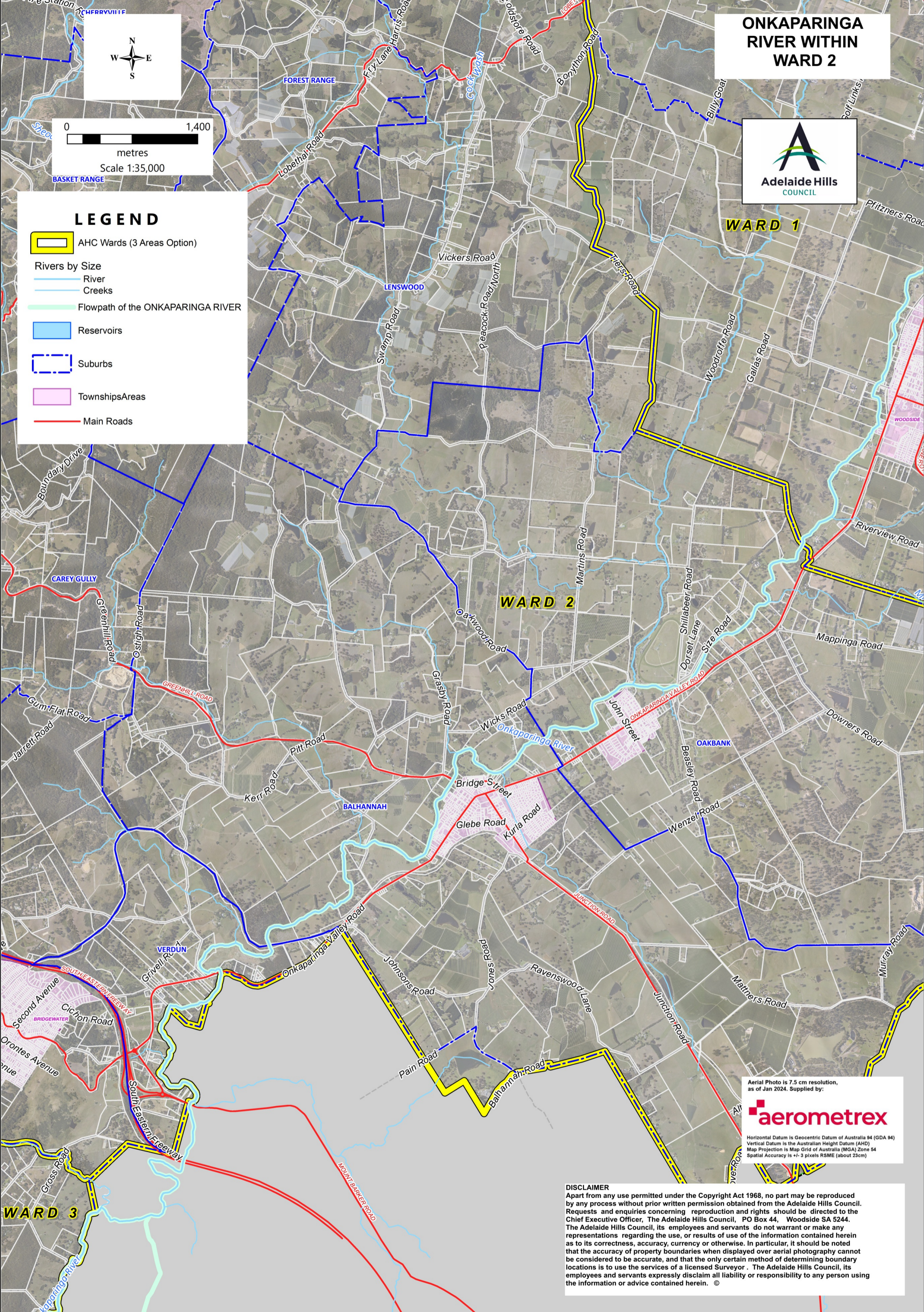
MOUNT BARKER DISTRICT COUNCIL

ONKAPARINGA RIVER WITHIN WARD 2



LEGEND

- AHC Wards (3 Areas Option)
- Rivers by Size**
 - River
 - Creeks
- Flowpath of the ONKAPARINGA RIVER
- Reservoirs
- Suburbs
- Townships Areas
- Main Roads

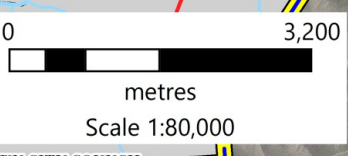


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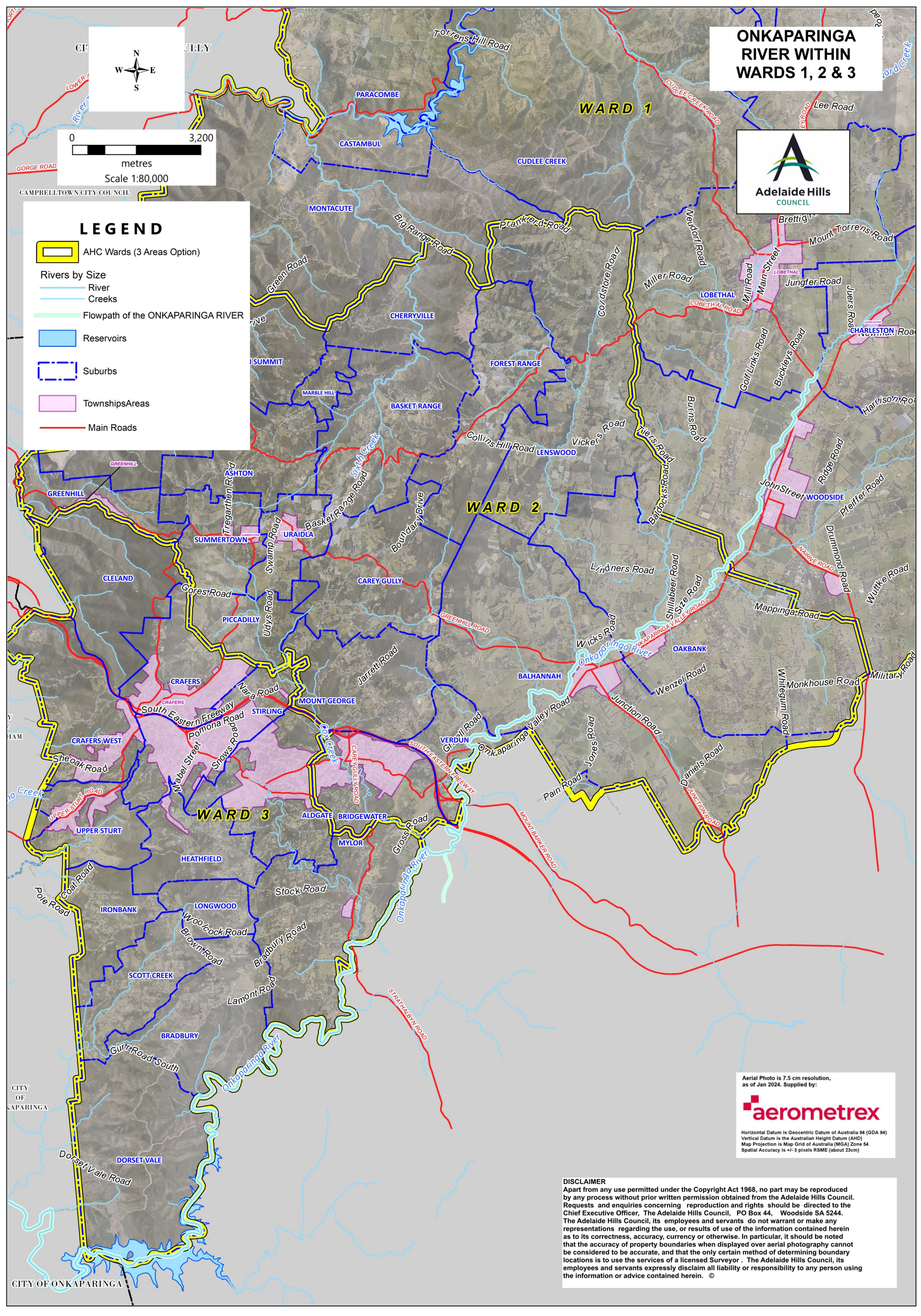
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ONKAPARINGA RIVER WITHIN WARDS 1, 2 & 3



LEGEND

- AHC Wards (3 Areas Option)
- Rivers by Size**
 - River
 - Creeks
 - Flowpath of the ONKAPARINGA RIVER
- Reservoirs
- Suburbs
- Townships Areas
- Main Roads



Aerial Photo is 7.5 cm resolution, as of Jan 2024. Supplied by:

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Administration Reports Information Items

**ADELAIDE HILLS COUNCIL
ORDINARY COUNCIL MEETING
Tuesday 11 March 2025
AGENDA BUSINESS ITEM**

Item: 13.1

Responsible Officer: Zoë Gill
Executive Governance Officer
Office of the Chief Executive

Subject: LGRS Risk Profiling 2024 Results Report

For: Information

SUMMARY

Bi-annually Local Government Risk Services (LGRS) undertakes an evaluation of each council's risk management status by way of reviewing operational areas measured against a local government sector baseline. An evaluation was undertaken in November 2024 with receipt of the final *LGRS Risk Profiling Summary – Risk Management Systems Report* occurring December 2024.

This purpose of this report is to provide the LGRS Evaluation 2024 Results to Council as recommended by the Audit Committee.

RECOMMENDATION

Council resolves:

- 1. That the LGRS Risk Profiling Report and appendices be received and noted.**
-

1. BACKGROUND

Bi-annually Local Government Risk Services (LGRS) undertakes an evaluation of each council's risk management status by way of reviewing operational areas measured against a local government sector baseline, including the application of a Risk Management Framework and related processes, organisational systems that influence council's risk profile and specific high risk activities.

The previous Risk Evaluation occurred in 2019, with a report being presented to the Audit Committee. A *Risk Management Improvement Action Plan* was prepared to respond to the findings of the Evaluation and update reports were presented to the Audit Committee indicating progress on implementation of the agreed actions.

The latest **LGRS Risk Profiling Final Report** completed in 2024 is contained in **Appendix 1** of this report. All recommendations (**Appendix 2**) contained within will be placed on the Audit Action Tracker to be presented in future meetings as per the Audit Committee Work Plan.

Audit Committee received this report at the 17 February meeting and resolved that it should be provided to Council:

Moved Cr Melanie Selwood
S/- Pamela Lee

AC6/25

The Audit Committee resolves:

- 1. To receive and note the LGRS Risk Profiling Report (item 8.4, 17 February 2025 Audit committee meeting).**
- 2. To note the 2024 LGRS Risk Profiling Final Report in Appendix 1 (item 8.4, 17 February 2025 Audit committee meeting).**
- 3. To note that the LGRS Risk Profiling Actions in Appendix 2 will be presented in upcoming meetings as per the Audit Committee Workplan (item 8.4, 17 February 2025 Audit committee meeting).**
- 4. To recommend to Council to receive and note the LGRS Risk Profiling Report (item 8.4, 17 February 2025 Audit committee meeting).**

Carried Unanimously

2. ANALYSIS

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

Strategic Plan 2024 – Your Place, Your Space

Goal 4	Organisation
Objective O2	Operate with integrity using best practice governance processes.
Priority O2.1	Demonstrate accountable and transparent decision making.
Priority O2.2	Support decision making through the use of timely data-driven analysis and reporting.
Priority O2.3	Enhance governance structures and systems to be agile and support our legislative obligations.

➤ **Legal Implications**

Section 126 of the *Local Government Act 1999* sets out the functions of an audit committee. Management of Committee's action items and work plan facilitates the achievement of these functions.

➤ **Risk Management Implications**

The LGRS Risk Profiling provides an external assessment of aspects of Council’s current risk management framework and status. Actively responding to this external assessment with actions addressing identified areas for improvement 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)

➤ **Financial and Resource Implications**

There are no direct financial implications in undertaking the review itself. It is a free service provided by LGRS on a bi-annual basis.

The results of the LGRS Evaluation are considered by the LGAMLS, together with Council’s claim record, in setting our contribution and in calculating the potential amount that may be available as a special distribution. A special distribution is not available every year. The amount is based on funds remaining after all claims across the State have been paid.

Some actions included in the Risk Profiling Recommendations (**Appendix 2**) may have costs related to them; however, these will be referred to Council, or scheduled in the Annual Business Plan and Budget process for consideration, as needed.

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

There is a high expectation that Council has appropriate corporate governance processes in place including an effective corporate risk management system that is applied to minimise the impact of potential risk events.

➤ **Sustainability Implications**

Not applicable.

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

The 2024 LGRS Risk Profiling covered a range of areas:

- Documented systems
- Training and competency
- Application of systems
- Remedial actions

- Monitoring and review

The Audit, Risk and Insurance Officer worked with key staff to complete the Risk Profiling summary prior to the meeting with the LGRS representative to work through the initial answers. A draft report was then provided by LGRS with only minor changes needing to be made by Council. The final report was provided to Council in December 2024.

There were 12 recommendations provided following the report which Council has accepted. Of these 12 recommendations:

- 9 are already included in the Risk Management Project Plan
- 1 is in progress
- 2 to be completed

All of the proposed actions can be accommodated within existing budgets, only requiring individuals time to complete and consultation. All actions will be transcribed to the new Audit Action Tracker to allow for timeframes and actions to be met appropriately.

Participating in this external evaluation of Council's Risk Management systems, processes and potential liabilities provides Council with a sound basis on which to continually improve the strength of the organisations risk management.

3. OPTIONS

The Committee has the following options:

- I. To resolve to receive and note the report and appendices (Recommended)
- II. To determine an alternate course of action (Not Recommended).

4. APPENDICES

1. LGRS Risk Profiling Final Report
2. LGRS Risk Profiling Recommendations

Appendix 1

LGRS Risk Profiling Final Report

Risk Profiling Summary - Risk Management Systems



Adelaide Hills Council

Dec 09 2024 4:09pm ACDT

Gundi Gajda, WHS & Risk Team, LGRS

Background

As part of its risk profiling program, the Local Government Mutual Liability Scheme (LGAMLS) undertakes a review of a different aspect of each Member's operations three (3) times a year. It is acknowledged that not all topics will be relevant to all Scheme Members and in these circumstances, only the relevant topics will be profiled.

The purpose of the review is to establish a sector-wide risk profile and to identify areas of potential risk exposure, (for the individual Member as well as the Local Government sector.) Where sector-wide trends are identified, the LGAMLS will consider what programs may be required or, where risk exposures are unique or affect only a small number of Members, individual programs of tailored support may be more appropriate.

The selected topic for this pilot program is risk management systems and this report contains an overview of Adelaide Hills Council's risk management systems, together with suggested actions that may assist in improving the effectiveness of those systems where potential risks have been identified.

Why are risk management systems being profiled?

Risk management systems have been included as a mandatory topic past two rounds of risk evaluations and has shown that the majority of Scheme Members do not have effective systems in place to manage risk across the organisation.

Results indicate that members have documented processes in place but these have not yet been fully implemented. Opportunities for improvement include risk repository/register(s); provision of information & training (identification, planning & provision of) as well as the monitoring and reporting processes.

Methodology

Within each topic, each set of questions has been structured around the following components:

1. Documented systems
2. Training and competency
3. Application of systems
4. Remedial actions
5. Monitoring and review.

This structure will allow each Member to identify common trends across the profiled topics, which may in turn help to identify strengths and weaknesses more broadly across the organisation.

Each component has a number of indicators, which are based on the Australian Standard(s) or on requirements of LGAMLS membership.

A significant change in the risk profiling methodology is the move to scaled responses for each of the system indicators, as opposed to the "yes/no" or "sector baseline met/not yet met" response used in risk evaluations. This better recognises the status of each Member's systems and will help Members identify where systems are adequate or where minor modifications may be required versus major system development needs.

The scaling methodology is explained in the guidance material that was provided prior to the self-assessment and is also available on the Member Centre.

As a part of the risk profiling process, each Member was required to complete a self assessment, (comprising multiple choice questions,) and provide an overview of the systems currently in place. This was then validated by an LGAMLS representative during a site visit, who spoke with relevant employees and observed the systems and record keeping in a live environment. These observations are recorded in this report and, where opportunities for improvement have been identified, the LGAMLS representative has suggested some possible actions that may assist in reducing Adelaide Hills Council's risk exposure.



Part 1: Documented systems

1(a) Is there a current and endorsed document containing objectives or statement of intent, high level roles & responsibilities of staff, Elected/ Board Members and the Audit & Risk Committee and aligns with AS ISO 31000 (or other recognised standard)?

Document (containing all relevant information) in place and current [100%]

Scheme Member's description of systems in place:

AHC has a current Risk Management Policy, available on our website. It includes reference to the LGA 1999, other relevant legislation and ISO 31000. It discusses Councils commitment, discusses responsibilities and delegations. Note: This policy is on the Risk Management Project Plan to be updated in the next few months. Part of the project plan is to create a framework document, update the existing policy, update the internal procedure and create a board risk appetite statement.

What was observed in practice:

RSA Changed Members response from 'Document in draft or incomplete (not containing all relevant information' to 'Document (containing all relevant information) in place and current'. Councils Risk Management Policy was provided as evidence. The Policy is current with a review date of April 2025 set. The Policy contains objectives, a policy statement, sets out roles and responsibilities for Council and Audit & Risk Committee and aligns with AS ISO 31000. The Policy is available to view on Councils website.

Suggested actions:

When Policy is reviewed, update wording from 'Audit Committee' to 'Audit & Risk Committee' to align with Local Government Act terminology.

1(b) Is there a current and internally endorsed document containing processes and tools for how risk identification and assessments are to be undertaken that align to the expectations of AS ISO 31000 or other recognised standard?

Document in draft or incomplete (not containing all relevant information)

Scheme Member's description of systems in place:

AHC has an internal Corporate Risk Management Guide which outlines the risk management process, includes reference to ISA 31000. It outlines the different types of risk, controls, consequences, monitoring etc. Does not have reference to the Local Government Act 1999. Note: this document is on the Risk Management Project Plan to have updated in the next few months.

What was observed in practice:

Councils Corporate Risk Management Guide was provided as evidence. The Guide focuses on risk identification, analysis, evaluation, treatment and monitoring and review of identified risks. The Guide contains working examples and would be beneficial to all stakeholders who complete risk assessments. The Guide does not formally address roles and responsibilities, leadership and commitment, legislative compliance, document control or internal auditing or training requirements.

Suggested actions:

It is recommended that a formal Risk Management Framework be developed to capture all requirements. LGAMLS document 'Risk Management Framework' was suggested as a starting point and could be adapted to suit Councils needs and include recent legislation changes from 2024. Recommend to continue engagement with LGRS Strategic Risk Team in the Risk Management Program.

1(c) Is there a process in place to keep the risk management approach documentation current and relevant which includes a process for the authorisation/ endorsement/ adoption of this documentation?

No process in place

Scheme Member's description of systems in place:

No formal process in place. The Risk Policy and Framework is always updated but no formal review process in place.

What was observed in practice:

An annual workplan is submitted to the Audit & Risk Committee and it is from here that review and update of documents is determined. Council has employed a Policy Officer who will have the responsibility of developing a document review schedule for risk management policies and procedures. 'Sharepoint' will be the platform used by Council. The software will allow allocation of tasks to responsible persons and automated notifications will be sent for actions that have been assigned.

Suggested actions:

Ensure that a document review schedule is developed that will capture the document name, version number, date of last review, date of next review and has responsible persons assigned to ensure the process is consistently adhered to.

1d - Is there a records management process in place to manage key risk management documentation which is in line with the current version of GDS for Local Government?

Process in place which meets current GDS for Local Government but NOT adhered to

Scheme Member's description of systems in place:

AHC has a Records Management Policy which states the alignment with State Records Act, the process for the archival and destruction of records and individuals' responsibilities. No internal documents which provide overview or instructions around the process.

What was observed in practice:

Councils Records Management Policy was sighted. The document is current (endorsed and adopted in 2023). The Policy references GDS 40. The Records Management Team has been tasked with developing a process to align with the current policy.

Suggested actions:

Develop a functional records management process which supports Councils current Records Management Policy.

Part 2: Training and competency

2(a) Has the Scheme Member employed a dedicated risk management professional or identified staff resources with risk management experience and capabilities?

Evidence of staff resource/s in place with risk management experience and capabilities

Scheme Member's description of systems in place:

AHC has an Executive Governance Officer role in place who is responsible for risk management at AHC. A new position has been created that sits underneath, which is the Risk, Audit and Insurance Officer who will conduct the day to day risk management processes and be responsible for the updating of risk documents and training/education. Risk management responsibilities are captured in both PDs.

What was observed in practice:

Executive Governance Officer PD provided as evidence. Under the heading 'Purpose', the following is identified:

'The role provides leadership in implementing and maintaining appropriate systems of corporate and civic governance and the effective management of risk management...'

Risk, Audit & Insurance Officer PD provided as evidence. The specific requirements for Risk Management are more detailed in this document.

It was advised that although the position holders do not have formal qualifications in Risk Management experience in the field has been gained through various employment roles over the years.

Suggested actions:

It would be recommended that when the EGO position description is due for review, more detail regarding specific risk management requirements be included in the updated document.

2(b) Has training been identified and provided to all (internal) persons with responsibilities and accountabilities for risk management in accordance with Scheme Member's risk management process and is undertaken by both initial and refresher training sessions?

No evidence of training

Scheme Member's description of systems in place:

Risk management is not captured in its TNA. Note: training and education forms part of the risk management project plan to be completed with all employees on an initial and refresher training.

What was observed in practice:

As advised by Council, there was no evidence of training that could be provided at the site visit. Addressing training requirements forms a part of Councils Project Plan to be undertaken in the near future. The draft plan will be presented to Executive in December for approval and endorsement. Skytrust will be the platform used to capture training records and competencies. In house training will incorporate risk responsibilities, training in the use of Skytrust, procedural training and workshops.

Suggested actions:

Continue with the development of risk management training, provision of training and competency assessment of relevant stakeholders and include the above in the Skytrust platform to ensure a documented record is maintained.

2(c) Is there evidence of relevant information including roles and responsibilities being provided to Elected/ Board Members and Audit & Risk Committee Members in line with Scheme Members risk management process?

Provision of information has been identified and scheduled - but not yet completed

Scheme Member's description of systems in place:

Risk reporting on strategic risks is provided to the Audit Committee members on a quarterly basis. All Committee meetings and Council meetings have a section around risk in their papers.

What was observed in practice:

The Council's initial response has been changed from 'Evidence of relevant information provided to all identified persons in line with documented process', to 'Provision of information has been identified and scheduled - but not yet completed'. The Audit & Risk Committee Terms of Reference clearly outline their risk management obligations. No evidence could be provided onsite to assess whether Elected Members were provided with the necessary information.

Suggested actions:

Develop a process to ensure high level roles accountable for the risk management process are made fully aware of their roles and responsibilities (which is to include Elected Members).

Part 3: Application of systems

3(a) Is there a current repository/s such as a risk register which has been internally adopted by management and captures Scheme Member's strategic and operational risks in line with Scheme Member's documented process and is easily accessible to those staff required to access the information?

Repository in place - but incomplete or not current or not accessible

Scheme Member's description of systems in place:

AHC utilises Skytrust which captures its strategic risks. These risks are managed by Executive and updated on a bi-monthly basis. Operational risks are stored on an excel spreadsheet on the staff intranet. This is updated on an adhoc basis by the risk owner. Note: part of the risk project plan is to capture both strategic and operational risks in the same system.

What was observed in practice:

The Operational Risk Register is out of date and does not capture all operational risks due to lack of resources over the last 2 years. The Strategic Risk Register is reviewed every 2-3 months by the Executives who own the risk and these reviewed Strategic Risks are then provided to the Audit Committee. The Strategic Risk Register maintained in Skytrust was sighted. The register contained 14 entries. Actions had been assigned and completion dates set. The register identified risk types, risk levels and controls. Areas of risk include People & Culture, WHS, Financial, Community, Governance, Service Delivery, Assets & Infrastructure, Environment, and Growth & Prosperity

Suggested actions:

Continue to update the Operational Risk Register so that it is a current, working document. Assign actions to responsible persons and ensure close out of these actions.

3(b) Is there documented evidence of risks captured in the repository/ register/s being assessed/ reviewed and updated in line with the documented process?

Evidence of SOME risks in the repository/ register/s being assessed/reviewed and updated

Scheme Member's description of systems in place:

The strategic risks are updated by Executive on a bi-monthly basis. Operational risks are updated on an adhoc basis by the risk owner. Note: Part of the risk project plan is to create a risk review schedule.

What was observed in practice:

There was evidence of Strategic Risks being reviewed but not Operational Risks. There is no formal documented process in place to ensure this occurs.

Suggested actions:

As part of the Risk Project Plan, ensure a process is developed to ensure consistent assessment and review of Strategic and Operational Risks such as a Risk Review Schedule as mentioned above in the Members commentary.

3(c) - Is there documented evidence of risks being considered as part of the organisational decision making and planning processes?

Documented evidence of some risks being considered but this does not consistently occur

Scheme Member's description of systems in place:

Risks are reported in all Council and Committee meeting reports and each department has a high level risk management plan. Some systems also have an inbuilt risk assessment guide for certain tasks to create a better workflow for high vs low risk jobs ie tree works go through a risk assessment to ensure high risks tree jobs are completed prior to low risk tree jobs.

What was observed in practice:

It was advised that Departments (ie Corporate Services) provide a presentation at Audit Committee Meetings which include key risk areas. Outcomes would then be documented in meeting minutes and presented to Council. Audit Committee Meeting Agendas/Minutes and Council Agendas/Minutes reflected that a risk report had been provided.

Suggested actions:

It is noted that the Audit Committee receives the report and discusses this in the meetings. Recommend expanding the information regarding the risk management discussions that are documented within the meeting minutes. Currently there is only evidence of comments such as 'received and noted' which does not give a clear picture of the conversations and decisions which were made.

Part 4: Remedial actions

4(a) Is there evidence that risks are actively monitored and further actions to mitigate risks are being followed up in line with the documented process?

Anecdotal evidence only of the system being reviewed & evaluated for effectiveness and/or risks being monitored and further actions being followed up

Scheme Member's description of systems in place:

Strategic risks are being reviewed and updated by Executive on a bi-monthly basis. The Risk Management Policy is being reviewed and approved by the Audit Committee roughly every 3 years. Note: part of the risk project plan is to document a thorough review process in the framework and to have a schedule for this also. The establishment of the Risk, Audit and Insurance Officer role ensures there is a person within the council responsible in ensuring these functions occur.

What was observed in practice:

This is to be further developed in the Risk Project Plan and included in the newly developed framework. Currently the risk owner is responsible for review of open actions. This occurs every 2-3 months. It appears that the primary focus of the review is to check any open actions that need attention but review of controls applied to actions does not necessarily occur. There is no documented evidence or record of the actions or system having been reviewed.

Suggested actions:

Continue with development of the risk management framework to ensure a process is in place that determines how risks in the risk registers are monitored and that any further actions to mitigate risks are followed up on. Appropriate responsibility should be assigned to the Audit & Risk Committee.

Part 5: Monitoring and review

5a - Is there documented evidence that risks across the organisation being reported on in line with the documented process?

Documented evidence of SOME strategic AND/OR only operational risk reporting occurring

Scheme Member's description of systems in place:

Risk is reported in all Council and Committee meeting reports, along with quarterly reports on strategic risk being provided to the Audit Committee.

What was observed in practice:

There is no formal process at this point in time. A part of the Risk Project Plan is to improve the reporting that currently occurs. The reporting template will also be updated. As the framework is developed, these improvements will benefit the risk management system overall. Reporting should provide enough suitable information to allow discussion and consideration of current and emerging risks and the subsequent review and update as needed.

Suggested actions:

Further develop the reporting process to capture all information necessary for Executive and the Audit Committee to make informed decisions in relation to risk management.

Appendix 2

LGRS Risk Profiling Recommendations

Recommendation	Progress notes
1. When Policy is reviewed, update wording from 'Audit Committee' to 'Audit & Risk Committee' to align with Local Government Act terminology.	Part of the Risk Management Project Plan – Phase 2.
2. The Guide does not formally address roles and responsibilities, leadership and commitment, legislative compliance, document control or internal auditing or training requirements. It is recommended that a formal Risk Management Framework be developed to capture all requirements. LGAMLS document 'Risk Management Framework' was suggested as a starting point and could be adapted to suit Councils needs and include recent legislation changes from 2024. Continue engagement with LGRS Strategic Risk Team in the Risk Management Program.	Part of the Risk Management Project Plan – Phase 1. New Framework, Appetite and Procedure to include all necessary requirements from LGRS and also the LGA.
3. Ensure that a document review schedule is developed that will capture the document name, version number, date of last review, date of next review and has responsible persons assigned to ensure the process is consistently adhered to.	Part of the Document Management Framework.
4. Develop a functional records management process which supports Councils current Records Management Policy.	To be completed. Jody has been advised of action.
5. It would be recommended that when the Executive Governance Officer position description is due for review, more detail regarding specific risk management requirements be included in the updated document.	Taken under consideration. Wording to align with PPR responsibilities.
6. Continue with the development of risk management training, provision of training and competency assessment of relevant stakeholders and include the above in the Skytrust platform to ensure a documented record is maintained.	Part of the Risk Management Project Plan - Phase 2.
7. Develop a process to ensure high level roles accountable for the risk management process are made fully aware of their roles and responsibilities (which is to include Elected Members).	Part of the Risk Management Project Plan – Phase 1 and 2.
8. Continue to update the Operational Risk Register so that it is a current, working document. Assign actions to responsible persons and ensure close out of these actions.	Part of the Risk Management Project Plan – Phase 2.
9. As part of the Risk Project Plan, ensure a process is developed to ensure consistent assessment and review of Strategic and Operational Risks such as a Risk Review Schedule as mentioned above in the Members commentary. No formal documented process in place to ensure this occurs.	Part of the Risk Management Project Plan. Schedule will be included in the Framework or Procedure and relevant risk owners advised during Phase 2.
10. Ensure that discussions in relation to risk management are documented and form a part of the meeting minutes rather than comments such as 'received and noted'.	Part of the Risk Management Project Plan - Phase 3. New wording for recommendation to be in next Audit Committee report. Risk reports to start being provided to Council at some point in 2025.
11. Continue with development of the risk management framework to ensure a process is in place that determines how risks in the risk registers are monitored and that any further actions to mitigate risks are followed up on. Appropriate responsibility should be assigned to the Audit & Risk Committee.	Part of the Risk Management Project Plan – Phases 1, 2, and 3
12. Further develop the reporting process to capture all information necessary for Executive and the Audit Committee to make informed decisions in relation to risk management	Part of the Risk Management Project Plan-Phase 3.

Confidential Items

**ADELAIDE HILLS COUNCIL
ORDINARY COUNCIL MEETING
Tuesday 11 March 2025
CONFIDENTIAL AGENDA BUSINESS ITEM**

Item: 19.1

Responsible Officer: Gary Lewis
Director Corporate Services
Corporate Services

Subject: Technology Risk and Opportunities Review

For: Information

1. Technology Risk and Opportunities Review – Exclusion of the Public

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

- Chief Executive Officer, Greg Georgopoulos
- Director Corporate Services, Gary Lewis
- Director Community & Development, Jess Charlton
- Executive Governance Officer, Zoe Gill
- Minute Secretary, Skye Ludzay

be excluded from attendance at the meeting for Agenda Item 19.1 (Technology Risk and Opportunities Review) in confidence.

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

Section 90(3)(b) 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 – (i) could reasonably be expected to confer a commercial advantage on a person with whom the council is conducting, or proposing to conduct, business, or to prejudice the commercial position of the council; and (2) would, on balance, be contrary to the public interest;

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

2. Technology Risk and Opportunities Review – Confidential Item

3. Technology Risk and Opportunities Review – 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 19.1 in confidence under sections 90(2) and 90(3)(b) 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:

Duration of Confidentiality	
Item	NB: Item to be reviewed every 12 months if not released
Report	Until Further Notice
Related Attachments	Until Further Notice
Minutes	Until Further Notice
Other (presentation, documents, or similar)	Until Further Notice

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.
