



NOTICE OF SPECIAL COUNCIL MEETING

To: Acting Mayor Nathan Daniell

Councillor Ian Bailey
Councillor Kirrilee Boyd
Councillor Pauline Gill
Councillor Chris Grant
Councillor Linda Green
Councillor Malcolm Herrmann
Councillor John Kemp
Councillor Leith Mudge
Councillor Mark Osterstock
Councillor Kirsty Parkin
Councillor Andrew Stratford

Notice is hereby given pursuant to the provisions under Section 82 of the *Local Government Act 1999* that a Special meeting of the Council will be held on:

Tuesday 8 September 2020
7.00pm
63 Mt Barker Road Stirling

Business of the meeting:

1. MON Woodforde/Rostrevor Boundary Reform FOI Release
2. Voting for Deputy Mayor
3. S41 Membership - Audit Committee & Presiding Member
4. S41 Membership – CEO PRP & Presiding Member
5. S43 Regional Subsidiary Membership
6. Membership - Advisory Groups
7. Membership – Reconciliation Working Group
8. Independent Membership of Audit Committee

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.

Andrew Aitken
Chief Executive Officer



AGENDA FOR SPECIAL COUNCIL MEETING

**Tuesday 8 September 2020
7.00pm
63 Mt Barker Road Stirling**

ORDER OF BUSINESS

1. COMMENCEMENT

2. OPENING STATEMENT

“Council acknowledges that we meet on the traditional lands of the Peramangk and Kurna people and we recognise their connection with the land.

We understand that we do not inherit the land from our ancestors but borrow it from our children 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

3.2. Leave of Absence

Mayor Jan-Claire Wisdom (24 August to 25 September 2020) approved
25 August 2020

4. DECLARATION OF INTEREST BY MEMBERS OF COUNCIL

5. PRESIDING MEMBER’S OPENING REMARKS

6. MOTION ON NOTICE

6.1. Woodforde/Rostrevor Boundary Reform FOI Release – Cr Mark Osterstock



7. BUSINESS OF THE MEETING

7.1. Election of Deputy Mayor

1. *That the report be received and noted.*
2. *To determine that the method of selecting the Deputy Mayor be by an indicative vote to determine the preferred person utilising the process 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 Deputy Mayor's role and for the meeting to resume once the results of the indicative vote have been declared.*
4. *To appoint Cr..... to the position of Deputy Mayor for amonth term to commence 27 November 2020 and conclude on 26 November 20XX (or the conclusion of the current Council term whichever occurs first).*

7.2. S41 Membership - Audit Committee

1. *That the report be received and noted*
2. *To determine that the method of selecting the Audit Committee Members to be by an indicative vote to determine the preferred persons for the two Council Member positions utilising the process set out in this Agenda report.*
3. *To adjourn the Council meeting for the purposes of seeking nominations for and, if necessary, conducting an indicative vote to determine the preferred persons for the Audit Committee Member roles and for the meeting to resume once the results of the indicative vote have been declared.*
4. *To appointand as members of the Audit Committee for amonth term to commence 27 November 2020 and conclude on 26 November 20XX (inclusive) (or at the conclusion of the **Council Term**).*

7.3. Independent Membership of Audit Committee – approval to commence recruitment

1. *That the report be received and noted*
2. *That in relation to the Audit Committee:*
 - a. *To undertake a recruitment process for the selection of one Independent Ordinary Member for the Audit Committee for a term commencing 1 November 2020 and concluding 30 April 2022 (inclusive).*
 - b. *To appoint _____, _____ and the CEO (or delegate) as members of the Audit Committee Independent Member Selection Panel.*



7.4. S41 Membership – CEO PRP

1. *That the report be received and noted.*
2. *To determine that the method of selecting the Chief Executive Officer Performance Review Panel Members to be by an indicative vote to determine the preferred persons for the two Council Member positions utilising the process set out in this Agenda report.*
3. *To adjourn the Council meeting for the purposes of seeking nominations for and, if necessary, conducting an indicative vote to determine the preferred persons for the Chief Executive Officer Performance Review Panel Member roles and for the meeting to resume once the results of the indicative vote have been declared.*
4. *To appoint as members of the Chief Executive Officer Performance Review Panel for amonth term to commence 27 November 2020 and conclude on 26 November 20XX (inclusive) (or at the conclusion of the Council Term 2022).*

7.5. S43 Regional Subsidiary Membership

1. *That in relation to the Eastern Waste Management Authority Board:*
 - a. *To appoint to the Board Member position for a term to commence from 27 November 2020 and conclude at the end of the current Council term (inclusive)*
 - b. *To appoint to the Deputy Board Member position for a term to commence from 27 November 2020 and conclude at the end of the current Council term (inclusive)*
2. *That in relation to the Adelaide Hills Region Waste Management Authority Board:*
 - a. *To appoint to the Board Member (Council Member) position for a term to commence from 27 November 2020 and conclude at the end of the current Council term (inclusive)*
 - b. *To appoint to the Board Member (Council Officer) position for a term to commence from 27 November 2020 and conclude on 23 December 2022 (inclusive)*
 - c. *To appoint to the Deputy Board Member position for a term to commence from 27 November 2020 and conclude at the end of the current Council term (or on 23 December 2022 if a Council Employee) (inclusive)*
3. *That in relation to the Gawler River Floodplain Management Authority Board:*
 - a. *To note that the Chief Executive Officer has nominated..... to the Board Member (Chief Executive Officer) position for a term to commence from 27 November 2020 and conclude on 23 December 2022 (inclusive)*
 - b. *To appoint as a Deputy Board Member to the Board Member (Chief Executive Officer) position for a term to commence from 27 November 2020 and conclude on 23 December 2022 (inclusive)*



- c. *To appoint to the Board Member (Council Member) position for a term to commence from 27 November 2020 and conclude at the end of the current Council term (inclusive)*
 - d. *To appoint as a Deputy Board Member to the Board Member (Council Member) position for a term to commence from 27 November 2020 and conclude at the end of the current Council term (inclusive)*
4. *That in relation to the Southern & Hills Local Government Association Board:*
 - a. *To appoint to the Board Member (Council Member) position for a term to commence from 27 November 2020 and conclude at the end of the current Council term (inclusive)*
 - b. *To appoint to the Board Member position for a term to commence from 27 November 2018 and conclude at the end of the current Council term (or on 23 December 2022 if a Council Employee) (inclusive)*
 - c. *To appoint to the Deputy Board Member position for a X year term to commence from 27 November 2018 and conclude at the end of the current Council term (or on 23 December 2022 if a Council Employee) (inclusive)*
5. *To authorise the Chief Executive Officer to lodge all required documentation to give effect to Council's resolutions on Regional Subsidiary Membership.*

7.6. Membership - Advisory Groups

1. *That the report be received and noted*
2. *With an effective date of 18 December 2020 to revoke the respective Terms of Reference for the following Advisory Groups and to adopt the revised Terms of Reference:*
 - a. *Bushfire Advisory Group (Appendix 2)*
 - b. *Biodiversity Advisory Group (Appendix 3)*
 - c. *Cemetery Advisory Group (Appendix 4)*
 - d. *Property Advisory Group (Appendix 5)*
 - e. *Rural Land Management Advisory Group (Appendix 6)*
 - f. *Sustainability Advisory Group (Appendix 7)*
3. *To determine that the method of selecting the Advisory Group Members to be by an indicative vote to determine the preferred persons for the various positions utilising the process set out in this Agenda report.*
4. *To adjourn the Council meeting for the purposes of seeking nominations for and, if necessary, conducting an indicative vote to determine the preferred persons for the Advisory Group Council Member roles and for the meeting to resume once the results of the indicative vote have been declared.*
5. *To appoint the following Council Member as members of the respective Advisory Groups to commence the terms on 18 December 2020 and conclude at the end of the current Council term (inclusive).*



- a. *Bushfire Advisory Group – (up to 2 Council Members) – Crs &*
- b. *Biodiversity Advisory Group – (3 Council Members) – Crs, &*
- c. *Cemetery Advisory Group - (up to 4 Council Members) – Crs,, &*
- d. *Property Advisory Group - (up to 4 Council Members) – Crs, &*
- e. *Rural Land Management Advisory Group - (up to 4 Council Members) – Crs,, &*
- f. *Sustainability Advisory Group - (up to 4 Council Members) – Crs,, &*

7.7. Membership – Reconciliation Working Group

- 1. *That the report be received and noted.*
- 2. *To determine that the method of selecting a Council Member for the Reconciliation Working Group 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(s) for the Reconciliation Working Group role and for the meeting to resume once the results of the indicative vote have been declared.*
- 4. *That _____ be appointed to the Reconciliation Working Group for the term of Council, expiring November 2022.*

8. **CONFIDENTIAL ITEM**

Nil

9. **CLOSE SPECIAL COUNCIL MEETING**

**ADELAIDE HILLS COUNCIL
SPECIAL COUNCIL MEETING
Tuesday 8 September 2020
AGENDA BUSINESS ITEM**

Item: 6.1 Motion on Notice

Originating from: Cr Mark Osterstock

Subject: Woodforde/Rostrevor Boundary Reform Freedom of Information Release

1. MOTION

That Council resolves to:

- 1.1. Receive the documents contained in Appendix 1, offered to Council by Cr Mark Osterstock as the product of a Freedom of information (FOI) request in his private capacity to Campbelltown City Council. The documents are in satisfaction of the FOI application dated 23 June 2020 and released in a determination dated 20 August 2020 with the following requested information:
 - 1.1.1. Copies of ALL correspondence (including yet not limited to email correspondence) received from, or to, residents residing in Rostrevor (Adelaide Hills Council), and Woodforde (Adelaide Hills Council), relating to the issue of 'boundary realignment' and
 - 1.1.2. From, or to, any person, business, government or non-government agency, in relation to the issue of 'boundary realignment', and
 - 1.1.3. From, or to, any or all Elected Members of Council in relation to the issue of 'boundary realignment' (10 November 2018 – 23 June 2020, inclusive).
 - 1.1.4. Copies of all correspondence (including yet not limited to email correspondence) from any member of the Council Administration to any one, or all, of the Elected Members of Council, concerning requests from Adelaide Hills Council for a deputation on the issue of 'boundary realignment', particularly in relation to the 2nd June 2020 deputation that Council received from the Adelaide Hills Council. (01 February 2020 – 23 June 2020, inclusive).
 - 1.1.5. Copies of all correspondence (including yet not limited to email correspondence) from any Elected Members of Council, to any person, concerning requests from Adelaide Hills Council for a deputation on the issue of 'boundary realignment', particularly in relation to the 2nd June 2020 deputation that Council received from the Adelaide Hills Council (01 February 2020 – 23 June 2020, inclusive).
- 1.2. The Chief Executive Officer prepare a report for a future meeting analysing the contents of the released documents to identify any points of interest and/or implications in relation to the Campbelltown City Council's current Rostrevor/Woodforde boundary change proposal.

2. BACKGROUND

Woodforde/Rostrevor Boundary Reform

On 1 January 2019, new provisions in the *Local Government Act 1999* regarding boundary reform came into effect. The provisions fundamentally changed the manner in which reform proposals would be managed. One of the key reforms relevant to this motion enabled a council to initiate a boundary reform proposal without the consent of a neighbouring 'affected' council.

At its 22 January 2019 meeting, the Campbelltown City Council (CCC) resolved to submit a Stage 1 proposal to the Boundaries Commission. The submission was for the boundary between CCC and Adelaide Hills Council (AHC) to be realigned to the eastern and southern side of Woodforde and Rostrevor suburbs, effectively moving those suburbs into CCC's area. This proposal was lodged, assessed by the Boundaries Commission and CCC has now been invited to lodge a Stage 2 proposal (importantly, this proposal was initiated by CCC without any prior consultation with AHC, nor with the impacted residents of Woodforde or Rostrevor).

On 6 May 2019, AHC received correspondence from the Chair of the SA Local Government Boundaries Commission advising that Commission had considered CCC's Stage 1 proposal at its 21 March 2019 meeting and determined that CCC may refer a Stage 2 general proposal to the Commission.

At its 18 June 2019 Ordinary meeting, CCC considered a report seeking endorsement for submission of Stage 2 of the Boundary Realignment Proposal to the Commission. This report was subsequently endorsed by CCC.

At its 24 September 2019 meeting, AHC resolved (246/19) to conduct a postal survey of the residents and ratepayers in the affected areas of Rostrevor/Woodforde to determine the level of support for the CCC proposal. The Council Boundary Change Survey (the Survey) was developed in consultation with an external Stakeholder Engagement Specialist to minimise any bias in terms of survey design and/or response analysis. The Survey was distributed to the affected residents in November/December 2019.

In summary, the results were as follows:

- 268 respondents (174 on-line, 76 hard copy and 18 emails)
- 47% of respondents were from Rostrevor (AHC component), 41% Woodforde and 12% from other suburbs (absentee landlords)
- 65% of respondents were against the boundary change proposal, 28% in favour, 5% undecided and 2% no preference. The percentages in favour/against the proposal vary between the suburbs.
- Key issues of concern for those respondents in favour are: community services, rates, footpaths, road and park maintenance.
- Key issues for those respondents against are: planning and development, environmental sustainability, council rules and regulations and climate change.

In consideration of the results at its 28 January 2020 meeting, AHC resolved as follows (9/20):

Council resolves:

1. That the report be received and noted.
2. To note that electronic copies of the Council Boundary Change Survey Report have been provided to the residents and ratepayers who participated in the survey and to the Mayor of Campbelltown City Council.
3. To provide the Council Boundary Change Proposal Survey Report at Appendix 1 to the Boundaries Commission, the Minister for Local Government, the Shadow Minister for Local Government and the Member for Morialta.
4. To recognise and accept that the majority of Rostrevor (AHC) and Woodforde community respondents in the Council Boundary Change Survey are against the boundary change proposal. As such, Council requests that Campbelltown City Council, in light of these results, consider withdrawing their proposal with the Boundaries Commission.

Carried Unanimously

To give effect to part 4 for the resolution, this was communicated to CCC in early February 2020. In the months following, the AHC Mayor made a number of requests for deputations at CCC meetings to present the survey results and the AHC resolution to withdraw, these deputation requests were refused.

The CCC Mayor granted a deputation at the 2 June 2020 meeting and the AHC Mayor and Deputy Mayor attended via Zoom to present the survey results and withdrawal resolution. Following the presentation CCC resolved that the deputation be received and that the AHC Mayor and Deputy Mayor be thanked.

Adelaide Hills Council's Approach to Community Engagement

Community engagement helps Council to achieve more effective governance through balancing decision making with sensitivity to community needs, interests and aspirations. Well planned community engagement activities and processes enhance a vibrant local democracy and support the development of ongoing relationships with our community. Council is committed to improving the way our community is informed and involved in the decision-making process. <https://www.ahc.sa.gov.au/Community/community-engagement>

Strategic Boundary Reform

The new boundary reform legislation and specifically the provision that a proposal can be initiated by a single council, appears to have given rise to a degree of opportunism where councils seek to ‘cherry-pick’ areas in a neighbouring council for acquisition or in their own area to relinquish.

The motivations may be many however they do not always appear to be consistent with the provisions of s26(2) of the Act that *‘the Commission should, so far as is relevant, give preference to structural changes that enhance the capacity of local government to play a significant role in the future of an area or region from a strategic perspective.’*

The Adelaide Hills Council is bounded by the following councils:

- The Barossa Council
- City of Playford
- City of Tea Tree Gully
- Campbelltown City Council
- City of Burnside
- City of Mitcham
- City of Onkaparinga
- Mount Barker District Council
- Mid-Murray Council

With nine (9) neighbours, AHC has the most boundary connections with other councils in South Australia (Adelaide City Council is second with seven neighbours). As such it is neither prudent nor strategic to pursue an opportunistic approach to boundary reform, instead a strategic approach is required.

On 25 June 2019, AHC resolved to undertake a strategic boundary review.

12.3 Boundary Reform – Approval to Explore

Moved Cr Mark Osterstock

S/- Cr Ian Bailey

158/19

Council resolves:

1. That the report be received and noted.
2. To note that correspondence will be sent to the residents of Woodforde and Rostrevor (in the Council area) inviting them to a community meeting to discuss the boundary reform process and the status of the Campbelltown City Council proposal.
3. That in relation to strategic boundary reform:
 - a. Approve the engagement of a consultant to undertake a high level review of Council’s boundaries to identify boundary reform options.
 - b. Once the review has been undertaken and boundary reform options identified, that a workshop be held with the Elected Body (confidential if necessary) whereby the outcomes of the subject review can be presented prior to a formal report to council for consideration.

Carried Unanimously

The Strategic Boundary Review process is approaching completion and AHC authorised the Mayor and Chief Executive Officer (and/or delegate) to discuss boundary reform options with neighbouring councils. To be clear, this authorisation does not extend to making commitments to any boundary reform proposals.

The approach that AHC has adopted is a consultative and collaborative one, unlike that of CCC whereby they refuse to accept the views of the Woodforde and Rostrevor residents, in respect to their boundary change proposal.

The Mayor and CEO have now completed their discussions with their counterparts at the nine neighbouring councils and an agenda report, including the final consultant's Strategic Boundary Review report, is scheduled for the 22 September 2020 meeting.

The draft Strategic Boundary Review Report (the Report) identifies potential opportunities for boundary reform along the boundaries with the neighbouring councils based on the analysis of various factors including (but not limited to): community demographics and profiles; locality character and history, land use and form, proximity to townships and council facilities. To be clear, the draft Report does not seek to recommend any specific option for Council to progress but rather provides information to inform discussion and consideration.

Any decision of Council regarding the progression of any option will be a matter for separate resolution

On 25 August 2020, Council resolved as detailed below to request the Campbelltown City Council to formally consider, at its 6 October 2020 Ordinary meeting (or earlier), the Adelaide Hills Council's 28 January 2020 request to withdraw their Woodforde/Rostrevor boundary reform proposal.

11.2 Boundary Reform Options

Moved Cr Mark Osterstock
S/- Cr John Kemp

162/20

1. Council reaffirms its commitment to the following Community Engagement Principles, when engaging the community in a decision-making process, Council promises to:
 - 1.1 seek out and encourage contributions from people who may be affected by or interested in a decision
 - 1.2 provide relevant, timely and balanced information so people can contribute in a meaningful way
 - 1.3 provide a variety of appropriate and accessible ways for people to have their say
 - 1.4 actively listen so that people's ideas and input assist in making the final decision
 - 1.5 consider the needs and interests of people in the decision-making process
 - 1.6 inform the community about the final decision and how their input was considered
2. Council resolves to pursue its boundary reform option analysis in a collaborative and consultative manner, that is, importantly, considerate and respectful of the views and opinions of affected residents, ratepayers and neighbouring councils, in keeping with its Community Engagement Principles.
3. Council resolves to request the Campbelltown City Council to formally consider, at its 6 October 2020 Ordinary meeting (or earlier), the Adelaide Hills Council's 28 January 2020 request to withdraw their Woodforde/Rostrevor boundary reform proposal.

Carried Unanimously

On the 1 September 2020 the Chief Executive Officer received correspondence from Campbelltown City Council advising Mayor Whitaker was submitting a Motion to proceed with investigating the submission of a stage 2 proposal of the boundary realignment process with Woodforde, Hamilton Hill and the Rostrevor section of Adelaide Hills Council.

At the Campbelltown City Council meeting on 1 September 2010, a number questions were asked in the Public Question time regarding the boundary change proposal. These are contained in the meeting minutes on that council's website and make for interesting reading.

Further, in relation to the aforementioned Motion on Notice, the minutes show the following:

- 9.4 Cr Leombruno moved and Cr Kennedy seconded that Council continue to proceed with investigating the submission of a Stage 2 proposal of the boundary re-alignment process with Woodforde, Hamilton Hill and the Rostrevor section of Adelaide Hills Council.

Carried Unanimously

3. OFFICER'S RESPONSE – Lachlan Miller, Executive Manager Governance & Performance

Strategic Plan 2020-24 – A brighter future

Goal	A Progressive Organisation
Objective O4	We actively represent our community
Priority O4.4	Explore council boundary reform options that best serve the community

➤ **Legal Implications**

Part 2 – Reform Proposals of Charter 3 of the *Local Government Act 1999* (Act) sets out the provisions relating to (amongst other matters) the alteration of council boundaries. These provisions are further detailed in a series of guidelines prepared by the Boundaries Commission¹.

There are two broad forms of proposal: Administrative Proposals (which are for the tidying up on minor boundary anomalies) and General Proposals (which are for substantial boundary changes such as the current Woodforde/Rostrevor proposal).

Where a General Proposal is initiated by a council (the initiating council), that council is solely responsible for the preparation of the required submissions to the Boundaries Commission and for funding an investigation of the proposal should it progress to that stage of the boundary change process. As such CCC is the initiating council for the Woodforde/Rostrevor proposal.

➤ **Risk Management Implications**

Realignment of Council boundaries bordering Campbelltown City Council leading to financial, resource allocation, social and representation changes

Inherent Risk	Residual Risk	Target Risk
High (2B)	High (2B)	Medium

Council has very limited ability to manage (control) the financial risks associated with a reform proposal. Risk planning will be more focused on mitigating the potential impacts should a proposal be accepted.

¹ See *Guidelines for preparing a proposal*, https://www.dpti.sa.gov.au/local_govt/boundary_changes

➤ **Financial and Resource Implications**

There are no direct costs associated with this report, however if Council resolves the Motion on Notice as written there are likely administrative costs for preparing a report for a future meeting analysing the contents of the released documents to identify any points of interest and/or implications in relation to the Campbelltown City Council's current Rostrevor/Woodforde boundary change proposal.

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

Some of the documents (**Appendix 1**) include correspondence from community members expressing their view in relation to the Boundary Change Proposal. It should be noted that the entire populations of both councils will be affected if the Proposal comes into effect.

➤ **Sustainability Implications**

There are no direct sustainability implications from this report however there may be implications from boundary realignment.

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

The information includes community preferences in the affected areas in relation to the Boundary Change Proposal. It should be noted that the entire populations of both councils will be affected if the Proposal comes into effect.

Consultation on the development of this report was as follows:

Council Committees: Not Applicable

Council Workshops: Council workshops have previously been held to discuss the Boundary Change Proposal.

Advisory Groups: Not Applicable

Administration: Chief Executive Officer
Governance & Risk Coordinator

External Agencies: Not Applicable

Community: Council Boundary Change Proposal Survey Participants have previously provided their views on these matters. Additionally included in the documents is correspondence directed to and from Campbelltown City Council in relation to the Boundary Change Proposal.

4. ANALYSIS

These documents were obtained by Cr Mark Osterstock undertaking a Freedom of Information request from Campbelltown City Council in a private capacity. Tabling the documents and requesting a further report be provided to Council continues to keep Council, and most importantly the affected residents and ratepayers informed as the information is in the public realm.

Additionally it provides Council with capture point of truth to many and various claims and statements made by Campbelltown City Council.

5. APPENDIX

- (1) Cr Mark Osterstock's Freedom of Information Documents

Appendix 1

*Cr Mark Ostertsock's
Freedom of Information Documents*

From: [REDACTED]
Sent: 10 Feb 2019 08:25:18 +0930
To: Jill Whittaker
Subject: Boundary re-alignment with AHC

Dear Ms Whittaker,

I am a resident of Woodforde. I have received a letter from Adelaide Hills Council advising me that Campbelltown Council has resolved to initiate a process to review the boundary between the two Councils. Woodforde will be affected. This has reportedly happened without notifying AHC. I note that, by my experience, Woodforde residents have not been advised.

If the reported lack of notice to AHC is incorrect, then I submit that Campbelltown Council should rectify this incorrect information.

If the reported lack of notification is correct, then you have a serious issue of credibility to resolve. Campbelltown Council is free to pursue actions that are in its interests, but it has an obligation to deal decently with people and institutions that would potentially be affected by those decisions. Recent Royal Commissions have highlighted the importance of State Government Departments and large financial institutions dealing decently with people. I hope that this message would not be lost on Local Government.

Yours sincerely,

[REDACTED]

[REDACTED]

Click [here](#) to report this email as spam.

6205319
Document No. 4

Enq: Michelle Hammond
Ph: 8366 9260

15 February 2019

South Australia Electoral Districts
Boundaries Commission
GPO Box 646
ADELAIDE SA 5001

Dear Sir / Madam

Boundary Realignment Proposal

I wish to advise that at its meeting held on Tuesday 22 January 2019 Council considered a report in relation to a boundary realignment proposal and resolved as follows:

Stage 1

Council (Campbelltown Council) would like to submit a general proposal to the Commission to consider a boundary realignment between it and Adelaide Hills Council.

The relevant area (proposed boundary realignment) is shown in blue on the attached map.

Council considers that boundary realignment is the most appropriate option as it will assist in increased operational capacity, efficient and cost effective delivery of services, effective planning and development, accessibility, and adequate and fair representation for both Council areas. In addition it will consolidate and formalise a seemingly existing local community and community of interest. Council strongly believes that it will enhance the capacity of both Councils to deliver results to local communities in a more strategic and effective way.

The objects of the Act (Local Government Act 1999) as stated in Section 3 of the Act have been considered as part of this proposal, and Council believes that the proposal strongly aligns with the Objects of the Act. In particular the following sections of part 3 are pertinent to this proposal:

- (b) to encourage the participation of local communities in the affairs of local government and to provide local communities, through their councils, with sufficient autonomy to manage the local affairs of their area;

- 2 -

Council believes that the residents in the relevant area more closely align with the Campbelltown Council area than the Adelaide Hills Council area. Preliminary discussions initiated by residents from the area have indicated that they feel like they live and either work or play in the Campbelltown Council area and access services provided by Campbelltown Council. Some of them already participate in Council's community engagement as many decisions that Council make directly affect them. The boundary realignment would potentially formalise an existing 'local community' and enable residents to formally participate in Council decision making, and increase civic pride.

- (e) to improve the capacity of the local government system to plan for, develop and manage local areas and to enhance the capacity of councils to act within their local areas as participants in the Australian system of representative government.

The residents in the relevant area are closely aligned to Council, and as previously stated the realignment would formalise this situation. Council recognises that there is some uniqueness contained within the relevant area and as such would plan to have a separate policy area in Council's Development Plan for the relevant parts within this area.

- (f) to encourage local government to provide appropriate services and facilities to meet the present and future needs of local communities

Efficient and relevant service delivery, and provision of facilities is a key component to the realignment proposal. Residents in the relevant area use and associate with services and facilities within the Council area. It makes sense for both Councils from an efficient cost effective service delivery perspective, for residents within the relevant area to be serviced by that Council. Generally residents within the relevant area avail themselves to Campbelltown's services on a regular basis, and potentially shop, recreate, and educate in the Campbelltown area.

Council has also closely considered the Section 26 Principles that the Commission is required to have regard to in making boundary reform decisions. Council is confident that the proposed boundary alignment meets the Section 26 Principles and is well positioned to formally reply to each principle in Stage 2 of the proposal, and demonstrate how the proposed realignment meets each of these principles.

If you have any queries, please contact me on the above number. I look forward to hearing from you.

Yours faithfully

Paul Di Iulio
Chief Executive Officer

6246276
Document No 6

From: Paul Di Iulio
Sent: 10 May 2019 10:04:33 +0930
To: Elected Members - DG
Cc: CEORecords;Michelle Hammond;Kevin Lowe;Andrian Wiguna
Subject: Campbelltown City Council Boundary Realignment Proposal
Attachments: BC19 002Letter from LGBC to CCC - Response to Stage 1 proposal.pdf

Good Morning All

Please find attached a letter from the Boundaries Commission advising that they have considered our proposal for the realignment of our boundary with Adelaide Hills Council and have agreed that we can proceed to Stage 2, which is great news. I have also taken the liberty of contacting the Adelaide Hills Council CEO, Andrew Aitken to advise him.

The three GMs and me will be meeting on Monday to commence discussions on this to determine the best way to work through this process. Once we have a more definitive plan of action I will provide an update and you can be assured that we will be consulting Adelaide Hills Council and affected residents as necessary throughout the process.

If you have any initial queries please contact me at your convenience.

Regards

Paul Di Iulio
Chief Executive Officer
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E PDilulio@campbelltown.sa.gov.au
W www.campbelltown.sa.gov.au

From: DPTI:Boundaries Commission <DPTI.BoundariesCommission@sa.gov.au>
Sent: Friday, May 10, 2019 9:39 AM
To: Paul Di Iulio <PDilulio@campbelltown.sa.gov.au>
Cc: Michelle Hammond <MHammond@campbelltown.sa.gov.au>
Subject: Campbelltown City Council Boundary Realignment Proposal

Good Morning Paul,

Please find attached correspondence from Chair Bruce Green, regarding the Boundaries Adjustment Proposal.

Please acknowledge receipt by return email.

Kind Regards
Boundaries Commission



GPO Box 2329
Adelaide SA 5001

Tel (08) 7109 7145
DPT.BoundariesCommission@sa.gov.au

Mr Paul Di Iulio
Chief Executive Officer
Campbelltown City Council
PO Box 1
CAMPBELLTOWN SA 5074

Re: Campbelltown City Council Boundary Realignment Proposal

Dear Mr Di Iulio

Thank you for your letter of 19 February 2019 in regards to the Campbelltown City Council's (the Council's) Stage 1 proposal for a proposed boundary realignment.

The SA Local Government Boundaries Commission (the Commission) discussed and considered this correspondence at its meeting on 21 March 2019. The proposal was considered against the objectives of the *Local Government Act 1999* and the requirements of a Stage 1 proposal that are contained in Guideline 3.

The Commission determined that a Stage 2 general proposal can be referred to the Commission for their consideration if the Council wishes to progress this proposal. Please note that this does not guarantee that the proposal will be formally accepted.

As you are aware, Guideline 3 details the two stage process of a proposal for a boundary adjustment for general proposals. I would encourage the Council to consider this Guideline in detail prior to submitting a Stage 2 proposal. In particular, I refer you to the principles contained within s 26 of the *Local Government Act 1999* (attached to Guideline 3), as these principles should form the basis of any proposal.

Please be advised that I have taken the opportunity to notify the Adelaide Hills Council of the Commission's determination on the Council's Stage 1 proposal. I encourage your Council to discuss this matter with the Adelaide Hills Council.

I trust that this information is of assistance to you. If you have further questions, please contact Mr Thomas Rossini in the Office of Local Government on 7109 7443, or thomas.rossini@sa.gov.au.

Yours sincerely

Bruce Green
Chair, SA Local Government Boundaries Commission

6 May 2019

6246218
Document No. 7

From: Paul Di Iulio
Sent: 3 Apr 2019 22:42:47 +0930
To: Michelle Hammond
Cc: CEORecords
Subject: FW: Boundary Changes

Hi Shel

Have you received any information back from the Boundary Commission? Also can you please forward me a copy of the submission we sent in so I can forward a copy of it to Jill

Thanks

Paul Di Iulio
Chief Executive Officer
T +61 8 83669247
F +61 8 83373818
M +61 418856085
E PDilulio@campbelltown.sa.gov.au
W www.campbelltown.sa.gov.au

From: Jill Whittaker <JWhittaker@campbelltown.sa.gov.au>
Sent: Wednesday, April 3, 2019 11:34 PM
To: Paul Di Iulio <PDilulio@campbelltown.sa.gov.au>
Subject: Fwd: Boundary Changes

Hi Paul,
I haven't seen the submission either. Have we heard anything?

Jill

Jill Whittaker
Mayor Campbelltown
T +61 8 7231 1904
F +61 8 83373818
M +61438375868
E JWhittaker@campbelltown.sa.gov.au
W www.campbelltown.sa.gov.au

Begin forwarded message:

From: Jan-Claire Wisdom <jcwisdom@ahc.sa.gov.au>
Date: 3 April 2019 at 4:19:20 pm ACDT
To: "JWhittaker@Campbelltown.sa.gov.au" <JWhittaker@Campbelltown.sa.gov.au>
Subject: Boundary Changes

Hi Jill

Hope you are well. I'm just about back on board here in Adelaide Hills after being away for a while.

Just touching base on this topic as I understand from the Boundaries Commissioner that Campbelltown has lodged its Stage 1 submission to the Commission.

I'd appreciate a copy of the submission as we previously agreed to keep me in the loop.

Cheers and see you next week at OGM.

Jan-Claire



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6246219
Document No. 8

From: Steve Swann
Sent: 10 May 2019 11:53:53 +0930
To: Paul Di Iulio
Cc: Lee Walker-Roberts; CEO Records; Jill Whittaker
Subject: Re: Boundary Realignment

Thanks Paul.

Lee is overseas on business for a few days but will be checking his emails.

I'll advise our committee members of the commission's decision.

Steve Swann

Secretary,
Morialta Residents' Association

phone: (08) 8337 3264
mobile: 0409 282 734

1 Marola Avenue, Rostrevor SA 5073

<http://morialtaresidents.net>

<https://www.facebook.com/morialtaresidents>



On 10 May 2019, at 10:20 am, Paul Di Iulio <PDiIulio@campbelltown.sa.gov.au> wrote:

Hi Steve and Lee

I just thought I would give you a quick update on the proposed realignment of the Council Boundary between Campbelltown and Adelaide Hills Councils.

As you are aware we submitted an application for the Boundaries Commission to consider the request and this morning we have been advised that they have agreed that we can proceed to Stage2. As you

would appreciate, this is a very new process so we will work with the Boundaries Commission to determine what they are expecting in our Stage 2 submission and I will keep you informed of the process. Once we have more information I will be in contact to arrange a mutually convenient time for us to meet to discuss where to from here.

If you have any queries in the meantime please contact me at your convenience.

Regards

Paul Di Iulio

Chief Executive Officer

T +61 8 83669247

F +61 8 83373818

M +61 418856085

E PDilulio@campbelltown.sa.gov.au

W www.campbelltown.sa.gov.au

[<ArtShowDPAandABPV1_0e114f9f-b22c-44b3-a834-afa6972b184b.png>](#)

[<Facebook_7f90dda8-540e-497a-918b-354b634fa1e3.png>](#) [<Twitter_0e815b4d-79c3-4740-98dd-4ff7651d537f.png>](#) [<Youtube_1272ebcd-d680-4878-8b83-4cf50860f7b6.png>](#) [<LinkedIn_52575b89-6c97-4907-b5ec-b2ba466dd13a.png>](#)

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27 June 2019

To The Resident



Dear Resident

I write to you on behalf of the Campbelltown City Council to advise that we are seeking to realign our boundary with the Adelaide Hill Council.

Council is considering this due to the metropolitan nature of the area, common interests and the strong association with Campbelltown of some residents in your area. Your property is within the area that we seek to align with our Council.

Any decision to realign your area will be informed by your views, what you want and need and the outcome that provides maximum community benefit to you and other residents. We are committed to maintaining the unique environment you live in, and maintaining existing planning policies that preserve the character and environment of your local area.

At our meeting on Tuesday 18 June; Council resolved to proceed with an application to the South Australian Local Government Boundaries Commission. The Commission is independent of Councils. Its job is to review and consider the positives and negatives of a potential boundary realignment. If the Commission finds that there is benefit to residents and Councils, it may then recommend to the State Government that the boundary be realigned.

Our next step is to commence preparing the submission, which is quite a lengthy process. As part of that process Council will consult you and other affected residents. We will inform you, answer your questions, and listen to you prior to submitting a detailed application based on the evidence, service delivery, benefit, efficiencies and what you tell us.

Council will keep you updated throughout the process. If you have any questions, or if there is anything in particular that you would like us to consider, please don't hesitate to contact Ms Michelle Hammond on 8366 9260 or mhammond@campbelltown.sa.gov.au.

We look forward to achieving the result that best serves you.

Yours faithfully

A handwritten signature in cursive script that reads "J Whittaker".

Jill Whittaker
Mayor

625 0721
Document No. 10

27 June 2019

Mr Brian Schumacher
Principal
Rostrevor College
67-91 Glen Stuart Road
WOODFÖRDE SA 5072

Dear Mr Schumacher

I write to you on behalf of the Campbelltown City Council to advise that we are seeking to realign our boundary with the Adelaide Hill Council.

Council is considering this due to the metropolitan nature of the area, common interests and the strong association with Campbelltown of some residents in your area. Your property is within the area that we seek to align with our Council.

Any decision to realign your area will be informed by your views, what you want and need and the outcome that provides maximum community benefit to you and other residents. We are committed to maintaining the unique environment you live in, and maintaining existing planning policies that preserve the character and environment of your local area.


At our meeting on Tuesday 18 June; Council resolved to proceed with an application to the South Australian Local Government Boundaries Commission. The Commission is independent of Councils. Its job is to review and consider the positives and negatives of a potential boundary realignment. If the Commission finds that there is benefit to residents and Councils, it may then recommend to the State Government that the boundary be realigned.

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Council will keep you updated throughout the process. If you have any questions, or if there is anything in particular that you would like us to consider, please don't hesitate to contact Ms Michelle Hammond on 8366 9260 or mhammond@campbelltown.sa.gov.au.

We look forward to achieving the result that best serves you.

Yours faithfully



Jill Whittaker
Mayor

6257591
Document No. 11

From: Paul Di Iulio
Sent: 28 Jun 2019 12:35:04 +0930
To: Steve Swann; Lee Walker-Roberts
Cc: CEORecords; Jill Whittaker
Subject: Letter to Adelaide Hills Residents
Attachments: Letter from Mayor Whittaker.pdf

Hi Steve and Lee

As you may be aware Council agreed to proceed with Stage 2 of the Boundary Realignment at its meeting on 18th June.

As you would appreciate there is a large amount of work that is now required to progress this matter which we have started to embark upon. Please find attached a copy of a letter from Mayor Whittaker that is being sent out to all affected properties providing them with information an opportunity to contact us should they have any initial queries or wish to discuss the matter in more detail.

If you have any queries at this stage please contact me at your earliest convenience.

Regards

Paul Di Iulio
Chief Executive Officer
T +61 8 83669247
F +61 8 83373818
M +61 418856085
E PDilulio@campbelltown.sa.gov.au
W www.campbelltown.sa.gov.au

27 June 2019

To The Resident
«No» «Address»
«Suburb» «State» «PCODE»

Dear Resident

I write to you on behalf of the Campbelltown City Council to advise that we are seeking to realign our boundary with the Adelaide Hill Council.

Council is considering this due to the metropolitan nature of the area, common interests and the strong association with Campbelltown of some residents in your area. Your property is within the area that we seek to align with our Council.

Any decision to realign your area will be informed by your views, what you want and need and the outcome that provides maximum community benefit to you and other residents. We are committed to maintaining the unique environment you live in, and maintaining existing planning policies that preserve the character and environment of your local area.

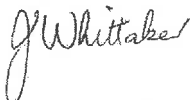
At our meeting on Tuesday 18 June; Council resolved to proceed with an application to the South Australian Local Government Boundaries Commission. The Commission is independent of Councils. Its job is to review and consider the positives and negatives of a potential boundary realignment. If the Commission finds that there is benefit to residents and Councils, it may then recommend to the State Government that the boundary be realigned.

Our next step is to commence preparing the submission, which is quite a lengthy process. As part of that process Council will consult you and other affected residents. We will inform you, answer your questions, and listen to you prior to submitting a detailed application based on the evidence, service delivery, benefit, efficiencies and what you tell us.

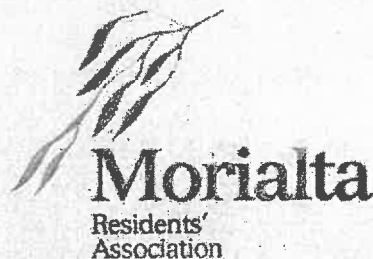
Council will keep you updated throughout the process. If you have any questions, or if there is anything in particular that you would like us to consider, please don't hesitate to contact Ms Michelle Hammond on 8366 9260 or mhammond@campbelltown.sa.gov.au.

We look forward to achieving the result that best serves you.

Yours faithfully



Jill Whittaker
Mayor



1 Marola Avenue Rostrevor 5073 • 8337 3264
www.morialtaresidents.net • info@morialtaresidents.net

6250949
Document No. 12



June 28, 2019

Mr Paul Di Iulio,
Chief Executive Officer,
Campbelltown City Council,
PO Box 1,
Campbelltown SA 5074

cc: Mayor Jill Whittaker

Boundary realignment

Dear Paul,

The Morialta Residents' Association is currently assessing its position on the proposed boundary realignment between the Campbelltown and Adelaide Hills Councils.

A move to Campbelltown Council has significant potential implications for residents and the amenity of our area. The MRA is concerned that it communicate a considered recommendation to residents, so that they can weigh up the pros and cons of any change. We will present our recommendations to residents following a detailed assessment by our committee of each council's positions.

The MRA seeks a joint, written response from the Mayor and Chief Executive Officer addressing our issues of concern. When we have reviewed your responses, the MRA would like to invite you both to attend a committee meeting to address members.

We request your responses to the following:

PLANNING MATTERS

• Guarantee of policy area preservation for Morialta

It has been suggested that Campbelltown Council would adopt the existing Policy Area from the Adelaide Hills Council Development Plan.

The AHC's Residential (Foothills) area, which Campbelltown proposes to adopt, also includes all of Woodforde and the lower part of Teringie, as well as Morialta.

The MRA requests a public commitment to establishing an additional, specific Morialta Residential Policy Area (specified in the AHC Development plan as "the area north of Wandilla Drive" . . .), recognising the area's unique character and history which sets it apart from Woodforde and Teringie and which would offer the same protections as we have now. AHC's current Development Plan specifically lists the requirement for Morialta to retain its unique character.

Dedicated to the preservation of the environment

Campbelltown's Leabrook Drive Policy Area similarly recognises a defined character area of limited size, although the minimum requirements for site area, frontage etc are significantly less than those we want preserved in Morialta.

This distinct Morialta Policy Area will also clearly distinguish our area from Campbelltown's existing Foothills Policy Area, immediately adjoining us to the north.

• Hills Face Zone protection

Developers' attempts to have the Hills Face Zone boundary shifted and large scale residential development permitted within Morialta, via a proposed privately-funded Development Plan Amendment, were roundly rejected by the Adelaide Hills Council in 2016. This reflected the intense opposition of residents to both substantial development at odds with the AHC Development Plan and to the requested scrapping of long-term State Government regulations governing the Hills Face Zone.

The MRA requires a clear public statement from Campbelltown Council, including a guarantee that it would oppose any future moves to revive these or similar development plans.

Campbelltown's support for the development, Hills Face Zone and bushfire protection principles which guided AHC's 2016 decision is sought by the MRA.

NAME CHANGE

Campbelltown Council's support for changing the name of our area to Morialta was indicated by the CEO at preliminary meetings last year.

The MRA now seeks your detailed assessment of how a council-initiated name change application would be framed and pursued.

Campbelltown Council's clear public endorsement of the name change will be essential given that:


- » All residents of Rostrevor and Woodforde may need to be surveyed about the name change, as was suggested as a possible requirement by the Geographical Names Unit during a previous, unsuccessful name change application process. At that time the GNU indicated it would require a 70+% yes vote to proceed.
- » Residents of Woodforde previously objected to the name Morialta being applied to this area, even though their suburb bears its own distinct name.

COUNCIL SERVICES

We request a detailed summary of the services which Campbelltown Council believes would be better-provided to Morialta residents than those currently offered by the AHC.

We look forward to receiving your responses.

Yours faithfully,



Steve Swann

Secretary

Dedicated to the preservation of the environment

6257588
Document No. 14

From: Paul Di Iulio
Sent: 1 Jul 2019 17:19:22 +0930
To: Andrew Aitken
Cc: CEORecords;Jill Whittaker
Subject: Letter from Mayor Whittaker to Adelaide Hills residents regarding Boundary realignment wi.docx
Attachments: Mail merge Letter from Mayor Whittaker to Adelaide Hills residents regarding Boundary realignment wi.docx

Hi Andrew

Please find attached a copy of the letter that we are sending out to the residents who live in the Adelaide Hills Council within the suburbs of Rostrevor, Woodforde and Hamilton Hill for your information

I know that Michelle Hammond has asked your Staff about the possibility of us meeting however in the meantime if you would like to discuss this matter further please contact me at your earliest convenience.

Regards

Paul Di Iulio
Chief Executive Officer
T +61 8 83669247
F +61 8 83373818
M +61 418856085
E PDilulio@campbelltown.sa.gov.au
W www.campbelltown.sa.gov.au

27 June 2019

To The Resident

Dear Resident

I write to you on behalf of the Campbelltown City Council to advise that we are seeking to realign our boundary with the Adelaide Hill Council.

Council is considering this due to the metropolitan nature of the area, common interests and the strong association with Campbelltown of some residents in your area. Your property is within the area that we seek to align with our Council.

Any decision to realign your area will be informed by your views, what you want and need and the outcome that provides maximum community benefit to you and other residents. We are committed to maintaining the unique environment you live in, and maintaining existing planning policies that preserve the character and environment of your local area.

At our meeting on Tuesday 18 June; Council resolved to proceed with an application to the South Australian Local Government Boundaries Commission. The Commission is independent of Councils. Its job is to review and consider the positives and negatives of a potential boundary realignment. If the Commission finds that there is benefit to residents and Councils, it may then recommend to the State Government that the boundary be realigned.

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Council will keep you updated throughout the process. If you have any questions, or if there is anything in particular that you would like us to consider, please don't hesitate to contact Ms Michelle Hammond on 8366 9260 or mhammond@campbelltown.sa.gov.au.

We look forward to achieving the result that best serves you.

Yours faithfully



Jill Whittaker
Mayor

From: Michelle Hammond
Sent: 4 Jul 2019 16:36:43 +0930
To: T1 Connectprod
Subject: FW: Realignment of council boundaries

#ECMBODY
#QAP CSSD – Boundary Reform

Michelle Hammond
General Manager Corporate & Community Services
T +61 8 83669260
F +61 8 83373818
M +61 402131937
E MHammond@campbelltown.sa.gov.au
W www.campbelltown.sa.gov.au

From: [REDACTED]
Sent: Thursday, 4 July 2019 3:32 PM
To: Michelle Hammond <MHammond@campbelltown.sa.gov.au>
Subject: RE: Realignment of council boundaries

Michelle,

Once a realignment occurs there is nothing to prevent a change in regulations. I thank you for noting my continuing strong opposition to this proposal.

Regards,

[REDACTED]

Sent from Yahoo7 Mail on Android

On Tue, 2 Jul. 2019 at 9:51 pm, Michelle Hammond
<MHammond@campbelltown.sa.gov.au> wrote:

[REDACTED]

Thank you for taking the time to email your concerns through.

I will note your opposition in our considerations.

The letter you received was just initial advice; full consultation will occur with you and the residents in the relevant area. Please feel free to provide further comments during that process should you have any.

In an attempt to alleviate some of your concern I would like to let you know that Council's intention is to preserve the planning rules in your area, and to maintain them in a separate policy planning document, which will ensure that you retain all of the unique elements of the area that you refer to.

Thanks again for making contact. I hope that you find any further information Council provides or any community engagement we undertake, beneficial.

Kind Regards,

Michelle Hammond

General Manager Corporate & Community Services

T +61 8 83669260

F +61 8 83373818

M +61 402131937

E MHammond@campbelltown.sa.gov.au

W www.campbelltown.sa.gov.au



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[REDACTED]
Sent: Tuesday, 2 July 2019 8:26 PM

To: Michelle Hammond <MHammond@campbelltown.sa.gov.au>

Subject: Realignmemt of council boundaries

Dear Michelle,

I am a resident and owner of [REDACTED] I am strongly opposed to any boundary realignment of our property to campbelltown council. One of the reasons why we purchased this property in this particular area was the inability of council to subdivide our property and those around us. We are strong believers that housing is far too condense and this area meets our needs whereby we can easily access the services around us and still have the benefit of feeling like we are in the hills away from traffic congestion and high density housing.

There is no positive benefit to a change in council to us as residents only the negative effects of subdivision and the inability to have any measure of control over this.

A change in council and the subsequent subdivision of land as per the regulations would have a negative impact on the animals in the conservation park due to increased human footprint. It would put more stain on the schools and services in the surrounding area due to more people residing in the area. The local schools are currently working on maximum capacities at the moment and this would only create more strain.

Can you please record my strong objection to this council proposal. Thankyou.

Regards

[REDACTED]

[REDACTED]

Sent from Yahoo7 Mail on Android

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6252218

Document No. 16

From: Michelle Hammond
Sent: Tue, 2 Jul 2019 22:05:46 +0930
To: [REDACTED]
Subject: RE: Boundary realign with the Adelaide Hill Council

[REDACTED]

Thanks for taking the time to email your thoughts through and it is pleasing to read that you make such good use of our facilities.

With respect to pathways, weed control, general maintenance, and upgrades, I can say at this early stage is that Council would maintain your area in the same way that it maintains the current Council area.

With respect to rates I can advise that with a property value of \$640,000 in the 2018/2019 financial year your rates if you were a Campbelltown resident would have been \$1,920.31 plus a NRM (Natural Resource Management State Government Levy) of \$62.32, being a total of \$1,982.63.

I hope this information helps. Council will be providing all residents within the area more information as well as an opportunity to provide feedback during a consultation period.

In the meantime if you would like any further information please feel free to contact me.

Kind Regards,

From: [REDACTED]
Sent: Tuesday, 2 July 2019 7:34 PM
To: Michelle Hammond <MHammond@campbelltown.sa.gov.au>
Subject: Boundary realign with the Adelaide Hill Council

Hello Michelle,

The purpose of this email is to seek some information in relation to boundary realign with the Adelaide Hill Council.

[REDACTED]

Adelaide Hills Council has provided little upgrades to this area on Stradbroke Rd for the residents over 20 years. Most of the upgrades are for Hills residents and not the few in the suburbs.

The facilities my family uses are mostly in the Campbelltown area which includes, Library, Parks, Recreational areas, Rental of Community Halls, and playing for the local sporting clubs.

Depending on the rates, this would make sense to be part of Campbelltown Council.

Would the council assess the area in which it will take responsibility and plan upgrades?

Decent pathways,

Weed control,

Plant lawn, and other upgrades to provide residents with a safer area.

Would the rates be any cheaper.

Appreciate any information available.

Regards,

A black rectangular redaction box covering the signature area.

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6252234
Document No. 17

From: Michelle Hammond
Sent: 3 Jul 2019 16:43:02 +0930
To: T1 Connectprod
Subject: FW: Council boundary re-alignment

#ECMBODY
#QAP CSSD – Boundary Reform

Michelle Hammond
General Manager Corporate & Community Services
T +61 8 83669260
F +61 8 83373818
M +61 402131937
E MHammond@campbelltown.sa.gov.au
W www.campbelltown.sa.gov.au

From: Michelle Hammond
Sent: Tuesday, 2 July 2019 10:23 PM
To: [REDACTED]
Subject: RE: Council boundary re-alignment

[REDACTED]

Thank you for taking the time to provide your thoughts to Council.

The letter is simply to advise residents that Council has resolved to proceed to Stage 2 of a general proposal to the Boundaries Commission.

AHC (Adelaide Hills Council) are very aware of both the letter and the fact that our Council has resolved to proceed to Stage 2. The Mayors and CEOs of both Councils have been in discussion for several years about this, and the recent legislation change provides Council with the opportunity to initiate a boundary reform proposal.

We are currently seeking to meet with Senior Staff at AHC so that we can discuss this proposal in more detail and share and gain information to assist with formulating the proposal.


Council will be consulting with AHC residents in the relevant area as we progress through preparation of the proposal. Whilst it is obvious that this should occur, we are also obliged to undertake consultation, and provide evidence of it as part of the submission. I am sure that AHC will also consult with residents in the relevant area.

I am sorry that you find the communication strategy appalling. I can assure that we will be working closely with AHC throughout this process, and we will also work hard to ensure that residents are fully informed and have opportunities to provide feedback and input.

I hope that future communications that you receive from Council are more satisfactory to you.

In the meantime if you require any further information please feel free to contact me.

Kind Regards,


Sent: Tuesday, 2 July 2019 9:55 PM

To: Michelle Hammond <MHammond@campbelltown.sa.gov.au>

Cc: mail@ahc.sa.gov.au

Subject: Council boundary re-alignment

Dear Ms Hammond,

I have received a letter from the Campbelltown Mayor advising me of Campbelltown's proposal to seek a boundary realignment. I am advised that my property lies within the area that would be affected. You are indicated as the person responsible for this correspondence.

I am surprised to receive this notification from someone other than my current Council. It seems a little presumptuous to get this correspondence from you rather than from Adelaide Hills Council.

Intriguingly, there is no mention of AHC in the letter at all. You do not indicate AHC's view of the proposal or even that they have been informed of your intent. This also seems presumptuous.

The Campbelltown Mayor assures me that your decision will be informed by my views, by what I want and need. But you have no authority to approach me for my views, and I have no authority to tell you my views. This assurance also seems presumptuous.

I have no confidence in your assurances that Campbelltown Council will "listen to me" prior to any submission. You seem to be pressing ahead to achieve your own goal without regard for some basic courtesy in communications with and about another Council.

Now, there may be some good reasons to consider a boundary realignment. This is not the first correspondence I have had with Campbelltown regarding this possibility, and you have not yet provided any reasons to justify it.

Your communication strategy is appalling and does not bode well for the future.

I am not impressed.

6252183
Document 18

From: Andrew Aitken
Sent: 3 Jul 2019 00:13:07 +0930
To: Paul Di Iulio
Cc: CEORecords;Jill Whittaker;Jan-Claire Wisdom
Subject: Re: Letter from Mayor Whittaker to Adelaide Hills residents regarding Boundary realignment wi.docx
Attachments: Facebook_7f90dda8-540e-497a-918b-354b634fa1e3.png, PizzaandEWasteClosureV1_0025404c-9f3c-4f98-bb0d-c12e85953610.png, Twitter_Oe815b4d-79c3-4740-98dd-4ff7651d537f.png, Youtube_1272ebcd-d680-4878-8b83-4cf50860f7b6.png, LinkedIn_52575b89-6c97-4907-b5ec-b2ba466dd13a.png

Hi Paul

Thanks for your email and for sending us the letter. We'll be in touch in the near future.

Regards
Andrew

Sent from my iPhone



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On 1 Jul 2019, at 17:19, Paul Di Iulio <PDiIulio@campbelltown.sa.gov.au> wrote:

Hi Andrew

Please find attached a copy of the letter that we are sending out to the residents who live in the Adelaide Hills Council within the suburbs of Rostrevor, Woodforde and Hamilton Hill for your information

I know that Michelle Hammond has asked your Staff about the possibility of us meeting however in the meantime if you would like to discuss this matter further please contact me at your earliest convenience.

Regards

Paul Di Iulio

Chief Executive Officer

T +61 8 83669247

F +61 8 83373818

M +61 418856085

E PDilulio@campbelltown.sa.gov.au

W www.campbelltown.sa.gov.au

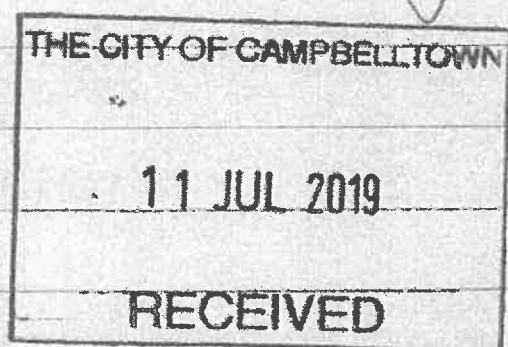
REALIGN BOUNDARY.

7/7/19

Dear Michelle,

YES! YES! YES!! Finally someone is listening to what we as residents of Woodforde for 44 yrs have been asking for, even if its only due to the construction of Hamilton Hill we need to be included in Campbelltown City Council, we don't feel like we belong to Adelaide Hills Council, we feel like outcasts in this tiny pocket that we sit in! We support you whole heartedly & hope you proceed & are successfull!!

Yours Sincerely



I have tried sending by Email but it keeps failing & saying invalid address.

From: Lee Walker-Roberts
Sent: 22 Jul 2019 12:16:48 +0930
To: Paul Di Iulio
Cc: Jill Whittaker; Michelle Hammond; CEORecords; Steve Swann
Subject: RE: Boundary Realignment

Good afternoon Paul,

Many thanks your letter and addressing the issues raised by MRA. This appears positive progress though MRA will be keen to understand pos+ and neg- consequences/impact of SA Government Planning and Design Code 2020. Acknowledge there are considerable tasks and investigation yet to be undertaken. Please keep MRA informed as to City of Campbelltown progress with AHC.

Steve is on holiday this week, back Monday. MRA also welcome the opportunity to continue our discussions and I shall convey same to MRA Committee and plan mutually convenient time.

Best regards,
Lee

From: Paul Di Iulio <PDilulio@campbelltown.sa.gov.au>
Sent: Monday, 22 July 2019 9:37 AM
To: Steve Swann <steve@swanns.net>
Cc: Lee Walker-Roberts <lwalkerroberts@creativejuices.com.au>; Jill Whittaker <JWhittaker@campbelltown.sa.gov.au>; Michelle Hammond <MHammond@campbelltown.sa.gov.au>; CEORecords <CEORecords@campbelltown.sa.gov.au>
Subject: Boundary Realignment

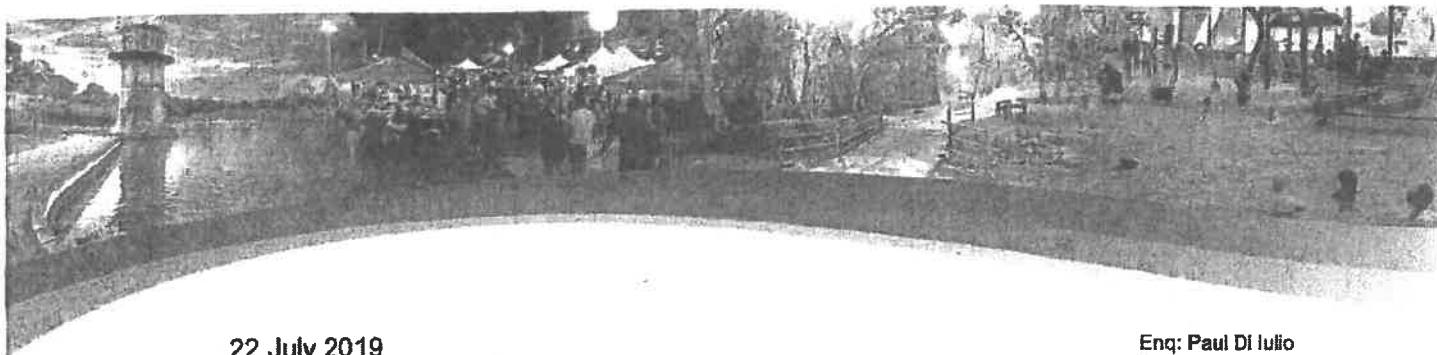
Hi Steve

Please find attached a response to your recent correspondence, as indicated there is still a great deal of work to be undertaken and we welcome the opportunity to continue our discussions and if it's helpful, we would be more than happy to meet with your Committee and/or members at a mutually convenient time.

We have also requested a meeting with Adelaide Hills Council to further discuss the pros and cons of a potential boundary realignment however to date they haven't confirmed a time, although they have confirmed their willingness to meet with us.

Regards

Paul Di Iulio
Chief Executive Officer
T +61 8 83669247
F +61 8 83373818
M +61 418856085
E PDilulio@campbelltown.sa.gov.au
W www.campbelltown.sa.gov.au



22 July 2019

Enq: Paul Di Iulio
Ph: 8366 9247

Mr Steve Swann
Secretary
Morialta Residents' Association
1 Marola Avenue
ROSTREVOR SA 5073

Dear ~~Mr~~ ^{Steve} Swann

Boundary Realignment

Thank you for your letter dated 28 June and I apologise for the delay in response.

Council (Campbelltown Council) are just commencing the investigation in to the Boundary realignment proposal and will be in contact with you as soon as we have some detailed information to answer your questions fully.

I can confirm that Council's intent is to establish a separate planning policy area for the area that may come across to Campbelltown which will preserve the Adelaide Hill's Council Development Plan conditions that exist for that area.

Further I can confirm that Council has no plans to shift the current Hills Face Zone boundaries or make any changes to the Hill Face Zone Policy as it currently stands.

It is however, important to note that both Campbelltown Councils Development Plan and Adelaide Hills Development Plan will be replaced by the Planning and Design Code in July 2020. Whilst we understand that it is the State Government's intention to largely translate existing Policy into the Code, exactly what that translation will look like is unknown.

I can also confirm that staff are currently investigating the process that is required to change a suburb name.

There will be extensive community engagement throughout this process where all Residents in the area will be consulted and provided with an opportunity to provide feedback to Council.

If you would like to meet with us in the meantime please feel free to contact me.

Yours faithfully

Paul Di Iulio
Chief Executive Officer

PO Box 1, Campbelltown SA 5074 | 172 Montacute Road, Rostrevor SA 5073
Tel: 08 8366 9222 | Fax: 08 8337 3818 | mail@campbelltown.sa.gov.au | www.campbelltown.sa.gov.au

Document Set ID: 6257986

Version: 1, Version Date: 22/07/2019

Providing a quality lifestyle



6258912
Document No. 21

[REDACTED]
Sent: 24 Jul 2019 09:46:51 +0930
To: mail
Subject: [REDACTED]
Attachments: 190618 CCC Boundary Alignment Map.pdf, 4041_001.pdf

Hi,

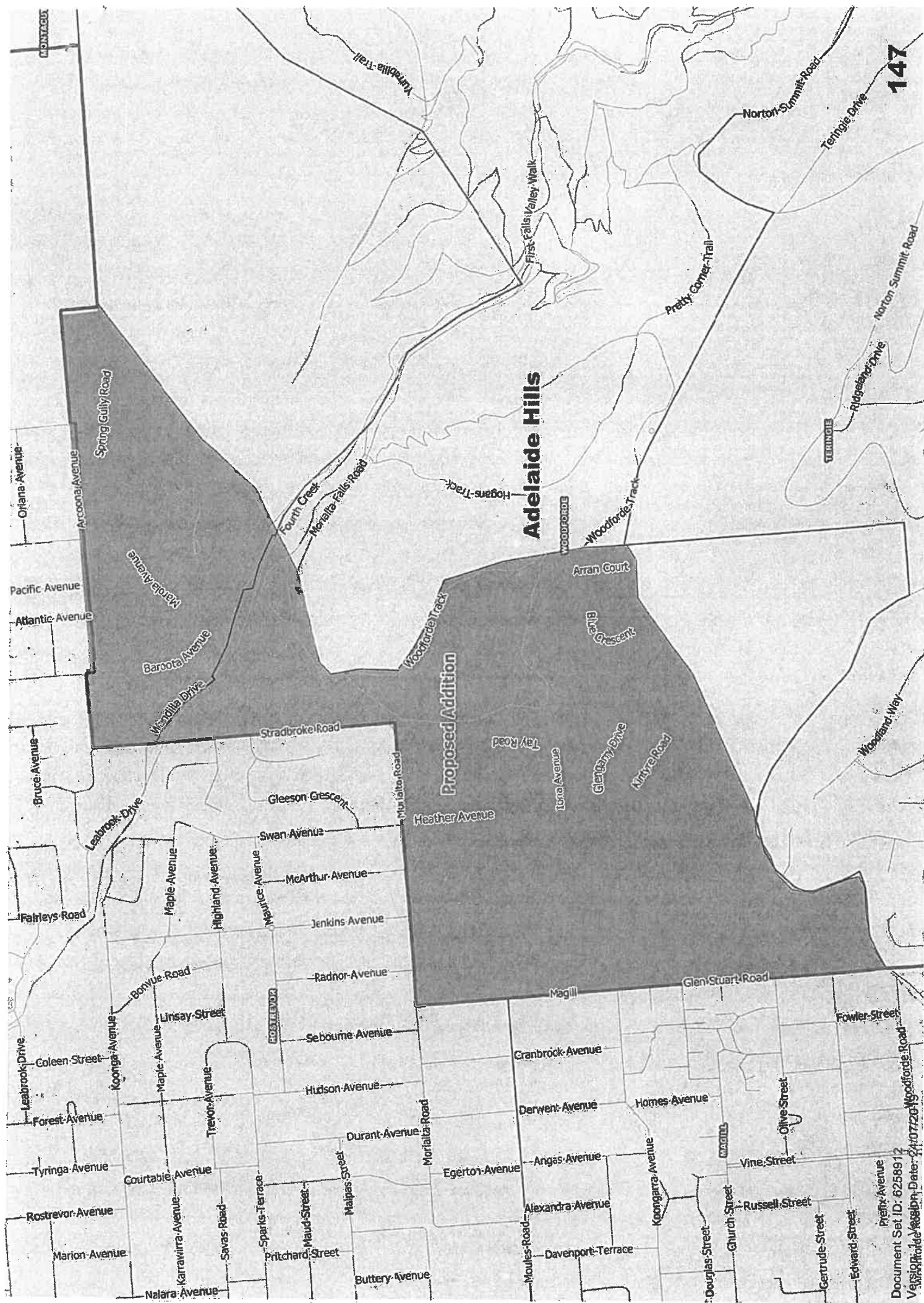
I have been informed by my council (Adelaide Hills) that my property [REDACTED]
may change over to the City of Campbelltown council.

Just following up the reason behind then proposed change?

Best Regards,

[REDACTED]

Click [here](#) to report this email as spam.





PO Box 44
Woodside SA 5244
Phone: 08 8408 0400
Fax: 08 8389 7440
mail@ahc.sa.gov.au
www.ahc.sa.gov.au

Direct line: 8408 0400
File Ref: 09.10.6

2 July 2019



Update on Campbelltown City Council boundary review

Further to our correspondence to you in February of this year, Adelaide Hills Council has received advice from the SA Local Government Boundaries Commission (the Commission) regarding the City of Campbelltown (CCC) Stage 1 proposal to realign the council boundary in the Woodforde area.

The Commission has determined that CCC may refer a Stage 2 proposal regarding the proposed realignment to the Commission and CCC has recently approved the preparation of this proposal. Stage 2 requires the acquiring council (CCC) to set out their case for the reform proposal, including any issues that should be considered, in a detailed submission.

Upon receiving the CCC submission the Commission makes a decision whether to inquire further into the proposal and conduct a boundary review. Council boundary reviews are conducted by the Boundaries Commission, and the views of affected ratepayers would be considered during the review, as well as financial, resource, social and electoral representation arrangements.

Unfortunately, there is no formal role for the Adelaide Hills Council in this stage of the process; however we are committed to keeping you informed regarding the progress of CCC's proposal as your property is in the area subject to the review.

Adelaide Hills Council strongly believes community interests must be considered foremost regarding any proposal and we will work with Campbelltown City Council, the Commission and any other stakeholders to ensure this occurs. It is also our intention to hold a community meeting to assess the proposal with you. We'll be in contact again in relation to this meeting.

If you wish to discuss this matter further, please contact Steven Watson, Acting Executive Manager Governance & Performance on 8408 0400.

Yours sincerely

Dr Jan-Claire Wisdom
Mayor

6259625
Document No. 22

From: [REDACTED]
Sent: Thu, 25 Jul 2019 15:08:50 +0930
To: mhammond@campbelltown.sa.gov.au
Cc: Steve Swann
Subject: Council Boundary Realignment
Attachments: Letter to Jill Whittaker.docx

Dear Ms Hammond,
Please forward the attached letter objecting to the proposed realignment to Jill Whittaker.

Yours faithfully,
[REDACTED]

Click [here](#) to report this email as spam.

Dear Ms Whittaker,

In response to your letter dated 27 June regarding boundary realignment in my area. I have several objections to your proposal.

1) The Campbelltown Council and Adelaide Hills Council Development Plans are markedly different in qualitative ways that will have a direct consequence for our area. Your commitment to '... preserve the character and environment ...' is meaningless as all future planning (under your Development Plan) will be governed by a completely different set of core beliefs and principals.

2) Our community recently prevented a housing development that would have had a negative impact on the foothill's habitat as well as amenity of residents. Would we have had the same success within your council area? Unlikely. Why would we want to leave AHC?

3) I have had personal dealings with CCC. The council approved a development against the advice of their professional planning staff, against the protocols of their own Development Plan, and against the wishes of neighbours. In my dealings with the council I believe I was met with dishonesty and subterfuge. What a disappointing group you were.

4) Your reasons given for realignment are weak and can be challenged on many fronts. You have also not described any benefits for residents of a realignment.

Please register this objection with the Boundaries Commission.



626 1446
Document No. 23

From: Michelle Hammond
Sent: Wed, 31 Jul 2019 15:49:33 +0930
To: [REDACTED]
Subject: RE: Recent letter re realignment of council boundaries

[REDACTED]
Thanks for your reply.

Your rates at Campbelltown on a property valued at \$610,000 in the 19/20 year would be \$1860.70 plus NRM Levy of \$60.70 giving a total rates bill of \$1921.40.

I have put the ABP Summary in the mail today.

Please feel free to get in touch if you have any further questions.

Kind Regards,

From: [REDACTED]
Sent: Wednesday, 31 July 2019 1:24 PM
To: Michelle Hammond <MHammond@campbelltown.sa.gov.au>
Subject: Re: Recent letter re realignment of council boundaries

Dear Michelle,
Thank you for your reply .. and in response, the Capital Value stated on my Hills council notice is \$610,000 for 19/20 rates year.

Yes, I would appreciate a hard copy of you business plan summary for the forthcoming year.
[REDACTED]

Thank you,
[REDACTED]

On 27 Jul 2019, at 3:40 pm, Michelle Hammond <MHammond@campbelltown.sa.gov.au> wrote:
[REDACTED]

Thank you for your email.

Can you please provide the capital valuation on your 2019/2020 rates notice and then I will be able to calculate what your rates would be for the same year at Campbelltown.

I will forward the annual business plan summary by separate email or would you prefer a hard copy posted?

Kind regards,

Sent from my iPhone

Michelle Hammond

General Manager Corporate & Community Services

T +61 8 83669260

F +61 8 83373818

M +61 402131937

E MHammond@campbelltown.sa.gov.au

W www.campbelltown.sa.gov.au

[<PizzaandEWasteClosureV1_0025404c-9f3c-4f98-bb0d-c12e85953610.png>](#)

[<Facebook_7f90dda8-540e-497a-918b-354b634fa1e3.png>](#) [<Twitter_0e815b4d-79c3-4740-98dd-4ff7651d537f.png>](#) [<Youtube_1272ebcd-d680-4878-8b83-4cf50860f7b6.png>](#) [<LinkedIn_52575b89-6c97-4907-b5ec-b2ba466dd13a.png>](#)

The City of Campbelltown is committed to providing our customers with excellent service. If we can assist you in any way please either telephone (08) 8366 9222 or visit our website.

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On 27 Jul 2019, at 2:25 pm [REDACTED]

To .. Michelle Hammond

With regards residents who might be considering their views re this possible realignment, it would be useful if you could forward details re Campbelltown's annual business plan summary for 2019-2020. I have just received this same document from Adelaide Hills Council.

Also, for comparison of value for money, could you supply projected likely rates for my property ... I live at 11 Tay Road, Woodforde. I suggest other residents in the area would appreciate receipt of similar information.

I look forward to receiving information from you relating to these two issues.

Thank you,
[REDACTED]

From: Michelle Hammond
Sent: Thu, 1 Aug 2019 16:33:54 +0930
To: [REDACTED]
Subject: [REDACTED]
Attachments: AHC Letter.docx

[REDACTED]
Thank you for your email.

I have attached a copy of the letter that Campbelltown Council sent to AHC (Adelaide Hills Council) Residents in the relevant area and apologise that you didn't receive one.

At this stage Council is simply investigating a boundary realignment. This is an extensive body of work and once more detail is available Campbelltown Council will be consulting with AHC Residents.

We will be working with the Adelaide Hills Council and the Morialta Residents' Association throughout this process.

In the meantime if you have any further questions please feel free to contact me.

Kind Regards

From: [REDACTED]
Sent: Wednesday, 24 July 2019 9:47 AM
To: mail <mail@campbelltown.sa.gov.au>
Subject: [REDACTED]

Hi,

I have been informed by my council (Adelaide Hills) that my property Lot 40 Buchanan Drive Woodforde may change over to the City of Campbelltown council.

Just following up the reason behind then proposed change?

Best Regards,

[REDACTED]
[REDACTED]
[REDACTED]

27 June 2019

To The Resident
2 Arcoona Avenue
ROSTREVOR SA 5073

Dear Resident

I write to you on behalf of the Campbelltown City Council to advise that we are seeking to realign our boundary with the Adelaide Hill Council.

Council is considering this due to the metropolitan nature of the area, common interests and the strong association with Campbelltown of some residents in your area. Your property is within the area that we seek to align with our Council.

Any decision to realign your area will be informed by your views, what you want and need and the outcome that provides maximum community benefit to you and other residents. We are committed to maintaining the unique environment you live in, and maintaining existing planning policies that preserve the character and environment of your local area.


At our meeting on Tuesday 18 June; Council resolved to proceed with an application to the South Australian Local Government Boundaries Commission. The Commission is independent of Councils. Its job is to review and consider the positives and negatives of a potential boundary realignment. If the Commission finds that there is benefit to residents and Councils, it may then recommend to the State Government that the boundary be realigned.

Our next step is to commence preparing the submission, which is quite a lengthy process. As part of that process Council will consult you and other affected residents. We will inform you, answer your questions, and listen to you prior to submitting a detailed application based on the evidence, service delivery, benefit, efficiencies and what you tell us.

Council will keep you updated throughout the process. If you have any questions, or if there is anything in particular that you would like us to consider, please don't hesitate to contact Ms Michelle Hammond on 8366 9260 or mhammond@campbelltown.sa.gov.au.

We look forward to achieving the result that best serves you.

Yours faithfully



Jill Whittaker
Mayor

6261908
Document Nb. 25

From: [REDACTED]
Sent: 1 Aug 2019 19:22:23 +0930
To: mail
Subject:
Importance: Normal

1st August 2019

**Office of the Mayor
Campbelltown City Council**

cc: Morialta Residents Association
Adelaide Hills Council

Dear Madam,

After receiving the letter which notifies residents that your council is seeking a boundary realignment we wish to state that:

As residents in the Adelaide Hills Council for 12 years, we are extremely satisfied with their service and provision of utilities. We chose to live in this unique spot and feel that the Adelaide Hills Council has the broad expertise (because of the range of their council area) to manage a living environment which encompasses both rural and suburban living in the best possible way.

We definitely do not want any change to the agreements which currently exist between Adelaide Hills Council and the local residents association. We are unable to see any benefits to residents by a change of boundaries. We are particularly concerned that the Campbelltown Council appears to have an aggressive approach to development such as multiple small houses on the old quarter acre blocks.

We would seek guarantee that there could be no possible subdivision of the existing large allotments in the Morialta Patch.

We would also seek firm guarantee of no entertaining whatsoever the proposal to develop the end of Wandilla Drive and Spring Gully Road that was put to the Adelaide Hills Council 2 years ago and wanted to change the Hills Face Zone in relation to the Morialta Park Boundary – this would severely reduce the current quality of life that we all chose in moving to this area.

We would appreciate your continuing advice on this matter.

Yours faithfully,

[REDACTED]

6264482
Document No. 26

From: Caroline Moeller
Sent: 9 Aug 2019 13:40:09 +0930
To: [REDACTED]
Subject: Acknowledgement letter in response to your email of 1 August and the issue of boundary realignment
Attachments: Letter to [REDACTED] regarding Boundary Realignment.pdf

Good afternoon

Please find attached an acknowledgement letter from the Chief Executive Officer, Mr Paul Di Iulio in response to your email of 1 August and the issue of boundary realignment.

Regards

Caroline.



8 August 2019

Enq: Paul Di Iulio
Ph: 8366 9247

[Redacted]

Email [Redacted]

Dear [Redacted]

Boundary Realignment

Thank you for your email dated 1 August and I apologise for the delay in my response.

Council (Campbelltown Council) are just commencing the investigation in to the Boundary realignment proposal and will be in contact with you as soon as we have more detailed information to answer your questions fully.

I can confirm that Council's intent is to establish a separate planning policy area for the area that may come across to Campbelltown which will preserve the Adelaide Hill's Council Development Plan conditions that currently exist for that area.

Further I can confirm that Council has no plans to shift the current Hills Face Zone boundaries or make any changes to the Hill Face Zone Policy as it currently stands.

It is however, important to note that both Campbelltown Councils Development Plan and Adelaide Hills Development Plan will be replaced by the Planning and Design Code in July 2020. Whilst we understand that it is the State Government's intention to largely translate existing Policy into the Code, exactly what that translation will look like is unknown.

I can also confirm that Staff are currently investigating the process that is required to change a suburb name and generally supports the request from local residents to rename this section of Rostrevor, Morialta.

There will be extensive community enagagment throughout this process where all residents in the area will be consulted and provided with an opportunity to provide feedback to Council.

If you would like to meet with us in the meantime please feel free to contact me.

Yours faithfully

Paul Di Iulio
Chief Executive Officer

Michelle Bell

From: Jill Whittaker
Sent: Wednesday, 21 August 2019 10:16 PM
To: Paul Di Iulio
Cc: Michelle Hammond; CEORecords
Subject: Re: AHC Boundary Realignment

I spoke to the Minister about this briefly today.

Jill Whittaker
Mayor Campbelltown

📞 +61 8 7231 1904
📞 +61 8 83373818
📞 +61438375868
✉️ JWhittaker@campbelltown.sa.gov.au
🌐 www.campbelltown.sa.gov.au

On 21 Aug 2019, at 10:11 pm, Paul Di Iulio <PDiIulio@campbelltown.sa.gov.au> wrote:

Hi Jill and Michelle,

Please find below the letter that has been sent out to the residents of AHC for your information

Regards

<image1.jpeg>

Sent from my iPhone

Paul Di Iulio
Chief Executive Officer

📞 +61 8 83669247
📞 +61 8 83373818
📞 +61 418856085
✉️ PDiIulio@campbelltown.sa.gov.au
🌐 www.campbelltown.sa.gov.au

Adelaide Hills
COUNCIL

Phone: 08 8380 7440
Fax: 08 8380 7440
mail@ahc.sa.gov.au
www.ahc.sa.gov.au

15 August 2019



Dear Resident,

**Council Boundary Review – Community Information Session
Rostrevor College – Tuesday 3 September 2019**

Further to our correspondence over the last six months, Campbelltown City Council has initiated a process to seek a review of the boundary between our two Council districts. Your property is in the Adelaide Hills Council area subject to the review.

I write to you today on behalf of the Adelaide Hills Council to invite you to an information session we are holding to inform affected residents and obtain your views. The details are as follows:

Tuesday 3 September

6:00pm - 8:00pm

**The Pavilion, Rostrevor College, 67-91 Glen Stuart Road
(enter from Heather Avenue)**

The meeting will offer information on the boundary reform process, articulate the Adelaide Hills Council's perspective on boundary reform, and allow time for resident questions. Campbelltown City Council representatives have also been invited to attend and present on the night.

For more information on the Community Information Session go to: www.ahc.sa.gov.au

Should you not be able to attend and wish to receive a copy of the meeting summary for the session, please email engagement@ahc.sa.gov.au.

Yours sincerely

Good evening everyone

I would like to thank Adelaide Hills for the providing us with the opportunity to speak to you tonight. CEO Paul Di Iulio and myself have our scheduled council meeting starting at 7 pm and so we need to leave early. We appreciate the opportunity to address you early in the meeting and apologise that we cannot stay for the entire meeting.

I would like to acknowledge Deputy Mayor Nathan Daniel, (Chief Executive Officer, Andrew Aitken). I have a long friendship with Mayor Jan-Claire Wisdom and great respect for CEO Andrew Aitken. I would also like to acknowledge David Waters GM Customer & Community Services, all Elected Members and staff from Adelaide Hills Council. I would also like to acknowledge Campbelltown's Deputy Mayor Anna Leombruno.

The investigation of a potential boundary realignment between Campbelltown and Adelaide Hills Councils is only at the very early stages. It has come about for a number of reasons. One of them is Adelaide Hills residents being involved in our council as volunteers and in clubs, and expressing the desire to myself and the previous mayors and councillors that they want to formally become part of the Campbelltown Community.

The new Boundary Reform process gives us a path to properly explore this option with all of you, the affected residents. We at Campbelltown are collating some data to help inform this exploration. A large piece of the data puzzle will be provided to us by Adelaide Hills Council and we appreciate their graciousness in being part of the process to get the best results.

As we gather information there will be opportunities for you to provide us your feedback on your thoughts about the proposed realignment; what you would like to see included; and what are essential components for you in considering a boundary realignment. It is important to us, that all residents' views are heard and considered throughout this process, and we will be back in touch with you when more information is available about the process.

The final decision sits with the Local Government Boundary Reform Commission, which is independent of both Councils. From Campbelltown's perspective, for the proposal to proceed to the Boundary Reform Commission there has to be benefits for residents and councils.

Campbelltown is committed to listening to you and taking your comments on board. So far we have heard that the planning regulations are very important matters, as are environmental considerations.

Our intent, should the realignment occur, is to maintain the current provisions that you have in the Adelaide Hills Development Plan. Our intention would be to set up a separate policy area.

Environmental considerations are also extremely important to Campbelltown and we understand its importance to you as well. We want to, and commit to protecting the Hills Face Zone. I would be very happy for you to examine our environmental policies and other relevant documents such as our Open Space Policy and Playground Policies, and our Annual Reports, which we are happy to discuss with you any matters arising from those key documents.

We have been asked if it is possible to rename the section of Rostrevor, currently in the Adelaide Hills Council area, to Morialta. We are very happy to support that and are currently investigating the process involved to change a suburb name.

We have a very close relationship with Adelaide Hills Council and we know that they are a good Council. We see, however, that there is a long standing and strong Community of Interest between you, as residents, living very close to our border and Campbelltown. You are part of the metropolitan area like Campbelltown rather than a rural area. We know that many of you already use our services, attend school or university, and have friends and family in Campbelltown.

What you can't do though, is influence and shape the services that you use or the policies which are developed. You aren't involved in our decision making which affects the services and facilities you use. If you were part of Campbelltown there would be many opportunities for you to do this. You could participate in our Community Consultations both online and face to face; you could influence our budget and the amenity of the area that you live in and the services you use. A big part of our success has been because of the ideas our community provides on the directions we follow.

You could join one of our Section 41 Committees who consider things such as Youth, Active Ageing, Reconciliation, Access and Inclusion, Economic Development, Strategic Planning and Development and Audit & Governance.

You could also join one of our Friends groups who provide feedback to Council on areas of interest such as the Environment, the Library, Lochiel Park, Road Safety and Landcare Groups. We also have a wonderful group of volunteers and a very active social program that you may wish to be involved in.

Our job now is to gather more data and information. We will be in touch with you in the near future. We want to hear from you and we look to you for feedback. At Campbelltown we are working hard to make our community prosperous and our vision is for a quality lifestyle for our people; and our excellent services and facilities support that view.

At Campbelltown we place a high value on living together, respecting each other's views and building strong partnerships to support the needs of the community.

Thank you all very much for listening to me this evening. We look forward to speaking to you all again soon when more information is available about the process.

Thank you.

6283853

Document 29

26 September 2019

To the Resident

Dear Resident

Potential Boundary Change for Woodforde and Rostrevor Residents

I was pleased to speak to a large meeting of residents at Rostrevor College on Tuesday 3 September 2019. The meeting was organised by Adelaide Hills Council to look at some of the potential implications of a Council Boundary change that could affect residents of Woodforde and Rostrevor. My speech is on the Campbelltown Council website <https://www.campbelltown.sa.gov.au/boundaryrealignment> if you would like to read what I said.

Campbelltown is in the early stages of this proposal. We are considering this boundary change because some residents have indicated that they would like to become part of Campbelltown because they live, play and/or work in the area. They also consider it more convenient to be located closer to Council facilities and services that form part of the Council they belong to.

It is very important that there are benefits to residents and both Councils for this proposal to proceed to the Boundaries Commission for consideration. A big part of the investigation will be listening to what is important to you and what you would like to see included.

I am sure you will be interested in our financial position and rates policy. We are proud of the fact that we are a Council with no debt and have the lowest average rate in the metropolitan area and provide excellent facilities and services.

We know that planning and environmental issues are extremely important to you. Campbelltown is committed to maintaining the current provisions in the Adelaide Hills Development Plan and we will set up a separate policy area to achieve this. We think that the Hills Face Zone is a unique and beautiful feature of the area and we will preserve this.

- 2 -

The Environment is also very important to Campbelltown and we are committed to preserving and enhancing our environment which is evidenced in our Environmental Management Plan, Wadmore Park/Pulyonna Wirra Management Plan, Resilient East Project, and our revegetation programs.

After consultation with both communities, a decision will be made as to whether the proposal is in the best interests of residents. If it is, the proposal will be sent to the Boundaries Commission who will then assess the proposal independently and make a recommendation to the Minister for Local Government.

We are interested in your views and concerns and we are very happy to answer any questions you have or provide you with any information you would like. We will invite you to an information session. In the meantime if you have any questions or would like to provide any feedback please contact me at mayor@campbelltown.sa.gov.au or on 0438 375 868.

Yours sincerely

A handwritten signature in dark ink, appearing to read 'J Whittaker', with a stylized flourish at the end.

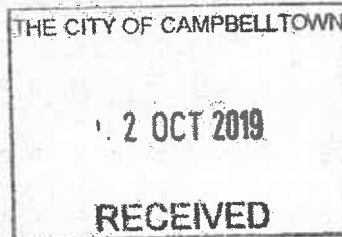
Jill Whittaker
Mayor



PO Box 44
Woodside SA 5244
Phone: 08 8408 0400
Fax: 08 8389 7440
mail@ahc.sa.gov.au
www.ahc.sa.gov.au

27 September 2019

Mayor Jill Whittaker
Campbelltown City Council
E: mayor@campbelltown.gov.au



Direct line: 8408 0438
File Ref: 09.10.6

Dear Mayor Whittaker, *Jill*

Boundary Reform - Request for Planning Documents

I write to you on behalf of the Adelaide Hills Council in relation to the Campbelltown City Council's proposal to realign the boundary to incorporate Woodforde and Rostrevor.

Firstly I would like to thank you for attending and speaking at the Community Meeting organised by Adelaide Hills Council. As you know, unfortunately, I was not able to attend but I have received feedback from attendees that the meeting was very informative and well attended by affected residents.

The Adelaide Hills Council understands the provisions of the boundary reform legislation and, specifically, that your Council has the full responsibility and accountability for the preparation of a Stage 2 submission. We further understand that some of the criteria that you are required to address in that submission could be informed by information that is held by the Adelaide Hills Council. In this regard, your Officers have already requested certain information from Adelaide Hills Council.

I have no doubt that the decision for your Council to initiate a boundary reform proposal was not taken lightly and that the inherent resource impact of preparing the submission was carefully considered. As a potentially 'relinquishing Council', we also have had a resource impact arising from the proposal and the aforementioned request for information entails the additional commitment of resources.

As we have discussed previously, Adelaide Hills Council has a strategic policy position that we will work with neighbouring councils and stakeholders to ensure Council boundaries best serve our communities. This commitment is tempered however in that we strive to use our community's funds wisely. As such, before committing further resources, my Council is keen to understand both the scope and timing of your Council's activities in relation to the preparation and lodgement of the Stage 2 proposal.

To this end, my Council via the following resolution is seeking to obtain copies of your Council's boundary reform project and engagement plans:

11.1 Boundary Reform Proposal Engagement

Moved Cr Pauline Gill

S/- Cr John Kemp

245/19

Council resolves to:

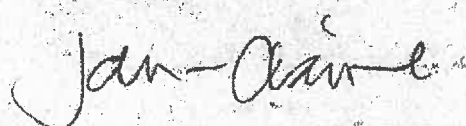
1. Continue to engage with the affected residents and ratepayers of Rostrevor and Woodforde to keep them informed on the progress of the Campbelltown City Council Boundary Realignment Proposal
2. Request Campbelltown City Council to provide Adelaide Hills Council with their project plan and their engagement plans (or equivalents) for the development and lodgement of the Stage 2 Boundary Realignment Proposal
3. Defer the provision of further assistance to Campbelltown City Council regarding the Stage 2 Boundary Realignment Proposal pending the receipt of the requested project plan and engagement plan.

Carried Unanimously

In making this request Adelaide Hills is not seeking to unreasonably delay or thwart your Council's progress. Indeed, understanding the planning may give rise to the identification of opportunities to work together on some activities to the mutual benefit and efficiency to both Councils and the affected community.

I look forward to your reply and to our two councils working together for the benefit of all our communities.

Yours sincerely



Jan-Claire Wisdom
Mayor

Michelle Bell

From: Paul Di Iulio
Sent: Wednesday, 2 October 2019 1:38 PM
To: Andrew Aitken
Cc: Michelle Hammond; CEORecords; Pam Williams
Subject: RE: Letter to AHC Residents regarding boundary realignment from Mayor Whittaker

Thanks Andrew

Paul Di Iulio
Chief Executive Officer

📞 +61 8 83669247
📠 +61 8 83373818
📠 +61 418856085
✉ PDilulio@campbelltown.sa.gov.au
🌐 www.campbelltown.sa.gov.au

From: Andrew Aitken <aaitken@ahc.sa.gov.au>
Sent: Wednesday, October 2, 2019 1:32 PM
To: Paul Di Iulio <PDilulio@campbelltown.sa.gov.au>
Cc: Michelle Hammond <MHammond@campbelltown.sa.gov.au>; CEORecords <CEORecords@campbelltown.sa.gov.au>; Pam Williams <pwilliams@ahc.sa.gov.au>
Subject: RE: Letter to AHC Residents regarding boundary realignment from Mayor Whittaker

Hi Paul

Thanks for sending this through.

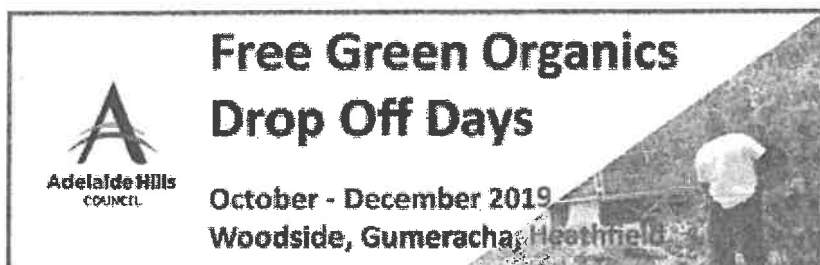
The meeting summary is available on our website in the document library via this link:

<https://engage.ahc.sa.gov.au/boundaryreview>

Our understanding was that CCC staff were aware that these notes were located on the AHC website.

Regards
Andrew

Andrew Aitken – Chief Executive Officer | Adelaide Hills Council
ext. 438



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From: Paul Di Iulio [<mailto:PDilulio@campbelltown.sa.gov.au>]
Sent: Wednesday, 2 October 2019 1:00 PM
To: Andrew Aitken
Cc: Michelle Hammond; CEORecords
Subject: Letter to AHC Residents regarding boundary realignment from Mayor Whittaker

Hi Andrew

Please find attached a copy of the letter from our Mayor that was sent to residents in the affected area.

I look forward to receiving the summary of the Community meeting held on 3rd September.

Regards

Paul Di Iulio
Chief Executive Officer



T +61 8 83669247
P +61 8 83373818
M +61 418856085
E PDilulio@campbelltown.sa.gov.au
W www.campbelltown.sa.gov.au



**New TV, computer
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6 Newton Road, Ca



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6316568

Document No.32

From:Jill Whittaker

Sent:Thu, 3 Oct 2019 17:30:42 +1030

Subject:Re: Potential boundary changes

[REDACTED]

Thank you for your thoughtful email in response to my recent letter about a proposed boundary change between Campbelltown and Adelaide Hills Council.

The meeting on 3 September was organised and run by Adelaide Hills Council and they invited residents from the area proposed for the change due to its geographical proximity and the many common interests. At this stage we do not have details of residents from the Adelaide Hills area and we were also not at liberty to invite people.

Like you we are keen to maintain the environmental features you mention as they are also very important to all Campbelltown residents who are proactive in ensuring the amenity of this wonderful region. We want to work with local residents to ensure the beautiful natural environment is sustainable into the future. We work with a number of environmental groups including the Friends of Black Hill and Morialta, Landcare and local resident groups as well as having our own expert officers and policies.

Thank you for your response and we will contact you again as this process unfolds.

Best wishes
Jill Whittaker

Jill Whittaker
Mayor Campbelltown

📞 +61 8 7231 1904

📠 +61 8 83373818

📠 +61438375868

✉ JWhittaker@campbelltown.sa.gov.au

🌐 www.campbelltown.sa.gov.au

[REDACTED]


Dear Mrs. Whittaker

We are writing to you in response to a recent letter we received as residents of 6 Tay Crescent, Woodforde.

While we were very pleased to have received this letter dated 26th September, 2019, we are concerned we were not made aware of a large public meeting of residents held at Rostrevor College on 3rd September. We are both very interested in the future of the Woodforde and Rostrevor area, in particular the continued preservation of the natural environment along Fourth Creek and the increasing human impact on Morialta Conservation Park and development of the Hamilton Hill Estate.

We moved to this area to live co-operatively with the natural world that still exists in the Woodforde and Rostrevor areas. We have a local koala and echidna that regularly pass through our property. Proposed boundaries changes will impact on the area where we live so we hope to be kept informed of any proposed changes to our neighbourhood.

Regards



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6316570
Document No. 33

From: [REDACTED]
Sent: Thu, 10 Oct 2019 08:46:16 +1030
To: Jill Whittaker
Subject: Re: Potential Boundary Change for Woodforde and Rostrevor Residents
Attachments: Logo86x71_75014e49-aed5-490e-adc6-fd582e96c858.png, EmailcontactlettersT_906fa699-2873-415a-b208-f3ddb679df9a.png, EmailcontactlettersF_8e73762b-3aa9-48fd-a011-a3769f302318.png, EmailcontactlettersM_e691d38e-b6b6-498b-9beb-c0b120f49c28.png, EmailcontactlettersE_5d8609d5-016e-448d-bc8a-7cff961ab4d9.png, EmailcontactlettersW_78709b51-bc7b-4ea2-bae1-2988c892c3eb.png, EWasteNowOpenandNovMoonlightMarkets2019_cbf3f497-533e-47b6-bdf0-5495d88a310d.jpg, Facebook19x19_19cf1ed7-c526-43d1-934c-5d8ecf2a0e8f.png, Instagram19x19_a8d1b519-0a24-40b8-ae3-120ff3ab06a2.png, Twitter19x22_76ba2a47-167a-487f-9dcf-d0b0ce0e677c.png, LinkedIn19x22_0fbf0e11-2c1c-4087-84b6-4a9790e17c79.png, YouTube64_5x15_3503fa92-f811-4f7d-bcc1-7ecea290209f.png

Dear Jill,

Thank you for responding to my email. I will observe the progress of this boundary change proposal and make further comments as more information emerges.

Yours sincerely

[REDACTED]

Sent from my iPhone

On 4 Oct 2019, at 4:17 pm, Jill Whittaker <JWhittaker@campbelltown.sa.gov.au> wrote:

[REDACTED]

Thank you for your email which outlines concerns in regard to a number of issues on Boundary Reform.

I was unable to stay at the meeting due it coinciding with Campbelltown Council's regular scheduled meeting.

You may be unaware that some of the features of development that have caused disquiet have been addressed in a recent Development Plan Amendment for Campbelltown City Council which was approved by the Minister at the end of September. You may also be interested to know that our Hills face suburbs have a different set of planning rules to those of the regeneration zones that are those most affected by in-fill. Campbelltown Council has no interest in changing the current rules applicable to Woodforde or Rostrevor for a number of good reasons including fire safety and the character of the Hills Face Zone.

We have not yet sought opinion from the potentially affected area as we have been waiting for data from the Adelaide Hills Council but I am pleased to have heard from you. We have heard from others who want to make a change and are exploring the depth of that opinion and the benefits or otherwise of a change. We do know that we are a dynamic council which engages with its local community to provide outstanding facilities such as the ARC.

Thank you again for your correspondence and I am happy to meet with you if you would like to.

Best wishes

Jill Whittaker
Mayor Campbelltown

<Logo86x71_75014e49<EmailcontactlettersT_906fa699-2873-415a-b208-f3ddb679df9a.png> +61
-aed5-490e-adc6- 8 7231 1904
fd582e96c858.png> <EmailcontactlettersF_8e73762b-3aa9-48fd-a011-
a3769f302318.png> +61 8 83373818
<EmailcontactlettersM_e691d38e-b6b6-498b-9beb-
c0b120f49c28.png> +61438375868
<EmailcontactlettersE_5d8609d5-016e-448d-bc8a-
7cff961ab4d9.png> JWhittaker@campbelltown.sa.gov.au
<EmailcontactlettersW_78709b51-bc7b-4ea2-bae1-
2988c892c3eb.png> www.campbelltown.sa.gov.au

<EWasteNowOpenandNovMoonlightMarkets2019_cbf3f497-533e-47b6-bdf0-
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<Facebook19x19_19cf1ed7-c526-43d1-934c-
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120ff3ab06a2.png> <Twitter19x22_76ba2a47-167a-487f-9dcf-
d0b0ce0e677c.png> <LinkedIn19x22_0fbf0e11-2c1c-4087-84b6-
4a9790e17c79.png> <YouTube64_5x15_3503fa92-f811-4f7d-bcc1-7ecea290209f.png>

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Dear Ms Whittaker,

I refer to your letter of 28 September 2019 regarding the Potential Boundary Change. I attended the meeting of 3 September 2019 where you addressed the gathered residents. You referred to 'some residents' having indicated a desire to change to your Council. It was unfortunate that you were only able to spend a short time at the meeting as had you remained to hear the ongoing discussion, questions and comments you would have been left with no doubt that the clear majority of those people present are not supportive of a boundary change to the Campbelltown Council.

In fact it would have been educational for you and your fellow Councillors to have heard the disquiet that was expressed by those present. A common view was reference to the dysfunction that is apparent to people who have observed and been effected by the "infill policy" that has been a clear feature of on going development in the Campbelltown Council area, resulting in houses and units crammed onto very small blocks and the resulting people and traffic congestion that results. Whilst you stated at the meeting that your Council had no intention of changing planning arrangements should the proposed boundary changes take effect, having "no intention" at a point in time does not prevent an alternative intention and outcome at a future date. Your reference to the Hills Face Zone does not necessarily in itself prevent future changes to a myriad of planning arrangements. Particularly the reduction of existing block sizes. The Hamilton Hill Estate is a case in point, and whilst Campbelltown Council was not responsible for that development, one does not need much imagination to see how that concept could be extended to other areas. The greed of Developers is insatiable.

People have chosen to live in Woodforde and the other effected suburb because of their wish for the rural environment that exists and whilst you expressed your view at the meeting that our suburbs are more metropolitan than rural, that was not an opinion shared by those present at the meeting. Many people are not confident that the Campbelltown Council understands the reasons that people have

chosen to live within the Adelaide Hills Council nor that they are concerned that the boundary change will simply swallow up the suburbs into the your Council and eventually suffer the negative outcomes that are clearly observed.

Your Council does have many positive and admirable features; however those features are not reasons for your Council to seek to incorporate the residents of Woodforde. A few people expressing a personal opinion to you regarding a desire to be in your Council area does not justify seeking to incorporate the whole of those suburbs into you Council. An dispassionate person may rightly ask, why didn't the Council seek the view of the potentially effected residents before commencing the process to change the boundaries?

You have made reference to consultation to both communities. I have expressed my concerns to the Adelaide Hills Council regarding this proposal and have proposed that the consultation be meaningful to get an accurate understanding of the wishes of the people who will be effected by this proposal. Your letter simply provides some thoughts and information, and forecasts an further information session. Following that information session, and any other information that is provided, I urge your Council to conduct a plebiscite of all of the residents in the effected suburbs so that your Council can be thoroughly aware of the desire or otherwise of the majority of effected residents, whether or not they wish to be part of the Campbelltown Council. Whilst I fully understand that consultation is not negotiation and that decisions are not constrained by a majority view, such a plebiscite of all effected residents is easy to undertake on this matter and will clearly identify the wishes of the effected residents.

Such a survey/plebiscite is also being promoted to the Adelaide Hills Council in order that they can put a submission into the boundaries Commission to accurately reflect the wishes of the effected Adelaide Hills Council residents.

I look forward to further information from you outlining objective reasons and justifying why it is that the Campbelltown Council is seeking this boundary change. There is insufficient information to date. The effected residents will then be in a position to form a view and a plebiscite will accurately reflect that view back to your Council.

Yours sincerely

6289273

Document No 34

From:Jill Whittaker
Sent:Sun, 13 Oct 2019 18:14:06 +1030
To:Michelle Hammond
Cc:Paul Di Iulio;Elected Members - DG;Anna Leombruno
Subject:Re: Proposed boundary realignment

Hi Michelle,
Can we develop a response please as it is clear that the residents represented by this letter don't know what is happening to planning processes currently.

Thanks

Jill Whittaker
Mayor Campbelltown

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📠 +61438375868
✉ JWhittaker@campbelltown.sa.gov.au
🌐 www.campbelltown.sa.gov.au

On 12 Oct 2019, at 8:56 pm, Anna Leombruno <cr.leombruno@campbelltown.sa.gov.au> wrote:

Hi Paul

Further to the below email, I think it would be beneficial for our Council to be part of further discussions with the impacted Adelaide Hills residents.

The public meeting that we briefly attended I don't feel was a fair representation and allowed Campbelltown to put across our points. The attached letter is a perfect example where they have incorrectly made reference to our DAP, when it was mentioned on the night that the residents would remain part of Adelaide Hills current DAP.

Kind regards

Sent from my iPad

Anna Leombruno
Deputy Mayor. Councillor - Newton Ward

📞 +61 8 83657632

F +61 8 83373818
M +61 418806118
E cr.leombruno@campbelltown.sa.gov.au
W www.campbelltown.sa.gov.au

Begin forwarded message:

From: [REDACTED]
Date: 12 October 2019 at 2:44:28 pm ACDT
To: Anna Leombruno <cr.leombruno@campbelltown.sa.gov.au>, Dom
Barbaro <cr.barbaro@campbelltown.sa.gov.au>, Elena Casciano
<cr.casciano@campbelltown.sa.gov.au>, Jill Whitaker
<mayor@campbelltown.sa.gov.au>, Johanna McClusky
<cr.mcluskey@campbelltown.sa.gov.au>, John Flynn
<cr.flynn@campbelltown.sa.gov.au>, John Kennedy
<cr.kennedy@campbelltown.sa.gov.au>, Luci Blackbororough
<cr.blackborough@campbelltown.sa.gov.au>, Matthew Noble
<cr.noble@campbelltown.sa.gov.au>, Sue Irvine
<cr.irvine@campbelltown.sa.gov.au>, Theresa Bonhomi
<cr.bonomi@campbelltown.sa.gov.au>
Subject: Proposed boundary realignment

Dear Councillors,

We are emailing in regard to Campbelltown City Council's application to the
Boundaries Commission. Please read the attachment which outlines our
viewpoint.

Yours sincerely,
[REDACTED]

Click [here](#) to report this email as spam.

<To CCC Councillors.docx>

To Campbelltown City Councillors

re: proposed boundary realignment with parts of Rostrevor and Woodforde

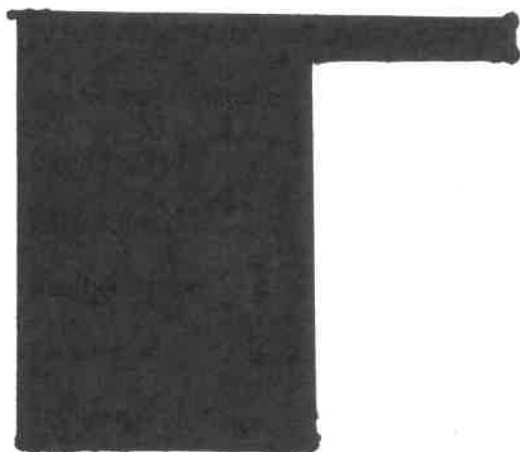
Dear CCC Councillors,

We are emailing in regard to Campbelltown's application to the Boundaries Commission. As residents of the community affected by this proposal we must voice unqualified opposition.

We are aware that the Campbelltown and Adelaide Hills Council Development Plans are markedly different in qualitative ways that would have a direct consequence for our area if realignment was to proceed past the Inquiry stage. A different set of core beliefs and principles govern Campbelltown Council's policies and practices and we reject them. We are a community that is tied to the unique nature of the area and to the support of the Adelaide Hills Council.

You may have been led to believe that AHC residents in the affected areas are in agreement with an inquiry by the Boundaries Commission. They are not. The mood of the public meeting (3/9/19) was overwhelmingly opposed to the move, the Morialta Residents Association is opposed to realignment and residents we speak with are also opposed. (We, the undersigned, are not formal members of the MRA).

As a CCC Councillor you need to be aware of the depth of hostility to the proposal that exists in this area. Though you are not *our* elected representatives, you are also a representative for the broader body politic. We ask you to put forward our views when these issues are raised within Council.



6292566

Document No: 35

From: Caroline Moeller

Sent: Thu, 24 Oct 2019 11:49:32 +1030

To: [REDACTED]

Subject: Letter from Mayor Whittaker to Mr Hallwas regarding Boundary Realignment

Attachments: Letter to [REDACTED]

Good morning [REDACTED]

Please find attached a letter from Mayor Whittaker regarding Boundary Realignment.

Kind regards

Caroline.



Office of the Mayor

24 October 2019



Dear [REDACTED]

Boundary Realignment

Thank you for making contact regarding Council's consideration of a realignment of the Boundary between Campbelltown and Adelaide Hills Councils.

As you are probably aware the consideration of a realignment is in its very early stages and Campbelltown Council would only proceed with submitting a proposal to the Boundaries Commission if it became evident that there were benefits to both Communities and both Councils.

If a submission does proceed, Campbelltown Council is very committed to retaining the unique environment of your area and has also committed to creating a separate Planning policy area for the relevant area which will pick up the current Adelaide Hills Council Development Plans and replicate it in the Plan for the area. That is, the Development Plan will remain exactly as it is now for residents in your area.

Campbelltown Council is in fact very active in supporting our residents in opposing developments that don't align with their wishes. You may be aware that we have recently been successful in having our Development Plan amended after several years of lobbying the Government. I can assure you we take planning matters and residents' concerns very seriously.

I am happy to discuss your concerns further with you if you would like to.

Yours faithfully

Jill Whittaker
Mayor

6295201

Document No. 36

From:DPTI:Boundaries Commission
Sent:Thu, 31 Oct 2019 16:48:05 +1030
To:Jill Whittaker
Cc:Paul Di Iulio;mail
Subject:Boundaries Commission Update
Attachments:Boundaries Commission Update - City of Campbelltown.pdf

Good afternoon,

Please find attached an update from the Boundaries Commission.

If you have any further questions, please contact **Mr Thomas Rossini** in the Office of Local Government on 08 7109 7443, or thomas.rossini@sa.gov.au.

Kind Regards

Fiona Mitchell

Senior Administrative Officer

South Australian Local Government Grants Commission

Department of Planning, Transport and Infrastructure

T 08 7109 7164 (internal 97164) • E fiona.mitchell@sa.gov.au • E grants.commission@sa.gov.au

Level 3, 77 Grenfell Street ADELAIDE SA 5000 • GPO Box 2329 ADELAIDE SA 5001 • DX 171 •

www.dpti.sa.gov.au

Please note that my work days are Wednesday, Thursday and Friday



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*We acknowledge and respect Aboriginal peoples as South Australia's first peoples and nations, we recognise Aboriginal peoples as traditional owners and occupants of land and waters in South Australia and that their spiritual, social, cultural and economic practices come from their traditional lands and waters; and they maintain their cultural and heritage beliefs, languages and laws which are of ongoing importance; We pay our respects to their ancestors and to their Elders.
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GPO Box 2329
Adelaide SA 5001

Tel (08) 7109 7145
DPTL.BoundariesCommission@sa.gov.au

Mayor Jill Whittaker
Corporation of the City of Campbelltown
PO Box 1
CAMPBELLTOWN SA 5074

Re: Boundaries Commission Update

Dear Mayor Whittaker

As we approach the end of 2019, it is timely to provide you with an update on the work of the Local Government Boundary Commission and the implementation of the new system for potential boundary changes.

Firstly, in September 2019 the Commission welcomed Ms Wendy Campana as a new Commissioner. Wendy brings with her a wealth of Local Government knowledge and experience that will be of great benefit to the Commission in our work both as the Local Government Grants Commission and the Boundaries Commission.

As you would now be aware, the Commission took on the role as the Boundary Commission in January 2019 to undertake the initial assessment of reform proposals, oversee investigations, and make recommendations to the Minister responsible for the Act on council boundary changes.

Since releasing the nine Guidelines outlining the various processes for progressing and investigating boundary change proposals in January, the Commission has made a number of minor amendments to them. These amendments are noted on the Boundary Commission's webpage.

It has been pleasing to see genuine interest from the sector and the community more widely in the boundary change process. Four proposals have been formally submitted to the Commission, all meeting the requirements of Stage One of the process for the initiation of a general proposal.

However, the Commission is aware that the system that has been put in place introduced a number of new elements into the boundary change process, in particular the capacity for individual councils to initiate boundary change proposals. This has generated both interest and concern across the local government sector.

The Commission understands that some councils have expressed concern about a view held by neighbouring councils that a boundary change may be appropriate. I emphasise that while the new system enables individual councils to initiate proposals, and make a case to the Commission that they be investigated, the Commission—not the initiating council—has the responsibility to investigate these proposals and make recommendations to the Minister.

The Commission will therefore undertake a thorough investigation of all aspects of any proposal before making recommendations to the Minister. This will include comprehensive community engagement and a full consideration of the impact of any boundary change on all affected councils, particularly where that change is significant. Ultimately, the recommendations that the Commission makes to the Minister will reflect our view on what is best for the community in that area.

The Commission is also aware that some councils have expressed concerns about the potential cost of an investigation into a boundary change proposal. To clarify, the costs to



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DPTI.BoundariesCommission@sa.gov.au

initiating councils will be based on the investigation and consultation process that the Commission undertakes on any proposals. I am sure that you appreciate that the impact and complexity of boundary change proposals can vary significantly, and that, as a result, the costs for each proposal will also vary.

Also, a proposal will not proceed to an investigation before the Commission consults with the initiating council on expected costs and the council determine to proceed with the proposal with this knowledge.

I understand that there is also a view that the implementation of a proposal will require a council receiving new areas to pay 'compensation' to the council relinquishing this area for the transfer of assets. While a full understanding of the financial impact on all affected councils will be necessary for the Commission to make recommendations to the Minister, including consideration of the transfer of assets and infrastructure, the Commission's recommendations will need to reflect the specific circumstances of each boundary change.

If you have not yet familiarised yourself with the new system for Council boundary change proposals I encourage you to do so. The Commission's Guidelines can be found at https://www.dpti.sa.gov.au/local_govt/boundary_changes. The Commission also intends on providing information about received proposals on its website.

I trust that this information is of assistance to you. If you have further questions, please contact Mr Thomas Rossini in the Office of Local Government on 7109 7443, or thomas.rossini@sa.gov.au.

Yours sincerely

Bruce Green
Chair, SA Local Government Boundaries Commission

31 October 2019

cc. Mr Paul Di Iulio, Chief Executive Officer



6352322
Document 37

PO Box 44
Woodside SA 5244
Phone: 08 8408 0400
Fax: 08 8389 7440
mail@ahc.sa.gov.au
www.ahc.sa.gov.au

Direct line: 8408 0438
File Ref: 09.10.6

13 November 2019

Mayor Jill Whittaker
Campbelltown City Council
PO Box 1
CAMPBELLTOWN SA 5074
E: mavor@campbelltown.gov.au

Dear Mayor Whittaker

Jill

Boundary Reform – Provision of Planning Documents

I am in receipt of your letter of 15 October 2019 regarding the Adelaide Hills Council's (AHC) request for the provision of a project and engagement plan regarding the proposed Stage 2 Boundary Change proposal.

To be frank I was disappointed with the tone of the letter seeking to attribute blame to the Adelaide Hills Council for your lack of progress with Campbelltown City Council's (CCC) Boundary Change Proposal project. A fundamental issue that needs to be remembered is that the provisions of Chapter 3, Part 2 – Reform Proposals as set out in the *Local Government Act 1999* and in the Boundaries Commission's guidelines, is that the initiating council (i.e. CCC) has the sole obligation for developing the Stage 1 and Stage 2 proposals for the Boundaries Commission's consideration. The Act and the guidelines do not state in any way that a relinquishing council should be investing resources to provide information to and/or doing work that the initiating council is obliged to do.

AHC has an action in the current Annual Business Plan to develop and respond to proposals for the realignment of the Council boundaries. As such we look to work with neighbouring councils for boundary change proposals that best serve our communities. In pursuing this approach the AHC CEO and Executive Manager Governance & Performance did meet with your CEO and Director Corporate Service to discuss their requests for information.

Your claim that CCC has not received any information from AHC staff is not correct and again disheartening given that AHC has provided CCC with notes from the Community Forum, correspondence sent to affected residents and a link to the link to AHC's webpage.

Given that the relinquishing Council is not obliged to expend resources in these early stages of your project, AHC was conscious that the information being requested by CCC would require considerable resources to prepare. As such Council (as advised in my last letter) was keen to obtain tangible evidence that CCC was committed to undertaking a robust process and therefore requested the project and engagement plan. Further, this would also assist in providing us with clarity over what specific information was required and by when.

The project/engagement plan accompanying your letter of 15 October 2019 was inadequate enough to be of great concern to AHC. It does not demonstrate that CCC has an adequate understanding of the boundary reform legislation and guidelines nor of project planning and community engagement more generally. This does not bode well for the interests of the affected community.

Should CCC still seek the information requested, AHC will provide an estimate of the resources required to collate and provide this information and will seek CCC's approval of a quote to provide the requested information. CCC obviously maintains the prerogative to develop its Stage 2 proposal without the requested information.

To this end, I seek an indication from CCC about the path it wishes to pursue.

Notwithstanding which approach CCC chooses to adopt, AHC will continue to liaise with its community regarding the proposed boundary reform and seek feedback on their preferences.

Finally with regard to your comment that it was disappointing that that you couldn't stay for the whole meeting due to a clash with a meeting of your own. The clash with your council meeting is regrettable. However given that it was an AHC event, the primary consideration was to identify a date that suited the affected residents and the AHC Council Members and Officers and I believe CCC was given some weeks' notice of the event. Had a member of your staff chosen to stay for all the Community Forum they would have heard the majority of those present who spoke against the proposal.

I look forward to your reply and to our two councils working together for the benefit of all our communities.

Yours sincerely



Jan-Claire Wisdom
Mayor

6300694

Document No 38

From [REDACTED]
Sent: Sun, 17 Nov 2019 12:57:10 +1030
To: Luci Blackborough
Subject: Re: Boundary realignment

Dear Luci,

Thanks for acknowledging our letter. We did receive a reply from J Whittaker but not from any other councillors which is why I resent the email. Your reply is much appreciated. No doubt we will be in further contact with all councillors as this matter progresses.

regards
[REDACTED]

On Tue, Nov 12, 2019 at 1:21 PM Luci Blackborough
<cr.blackborough@campbelltown.sa.gov.au> wrote:

Dear [REDACTED]


Thank you, I received your correspondence the first time you sent it through on October 12. Apologies if I did not acknowledge that initially.

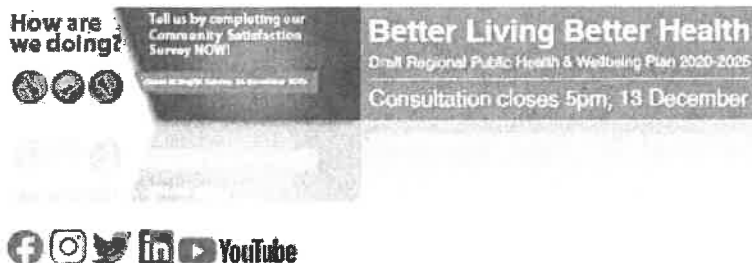
Did you receive a reply or follow up from staff with regard to your original letter?

Regards,
Cr Blackborough

Get [Outlook for iOS](#)

Luci Blackborough
Councillor - Hectorville Ward


CAMPBELLTOWN
CITY COUNCIL
T +61 8 83373818
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From: [REDACTED]
Sent: Tuesday, November 12, 2019 10:46:23 AM
To: Anna Leombruno <cr.leombruno@campbelltown.sa.gov.au>; Domenic Barbaro <cr.barbaro@campbelltown.sa.gov.au>; Elena Casciano <cr.casciano@campbelltown.sa.gov.au>; Jill Whittaker <JWhittaker@campbelltown.sa.gov.au>; Johanna McLuskey <cr.mcluskey@campbelltown.sa.gov.au>; John Flynn <cr.flynn@campbelltown.sa.gov.au>; John Kennedy <cr.kennedy@campbelltown.sa.gov.au>; Luci Blackborough <cr.blackborough@campbelltown.sa.gov.au>; Matthew Noble <cr.noble@campbelltown.sa.gov.au>; Sue Irvine <cr.irvine@campbelltown.sa.gov.au>; Therese Bonomi <cr.bonomi@campbelltown.sa.gov.au>
Subject: Boundary realignment

Dear CCC Councillors,

Please read the attached letter from residents of Rostrevor opposed to the proposed council boundary change.

[REDACTED]
Rostrevor

Click [here](#) to report this email as spam.

This message has been scanned for malware by SurfControl plc. www.surfcontrol.com

To Campbelltown City Councillors

re: proposed boundary realignment with parts of Rostrevor and Woodforde

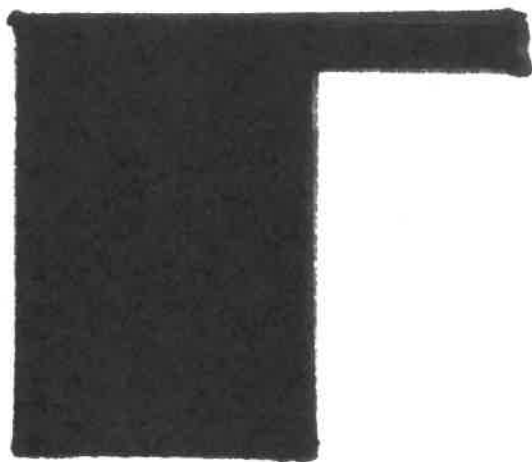
Dear CCC Councillors,

We are emailing in regard to Campbelltown's application to the Boundaries Commission. As residents of the community affected by this proposal we must voice unqualified opposition.

We are aware that the Campbelltown and Adelaide Hills Council Development Plans are markedly different in qualitative ways that would have a direct consequence for our area if realignment was to proceed past the Inquiry stage. A different set of core beliefs and principles govern Campbelltown Council's policies and practices and we reject them. We are a community that is tied to the unique nature of the area and to the support of the Adelaide Hills Council.

You may have been led to believe that AHC residents in the affected areas are in agreement with an inquiry by the Boundaries Commission. They are not. The mood of the public meeting (3/9/19) was overwhelmingly opposed to the move, the Morialta Residents Association is opposed to realignment and residents we speak with are also opposed. (We, the undersigned, are not formal members of the MRA).

As a CCC Councillor you need to be aware of the depth of hostility to the proposal that exists in this area. Though you are not *our* elected representatives, you are also a representative for the broader body politic. We ask you to put forward our views when these issues are raised within Council.



6316485

Document No. 39

From: [REDACTED]
Sent: Tue, 19 Nov 2019 20:04:38 +1030
To: mail@ahc.sa.gov.au
Cc: jcwisdom@ahc.sa.gov.au; morialta@parliament.sa.gov.au; boundary; Jill Whittaker; info@morialtaresidents.net
Subject: Boundary realignment protest

To whom it may concern,

We are residents at [REDACTED] and wish to voice our opinion to the proposed boundary change concerning Morialta and Woodforde residents.
We have lived here for approximately 17 years and are well versed with the local issues at hand...
We also attended the meeting at Rostrevor college and must say the overwhelming sentiment of some 200 people in attendance was a resounding NO !!

Here are some issues to clarify our view ;

- (1) The city of Campbelltown states they are committed to preserving the environment, yet their track record on the loss of green canopy is nothing short of a tragedy. Reference to page 3 (Advertiser Oct 30 th 2019) . Quote " The council has lost 6 % of its tree canopy cover in the past decade, mainly on private land because of increased urban infill...."
- (2) Currently there are approx. 14 homes on Wandilla Drive, 12 of which provide home to 'significant trees'. Change of council would undoubtedly put immediate pressure on residents because of development potential. Our street harmonises wonderfully with the adjacent Morialta park. All residents we have consulted with want NO change !
- (3) A certain developer owns substantial land at the end of Wandilla Drive and is rubbing his hands together with glee at the prospect of the City of Campbelltown gaining jurisdiction in this immediate area.
- (4) Now that Morialta park has upgraded its naturalistic playground the visitor numbers have dramatically increased...Many children and many international visitors enjoy this area...a change from the urban jungle. The semi rural environment is appreciated by many many people (not just locals)
- (5) Sorry Madam Mayor (Campbelltown) your explanation was hardly convincing at the meeting and this whole strategy smells of something that is development driven...Please don't insult us with ' we intend to replace trees' when your past record reflects the complete opposite !

We want our precinct to remain 'Semi rural' not an urban jungle !! With the current global concerns regarding climate change and what urban development is doing to our planet it seems ludicrous to us to support this boundary change proposal. From these concerned residents it's a RESOUNDING NO !!!

Sincerely [REDACTED]

Click [here](#) to report this email as spam.

6316491

Document No.40

From:Jill Whittaker

Sent:Thu, 21 Nov 2019 18:52:32 +1030

To: [REDACTED]

Subject:Re: Campbelltown Council boundary change proposal

Dear [REDACTED]

Thank you for your email explaining why you think a change of council boundaries for Campbelltown and Adelaide Hills Council is unwarranted. I admire your desire to help maintain Morialta Park which is also greatly valued by the people of Campbelltown as a place to enjoy nature and to teach children the value of the natural environment. We do the same for our parks which are of great importance to residents and visitors alike.

Morialta is in the area of Adelaide Hills Council but is maintained by the state government which will continue wherever the council boundaries are drawn. We have many volunteers for the Friends of Black Hill and Morialta who live in Campbelltown but work hard on weed eradication and planting schemes in the park.

I am concerned that there is misapprehension about the effects of a boundary change for your area's development. We already manage the Hills Face Zones of Athelstone and much of Rostrevor which will continue to have larger block sizes due to the risks of fire. The zones within our Development Plan are the protection based on the requirements of the Hills Face Zone and the increasing fire risks caused by hotter, drier weather. Campbelltown Council provides facilities to the expert, highly trained and well equipped Athelstone CFS for the protection of all residents in the Hills Face Zone and takes advice from this unit.

Our council supports retaining the current Development Plan for your area for all of the reasons you mention. I support it too as someone who has lived in the country for much of my life. One of the reasons I love Campbelltown is because, despite the pressures of in-fill in some of our western areas determined by State Government rules, we retain much of the charm of our rural past. The charm of your area is a continuation of that characteristic meeting of city and country. You are correct that it is important to maintain a low density urban development buffer to the Hills parks. With the fire yesterday it is at the forefront of our minds and we have contingency plans for residents affected by heat, fire and flood.

The rubbish collection system used by Campbelltown and Adelaide Hills Council is managed by East Waste with each council determining the service model. Our system is very efficient and we have been proactive in working with residents to Reduce, Reuse and Recycle.

As the proposed boundary reform is still in its early stages it is not possible to address for you what savings in rates or costs may be associated with any potential change. What I do know is that Campbelltown Council is in an excellent financial position with no debt, plans for improved infrastructure and lower rates than other metropolitan councils.

I thank you for engaging with what the proposed changes may mean for your family and will be happy to discuss your thoughts into the future.

Best wishes

Jill Whittaker
Mayor Campbelltown

T +61 8 7231 1904
F +61 8 83373818
M +61438375868
E JWhittaker@campbelltown.sa.gov.au
W www.campbelltown.sa.gov.au

On 21 Nov 2019, at 4:38 pm, [REDACTED]
[REDACTED] wrote:

Dear Jill (Mayor of Campbelltown),

As a resident of Woodforde for 25 years or so, I am totally opposed to this move and am perfectly happy to remain in the Adelaide Council area. The small rate differential is not an incentive for us to have this change go ahead.

Despite assurances from Campbelltown Council about retaining the ambience of Woodforde and Morialta (Rostrevor), it is highly likely that our suburb will become subject to subdivision of the current blocks and lose its Adelaide Hills feel - all in the name of chasing dollars. Developers will feel happy about that, but not residents. Coming from a rural area to the city, Woodforde was attractive to us because of the large block size. If land subdivisions to medium density living became the norm here, we would choose to vacate the area and live elsewhere - a manifestly unfair outcome. We already have enough new population pressure from the high density development on Glen Stuart Road and the medium density development of the Seminary site on Morialta Road and deem it important to maintain a low density urban development buffer to the Hills parks.

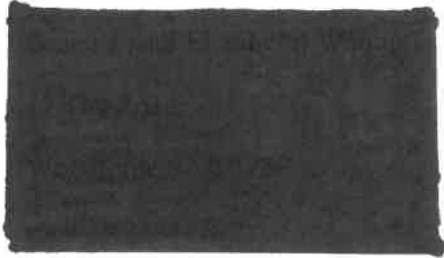
We are keen bushwalkers and have noted the massive increase in usage of Morialta Park - especially over the last 5 years (which area which is not the responsibility of Campbelltown Council, but Adelaide Hills Council). The potential loss of ratepayer dollar support from Woodforde and Morialta for Adelaide Hills Council to maintain this park and other local Hills parks is unjust. It exposes the hypocrisy of Campbelltown Council's complaint about use of their facilities by residents outside

the Campbelltown boundary. Frankly, Campbelltown should be happy for outsiders to visit their area anyway because that means dollars for the small businesses (shops) of Campbelltown with its obvious benefits to the ratepaying ability of those businesses. The complaint of Campbelltown Council is selfish and disingenuous.

We are perfectly happy with the rubbish collection system here as it is and hardly ever use the Campbelltown library - maybe once every five years at the most.

We remain totally opposed to this suburb grab on the part of Campbelltown Council.

Yours Sincerely



---- Message sent via Adam Internet WebMail - <http://www.adam.com.au/>

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Michelle Bell

From: Paul Di Iulio
Sent: Monday, 25 November 2019 10:26 AM
To: Michelle Hammond; Jill Whittaker
Cc: CEORecords
Subject: Hands Off to Council Boundary Alignment - Published by Morialta Residents' Association.pdf
Attachments: Hands Off to Council Boundary Alignment - Published by Morialta Residents' Association.pdf

Hi Jill and Michelle

Please find attached a copy of the publication from the Morialta Residents Association for your information and further consideration as to how we tackle the issue in preparation of our meeting next week

Regards

Paul Di Iulio
Chief Executive Officer

📞 +61 8 83669247
☎ +61 8 83373818
📠 +61 418856085
✉ PDilulio@campbelltown.sa.gov.au
🌐 www.campbelltown.sa.gov.au

From: Michelle De Beer <MDebeer@campbelltown.sa.gov.au>
Sent: Monday, November 25, 2019 10:23 AM
To: Paul Di Iulio <PDilulio@campbelltown.sa.gov.au>
Subject: Emailing: Hands Off to Council Boundary Alignment - Published by Morialta Residents' Association.pdf

Your message is ready to be sent with the following file or link attachments:

Hands Off to Council Boundary Alignment - Published by Morialta Residents' Association.pdf

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Michelle De Beer
Executive Services Officer

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✉ MDebeer@campbelltown.sa.gov.au
🌐 www.campbelltown.sa.gov.au

Hands Off!

Say NO

To Council boundary realignment

November 2019



Take your pick. Woodforde and Morialta's quiet, semi-rural ambience is in stark contrast to Campbelltown's intensive, often ugly infill.

Campbelltown Council takeover threatens our area

Campbelltown Council's push to takeover Woodforde and the Morialta area of Rostrevor has sparked a spirited backlash from concerned residents.

The first information session on the issue, run by the Adelaide Hills Council in September, drew a large crowd of concerned residents from both Woodforde and the Morialta area.

The overwhelming sentiment of residents who spoke or posed questions during that session was against the proposed annexation, which Campbelltown Council is putting to the Boundary Commission.

It claims that Adelaide Hills

ratepayers are using its services and infrastructure without paying.

The Campbelltown Council also says that some Adelaide Hills ratepayers have told the Council in the past that they wished to "join their community" – but it won't indicate how many.

Campbelltown is continuing to develop its case to the Commission and will run its own community consultation sessions in due course.

Meanwhile, Adelaide Hills Council is currently surveying its Woodforde and Morialta residents.

Please take the time to complete the survey form which you will receive in

the post and return it to the Council, making your position clear.

It is vital that residents speak up strongly and clearly during this process – before it's too late.

Campbelltown has already urged its ratepayers outside of Woodforde and Morialta to raise their voices during the consultation process, even though they will not be personally affected by the review.

But your voice, as an Adelaide Hills resident and ratepayer who is actually impacted by any change, should be the only one that carries any real weight.



To Council boundary realignment

***Hands Off!** Published by the Morialta Residents' Association*

Hands Off!



Quiet, tree-lined streets of Woodforde, with elevated views out to the city and Gulf – perfect targets for infill and still more development.

Rates claimed as a reason to switch

Lower rates have been suggested as one of the justifications for a move to Campbelltown – but what's the real story?

Promoting the boundaries push in a letter recently distributed to all Woodforde and Morialta residents, Campbelltown Mayor Jill Whittaker claimed that her Council had "the lowest average rates in the metropolitan area."

But what does "lowest average rate" mean exactly?

Does it have something to do with property valuations in Campbelltown

Council? Or is it based on the average house prices?

Perhaps it is the average of residential, commercial, industrial, primary production etc.

As with many other statements made by either Campbelltown Council or its Mayor on this issue, specifics are lacking.

It is the residential rate in the dollar that actually counts – that's what is applied to your home's valuation and determines your annual rates bill.

A quick check of neighbouring councils in fact reveals that, apart from

Tea Tree Gully Council, Campbelltown has – by a considerable margin – the highest residential rate in the dollar of adjoining metropolitan councils:

Campbelltown	.003005037
Port Adelaide Enfield	.00248
Walkerville	.0022738
Norwood Payneham	.00223830
Burnside	.00216000

On this basis, perhaps we should be asking Burnside Council if they would like to take us over, as it has the cheapest rate in the dollar!

Slightly cheaper – but it's not worth the risk

Annual rates 2019/20		Valuation	
Adelaide Hills		\$700,000	\$850,000
Rate in the \$	0.002469	\$1,728.30	\$2,098.65
Fixed charge		\$662.00	\$662.00
NRM levy	0.00009805	\$68.64	\$83.34
Total rates		\$2,458.94	\$2,843.99
Campbelltown		\$700,000	\$850,000
Rate in the \$	0.00305037	\$2,135.26	\$2,592.81
NRM levy	0.00009805	\$68.64	\$83.34
Total rates		\$2,203.89	\$2,676.16
Current saving		\$255.04	\$167.84
Per week		\$4.90	\$3.23

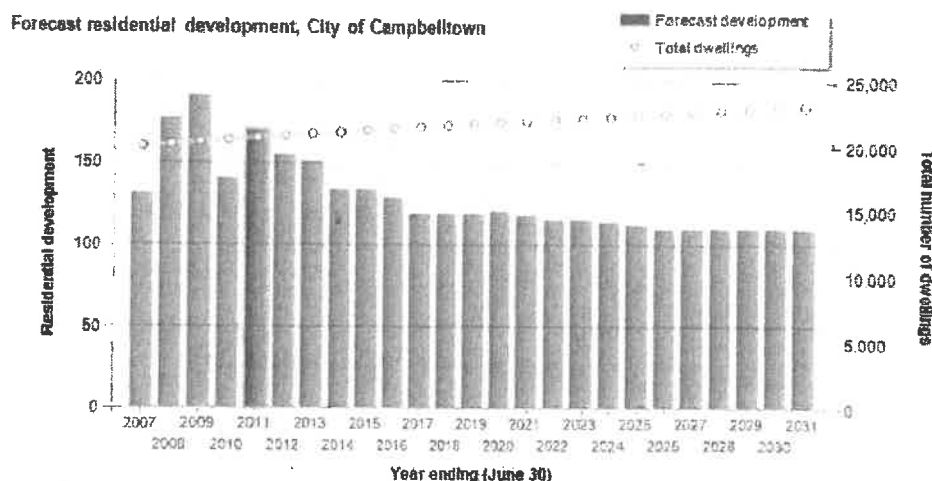
Campbelltown's annual rates are currently nominally cheaper than Adelaide Hills' but analysis shows that the saving is only marginal, and reduces and eventually zeros out as the assessed rateable value of your property increases.

Adelaide Hills' basic rate in the dollar is actually lower but it also applies an additional fixed charge to all residential ratepayers, currently \$662 a year.

AHC staff told the recent September public information session at Rostrevor College that the mean rateable valuation in Woodforde / Morialta was \$700,000 – which would mean an average \$220 a year saving – and that will reduce as assessed property values rise over time.

That's the price of a cup of coffee per week. Is that sort of saving worth it for the real risks to the amenity, character and heritage of our area?

Hands Off!



• Graph from the Campbelltown City Council Strategic Plan, page 19

Campbelltown Council hooked on a stream of development dollars

Campbelltown Council is set to approve more than 1,100 new dwellings in the next 10 years.

How will this affect your area? Campbelltown's own economic planning documents provide some alarming clues.

With 2,105 persons per sq. km, Campbelltown has one of the highest population densities among South Australian LGAs. It is expected that Campbelltown will experience strong population growth out to 2031 at a compound average growth rate of 1.1%

• From the 2020 Campbelltown City Council Economic Development Plan, page 12

The economic driver of demand growth and expenditure will come from population growth, residential infill, attracting tourists and others to the area.

• From the 2020 Campbelltown City Council Economic Development Plan, page 22

Economic development in general has historically been and is currently driven by residential development and property tax (rates) revenue. High population density increases demand for services, public spaces and public transport. The large number of businesses servicing the local resident population in Campbelltown is consistent with increasing residential density. Increased density in housing and mixed-use developments will further support this.

• From the 2020 Campbelltown City Council Economic Development Plan, page 14

The Council area is principally a residential area that has only a small amount of greenfield space available for future development. Consequently the majority of development likely to occur within the council area during the Plan period is anticipated to be residential infill development ...

• From the Campbelltown City Council Strategic Plan, page 19

Campbelltown has run out of greenfield sites and is keen to expand into low-density areas in Rostrevor and Woodforde.

Whatever guarantees the Campbelltown City Council makes need to be measured against that Council's objective of ongoing population growth and property development.

Adelaide Hills Council has an abundance of greenfield sites and can therefore meet growth targets without recourse to infill and high-density housing.

AHC policies are not dependent on compromising the quality of life of residents.

Which would you rather have for your street?



Hands Off!



Adelaide Hills ratepayers who may, or may not, borrow from the State Government-supported Campbelltown library, are an insignificant part of total borrowers and it is fanciful to suggest that they would add anything to the cost of running the library.

Residents branded freeloaders to justify boundary change

Woodforde and Morialta residents are being labelled freeloaders as Campbelltown Council seeks to justify its claim on our area.

Adelaide Hills ratepayers are alleged to be using services they don't pay for and have no right to.

This, together with the suggestion that some have in the past "expressed a desire" to be part of Campbelltown, are the two major issues used by that Council to explain why it has approached the Boundaries Commission for the review.

Earlier this year Campbelltown Mayor Jill Whittaker told the Press that her Council was "subsidising" Adelaide Hills residents who used Campbelltown's libraries, sporting clubs and roads.

And former Mayor Simon Brewer, who continues to lobby strongly for the takeover, is pushing the same argument to justify realignment.

"At present you are providing the residents of this land-locked area roads, playing fields, meeting spaces, library and many other services for

which they pay nothing," he has told Campbelltown residents and ratepayers. "That is unfair. It is not like any other boundary situation that I am aware of."

All of these claims will have to be backed up with credible supporting data if Campbelltown, also a 'land-locked area' whose residents use the roads, playing fields, meeting spaces, and libraries of other council areas, is to progress its submission through the next stage of the Boundaries Commission's process.

Libraries part of a Statewide network



Some AHC residents may well use the Campbelltown library. Many are also known to use the State Library in the City of Adelaide and the Burnside Library.

If a Hills ratepayer happens to borrow a book, does this create a need for Campbelltown to hire another librarian? Or do borrowers actually simply present their books at the self-

checkout barcode scanner?

Council libraries, wherever they're located, are part of a Statewide network and receive significant State funding, to an average of about 25%.

In 2018, for example, Campbelltown received a Library Operating Subsidy of \$166,000 and a Library Materials Grant of \$181,000 (refer to Council's 2018 Annual Report). The total the

previous year was \$310,000.

How many AHC residents are recorded as regular Campbelltown library borrowers? And if some are, they are using the Statewide One Card public library network, which means borrowers could just as well be reading books drawn from the Kimba, Marion, Snowtown or Norwood libraries as those from Campbelltown.

Hands Off!

So what are they offering?

What does Campbelltown City Council offer that Adelaide Hills doesn't?

Rubbish collection

The same East Waste contractors would continue to pick up our household waste and green bins.

One 'at call' hard waste collection would still be offered to each residence per financial year. This free service is currently provided by East Waste on behalf of both Adelaide Hills Council and Campbelltown.

Roads

The same low-traffic-volume internal roads would continue to be maintained at minimal and similar cost to whichever Council controls the area.

Home support program

Both Campbelltown and Adelaide Hills offer a range of services for frail older people and younger people with a disability.

These programs are jointly funded by the Australian Government Department of Health and the



Government of South Australia Department for Communities and Social Inclusion.

And modest fees apply, whichever Council area you're in.

eWaste drop-off facility

A great service – but it is funded by the State Government's Green Industries SA, just as the AHC facility and others all around the metro area are similarly State-financed.

Parks, reserves and ovals

These are available all over Adelaide. Who hasn't visited Wigley Reserve at Glenelg or Victoria Park in the City?

Black Hill and Morialta Conservation

Parks are listed by Campbelltown as attractions in their district. They're actually both in the AHC area – but that's irrelevant, as they're both State-owned and funded.

Sports & recreation

Rostrevor and Campbelltown tennis clubs, for example, are doubtless fine organisations but these sporting groups all offer memberships to the general public and, quite reasonably, charge annual fees.

Being a Campbelltown Council ratepayer doesn't provide free membership or access.

Meeting rooms and halls

Campbelltown's venues are for hire to the public and have their costs listed in the Schedule of Fees & Charges.

Campbelltown's Function Centre, for example, is commercially promoted as "a sensational venue, perfect for weddings, engagements, special birthdays, christenings, conferences, meetings and more." In other words, it's open for business at a price and available to anyone from anywhere who is prepared to pay.

"They use our roads" Well no we don't, actually

Virtually all of the major exits from Woodforde and the Morialta area of Rostrevor are State Government roads or jointly maintained by both Councils.

Is it an issue for Campbelltown when residents of Woodforde / Morialta, or even their own ratepayers, travel to the city, traversing Norwood-Payneham-Saint Peters? Or head for the Hills via Burnside? Or go to work in the City?

Are the Campbelltown residents, or those from anywhere in the metro area, who daily tread our footpaths or drive our roads to access the Morialta Conservation Park, somehow seen as freeloaders?

The "they use our services" line is now a standard argument from Councils looking to grab some of the neighbours' territory.

It was trotted out by Marion Council in its recent push for a slice of Onkaparinga and then by Holdfast Bay looking to annex a chunk of Marion.

In fact, the Holdfast Bay Mayor even justified that Council's claim for part of Marion's area by saying "they're zoned to our schools, they use our beaches."

Give us a break – State Government or privately-funded schools and beaches which are Crown Land for the public use of all!



Hands Off! 5

Hands Off!



Our view

That part of Rostrevor called 'Morialta' doesn't look the way it does by accident. The MRA was set up 50 years ago to enhance its bush-like, semi-rural character and to protect it from those that would, for a quick buck, turn the place into a concrete jungle. We have also acted to protect the Morialta Conservation Park. Over the years the MRA and its members have, among other things, fought off multiple developers (including a recent attempted large-scale threat); under-grounded our power lines; inspired the purchase of parts of the Morialta Conservation Park to save it; and secured 16 hectares of land for the Park. This rates and revenue-driven foray by the Campbelltown City Council – and that's all it is – is just the latest in a long line of battles we have had to fight.

The CCC has money on its mind. We have the preservation of a unique part of Adelaide on ours. Woodforde residents have seen first-hand what 'development' can look like, with many houses in 'Hamilton Hill' no more than about 5 metres (or 3 or 4 steps) wide.

Together, we can all protect both Woodforde and Morialta – but everyone has to make their individual voice heard – loud and clear!

Published by:
Morialta Residents' Association
info@morialtaresidents.net
www.morialtaresidents.net
facebook.com/morialtaresidents/

Takeover bid is clutching at straws

A report presented to Campbelltown Council by its General Manager Corporate & Community Services, earlier this year, arguing the case for a Boundaries Review, made some remarkable assumptions.

"It is quite likely that residents in this area associate more with communities of interest within the City of Campbelltown than Adelaide Hills Council, and Campbelltown Council is already providing considerable services to residents in the boundary realignment area."

"Quite likely?" What objective measure can Campbelltown provide to back this assertion?

"Considerable?" This implies costly, time and resource-consuming services. How is this quantified?

Which services and facilities? And how does their use by an unspecified number of Adelaide Hills residents impact on Campbelltown's costs or inconvenience anyone?

"Socially, Council would be able to provide residents in this area access to social services (eg Council's Youth Advisory Committee or Community Home Support Programs) that currently can't be provided due to the Council boundaries. Staff are aware that this causes issues for some residents in the area as public transport links to the Hills are limited and the distance is a barrier for participation."

Which residents of Woodforde/Morialta have the Campbelltown Council identified as being reliant on public transport to get to Stirling or Woodside to access Community Home Support Programs? How many? How often?

And surely the point of Home Support is that it takes place in the home?

Adelaide Hills offers precisely the same service and it is already used by some of our residents.

The push is on for our rates revenue



Campbelltown, like any Council, wants people from outside its area to help support local businesses.

Attracting tourists and others is seen as one of Campbelltown's main economic drivers, according to its own 2020 Economic Development Plan.

Woodforde and Morialta residents already provide plenty of economic input into the area's businesses.

But we don't affect Campbelltown's costs in any meaningful way.

The level of incremental spending incurred by Campbelltown Council

as a result of our residents would be so immeasurably small that, for all practical purposes, it could or should be, considered to be zero.

Shopping at Woolies or patronising the Rostrevor Pizza Bar do not constitute use of Campbelltown services – they're private enterprises which welcome our business, just as those in Burnside, Norwood or Adelaide do.

Campbelltown is already a major beneficiary of our spending. We're not freeloaders.

Hands Off!

Infill taking hold as 12,000 homes razed



Concrete jungle

Suburbs close to 'urban deserts', says mayor

DEVELOPMENT
BYRON BAY

Rossie Corrie

mayor@campbelltown.sa.gov.au

THE mayor of an Adelaide council which is at the centre of a State Government-led push to higher density living has urged developers to consider the impact of their actions on the surrounding area.

Mayor Rossie Corrie says the impact of their actions on the surrounding area is a key consideration for the council.

She says the council is not just a passive observer but an active participant in the process.

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By gum! That's a bit close to the house



Campbelltown has been at the centre of a State Government-led push to higher density living.

Aggressive infill the big fear

Campbelltown's long history of intense urban infill and the risk that it will be repeated in Woodforde and Morialta, are the major concerns for local residents.

Campbelltown has sought to reassure residents that it would adopt the existing planning requirements contained in the Adelaide Hills Council's Development Plan, should its takeover be successful.

However, it knows that both the Adelaide Hills Development Plan and its own will be replaced by the State Government's new Planning & Design Code in July 2020 - in the end, it won't be up to Councils at all.

While the new Code is being fine-tuned and is still open to public comment, there is no certainty that the State Government will take on board the submissions of either the public or Councils when it comes to preserving existing controls on residential building site areas, frontages and infill.

In the meantime we need strong persuasive voices lobbying on our behalf to protect the character and amenity of our area.

How confident can you be that Campbelltown would argue as

strongly as AHC for the preservation of our current planning protections and would it demonstrate the same resolve as Adelaide Hills has in the face of any renewed and determined push by developers?

Adelaide Hills Council has a proven track record of standing up to unreasonable development in our area, notwithstanding the fact that it's objections, together with those of Campbelltown, to the scale and intensity of the McNally / Hamilton Hill development were steam-rolled over by the former State government.

Standing up to developers

For example, developers' attempts to have the Hills Face Zone boundary shifted and a large scale residential development permitted within the Morialta section of Rostrevor and in the Hills Face Zone, via a proposed privately-funded Development Plan Amendment, were roundly rejected by the Adelaide Hills Council in 2016.

This reflected the intense opposition

Suburbs on verge of 'urban deserts'

THE mayor of an Adelaide council which is at the centre of a State Government-led push to higher density living has urged developers to consider the impact of their actions on the surrounding area.

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of residents to both substantial development at odds with the AHC Development Plan and to the requested by-passing of long-term State Government regulations governing the Hills Face Zone.

AHC ruled that the privately-funded DPA not be proceeded with. How might that attempt by developers have fared if it had been Campbelltown Council making the decision?

We have seen developments (e.g. Porter Terrace) in the Campbelltown area that were allowed to proceed on areas even smaller than their own development guidelines permitted at the time.

Regarding development issues more broadly, had the old East Torrens Council area passed to the control of Campbelltown rather than to the AHC when it was disbanded and amalgamated back in 1997, Woodforde and Morialta are more than likely to have suffered 20 years of on-going erosion of their hard-won amenity and planning protections.



To Council boundary realignment

Hands Off! 7

Hands Off!



Woodforde and Morialta have their own distinct character – in stark contrast to most of Campbelltown.

No, we're not just another concrete jungle

"You are a metropolitan area, not rural, and you use our services."

That's the view of Campbelltown Council and its Mayor Jill Whittaker.

"If you were part of Campbelltown you could take part in community consultation and influence community

decisions. You could join committees such as active ageing or economic development," she says.

But it is the semi-rural feel of our area, not its "metropolitan nature", which attracted us here in the first place.

It is the "metropolitan" aspect of the

densely-built, in-filled, traffic-clogged, over-parked, treeless residential streets of much of the Campbelltown area which we have deliberately avoided by choosing to live in Woodforde and Morialta.

Say no to boundary realignment.

Tell them what you think – before it's too late

Residents concerned about the change of Council boundaries need to speak up now.

Let your Adelaide Hills Councillors, your State Member of Parliament and Campbelltown know how you feel.

Adelaide Hills

mail@ahc.sa.gov.au
PO Box 44
Woodside SA 5244
8408 0400

Mayor

Jan-Claire Wisdom
0405 136 278
jcwisdom@ahc.sa.gov.au

Nathan Daniell
(deputy Mayor)
0400 341 082
ndaniell@ahc.sa.gov.au

Ranges Ward councillors

Kirrilee Boyd
0405 505 684
kboyd@ahc.sa.gov.au

Kirsty Parkin
0422 758 126
kparkin@ahc.sa.gov.au

Ian Bailey
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John Kemp
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Leith Mudge

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Mark Osterstock
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Your local MP

John Gardner MP
(State seat of Morialta)
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8365 4224
morialta@parliament.
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Campbelltown

boundary@campbelltown.
sa.gov.au
PO Box 1,
Campbelltown SA 5074
8366 9222

Mayor

Jill Whittaker
8366 9239 (Mayor's Office)
0438 375 868
mayor@campbelltown.
sa.gov.au



To Council boundary realignment

6316487

Document No. 42

From: Jill Whittaker
Sent: Mon, 25 Nov 2019 12:31:42 +1030
To: [REDACTED]
Subject: Re: Campbelltown Council Boundary realignment

Dear [REDACTED]
Thank you for taking the time to write to me about your concerns about a boundary re-alignment between Adelaide Hills Council and Campbelltown.

I can assure you that Campbelltown has a long historical connection with the Woodforde area and has a ward named Woodforde because of that long connection.

I believe you may have a misapprehension in regard to development in Campbelltown.

Whilst some areas of western Campbelltown have been popular with developers and new residents those in the eastern area have different building rules. It operates under the the rules for the Hills Face Zone which have been in place for many years in Athelstone and Rostrevor. There is no desire by Campbelltown to have any of these areas subject to infill. You will be aware that the biggest recent example of in-fill is under Adelaide Hills Council at Hamilton Hill.

The Hills Face Zone rules are in place for good reason. The aesthetics is one reason but it is also for bushfire management purposes and the natural environment. Campbelltown has a Metropolitan Fire Service, an Emergency Service (SES) and a Country Fire Service and is very conscious of what needs to be done to protect and look after residents in an emergency especially as fires are becoming more frequent.

Changing the council boundary will not affect the zoning rules although the changes in the Planning Regulations may. I can assure you that we have been very active in finding out the details of what is planned, lobbying the State Government to protect heritage through a presentation to the Environment, Resource and Development Parliamentary Committee, as well as numerous meetings with the Planning Commission.

The rules governing building in Campbelltown have recently been changed to get better results in Campbelltown. We are the only council in Adelaide that managed to get improvements to a Development Plan this year. It is a myth that we are focussed on development as our elected members have diverse backgrounds based in the community and work hard to achieve better results. We continue to do so as the new Development Code is rolled out.

Campbelltown is very proactive as far as the environment is concerned and for example last week held a well attended forum of over 100 local people called Climate Ready Campbelltown. We have community groups who work with council to plant and maintain areas including Landcare who work with council to maintain Wadmore Park/Pulyonna Wirra and The Gums. We have excellent working relationships with other community groups including community gardens to meet the needs of residents .

We work to create services for our community and recognise that our redevelopment of Magill Village will create a new vibrancy for the broader community. I am sure the better amenity will be appreciated by residents in Woodforde and am sorry that although you are so close you had no say during consultations.

It is in service delivery that Campbelltown would like to work with residents in your area. We want to welcome people into the community. I am not sure what services you do access in Campbelltown but as a member of the community you would gain the right to be a part of the decisions taken in regard to those services.

We have no debt and the lowest rates in metropolitan Adelaide with high service levels which are responsive to our community.

We have many fine facilities with the best community sports/fitness stadium in Adelaide at the ARC Campbelltown which caters for people of all ages and abilities. You are in close proximity to the facilities at the Daly Oval, the newly redeveloped Campbelltown Memorial Oval and the soon to be refurbished Max Amber Sportsfields. Community members have been integral to the development of all of these new facilities to make them family friendly, responsive and inclusive.

We are currently looking at further new facilities including an all purpose performing Arts Centre and will continue to engage strongly with the community to provide what people want. We would be delighted to have members of a larger community provide advice on the provision of facilities and programs desired by community members which are close to home and affordable.

I am happy to talk with you about your concerns if you wish to contact me further. Again, thank you for taking the time to contact me.

Best wishes

Jill Whittaker
Mayor Campbelltown

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☎ +61438375868
✉ JWhittaker@campbelltown.sa.gov.au
🌐 www.campbelltown.sa.gov.au

On 24 Nov 2019, at 3:44 pm [REDACTED] wrote:

I am writing to express my concern and disagreement regarding the current action taken by Campbelltown Council to realign council boundaries to incorporate the Adelaide Hills

Council area of Woodforde. I am a resident of Woodforde for over 20 years and am strongly opposed to this takeover bid by the Campbelltown Council. I am very satisfied with Adelaide Hills Council.

The approach to development and infill in the Campbelltown Council is appalling and I have witnessed the changes with great disappointment as it is putting excessive strain on roads, and infrastructure. There appears to be no consideration of the aesthetics of the area. I am concerned that Campbelltown is only interested in the Woodforde area to increase revenue through existing rate payers and aggressive redevelopment of this area to increase the number residences. The Woodforde suburb has greenfield council land which could be easily redeveloped by Campbelltown Council and I am concerned that this will be damaging to the suburb and cause further damage to the Adelaide foothills.

I strongly reject the assertion that Woodforde residents are "freeloading on the Campbelltown Council". The facilities I access are supported by State government. As an adjoining resident to the Campbelltown area I am an active consumer from businesses within this area which is an advantage rather than disadvantage to the local government area.

I will actively oppose this takeover bid and seek your support in listening to and acting on the views of residents of the Woodforde suburb.

Regards



Click [here](#) to report this email as spam.

6316492
Document No. 43

From: [REDACTED]
Sent: Tue, 26 Nov 2019 20:36:37 +1030
To: Jill Whittaker
Subject: RE: Campbelltown Council Boundary realignment

Dear Mayor Whittaker

Thank you for taking time to respond to my email.

Regards

[REDACTED]
From: Jill Whittaker [mailto:JWhittaker@campbelltown.sa.gov.au]
Sent: Sunday, 24 November 2019 3:45 PM
To: [REDACTED]
Subject: Re: Campbelltown Council Boundary realignment

Dear [REDACTED]
Thank you for taking the time to write to me and explain your concerns about boundary re-alignment.

I can assure you that Campbelltown is very experienced in working with its residents to provide the facilities it wants. The concerns in regard to in-fill are a misapprehension as the existing rules governing Woodforde would be fought for by Campbelltown. All areas are currently facing changing Development Regulations under State Government management but Campbelltown has been the only council to successfully improve the rules to limit in-fill this year, as a result of elected members, staff, MPs and local community members all working together to achieve this goal. We have a great community and we welcome people into it.

The Hills Face Zone are a further protection and the rules are in place for good reason. The aesthetics of the city is one reason but it is also for bushfire management purposes. Campbelltown has a Metropolitan Fire Service, an Emergency Service (SES) and a Country Fire Service and is well aware of what needs to be done to protect and look after residents in an emergency especially as fires become more frequent.

Changing the council boundary will not affect the zoning rules although the changes in the Planning Regulations may. I can assure you that I have been very active in finding out the details of what is planned, lobbying the State Government to protect heritage and change the rules around parking through a presentation to the Environment, Resource and Development Parliamentary Committee, as well as numerous meetings with the Planning Commission.

I am glad to hear that you access the facilities of Campbelltown and the council would be delighted to have your help and suggestions as to what can be done to make this better. We have excellent communication methods to work with our community to ensure the best facilities, as has been proven in the development of the best sports/leisure centre in Adelaide- the ARC Campbelltown and Campbelltown Memorial Oval.

Historic Magill Village is being redeveloped as a local community hub easily accessed by people in Rostrevor and Woodforde.

We are currently looking at further new facilities including an all purpose performing Arts Centre and will continue to engage strongly with the community. We would be delighted to have members of a larger community help us provide facilities and programs that are accessible to you because they don't require you to drive long distances to access them.

Many residents want value for their rate dollar and sound financial management. We have no debt and the lowest rates in metropolitan Adelaide with strong management of our assets, resources and the environment.

I am happy to talk with you if you are interested in exploring any of these topics further.

Best wishes

Jill Whittaker
Mayor Campbelltown



T +61 8 7231 1904
F +61 8 83373818
M +61438375868
E JWhittaker@campbelltown.sa.gov.au
W www.campbelltown.sa.gov.au

How are we doing?



Tell us by completing our Community Satisfaction Survey NOW!

[Click on the link to complete the survey](#)

Better Living Better Health

Draft Regional Public Health & Wellbeing Plan 2020-2025

Consultation closes 5pm, 13 December



The City of Campbelltown is committed to providing our customers with excellent service. If we can assist you in any way please either telephone (08) 8366 9222 or visit our website.

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On 23 Nov 2019, at 2:55 pm, [REDACTED] wrote:

I am writing to provide you with my opinion on the current action taken by Campbelltown Council to realign council boundaries to incorporate the Adelaide Hills Council area of Woodforde. I am a resident of Woodforde and am strongly opposed to this takeover bid by the Campbelltown Council. I am very satisfied with Adelaide Hills Council. The approach to development and infill in the Campbelltown Council is abhorrent to me, it is putting excessive strain on roads, and infrastructure, there appears to be no consideration of the aesthetics of the area. I am concerned that Campbelltown is only interested in the Woodforde area to increase revenue through existing rate payers and aggressive redevelopment of this area to increase the number residences.

The Woodforde suburb has greenfield council land which could be easily redeveloped by Campbelltown Council and I am concerned that this will be damaging to the suburb and cause further damage to the Adelaide foothills.

I strongly reject the assertion that Woodforde residents are freeloading on the Campbelltown Council. The facilities I access are generally supported by State government. As an adjoining resident to the Campbelltown area I am an active consumer from businesses within this area which is an advantage rather than disadvantage to the local government area.

I will actively oppose this takeover bid and seek your support in listening to and acting on the views of residents of the Woodforde suburb.

Regards

[REDACTED]

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29 November 2019

To the Resident

Boundary Realignment Information

Dear Resident

I am writing to give you a brief outline of some of the issues relating to the proposed Council Boundary realignment from the perspective of Campbelltown City Council.

Campbelltown will investigate whether there is interest and benefit to both Communities in realigning the boundary. Campbelltown submitted this concept in the form of a Stage 1 proposal to the Boundaries Commission, as required by the legislation. This was done with complete transparency and we would like to provide you with the reasons.

Communities of Interest

The suggestion for boundary change has been put to Campbelltown Council over many years by residents who associate closely with Campbelltown as they spend much of their time in the area, use our facilities, are members of our clubs, volunteer in our Council and consider themselves to be more aligned to Campbelltown. It comes from residents who want quicker service request responses (due to closer location), and shorter distances to drive to their Council Offices and facilities. These residents want a voice in forming the development of their local community.

Strong Financial Position

Campbelltown is financially sustainable and has no debt. Our Long Term Financial Plan is sound and shows that we are not in need of additional rates as has been suggested by a few people.

Along with the rates income would come associated expenditure of servicing the area, maintaining the infrastructure, and providing for future asset replacement. We would also propose that the transfer of rates income is phased across several years to ensure that AHC (Adelaide Hills Council) doesn't lose a large amount of rates income in Year 1; and we are sure the Commission would also expect this.

Local Services & Facilities

Campbelltown provides quick response times and local services for socially isolated and older people which assist in forming social networks with people closer to their homes. Our first rate facilities are within very close proximity and are easier for you to access and use rather than having to drive some distance. You can be involved in the planning of new facilities within our area as we know that including Community members in these decisions has led to top notch facilities.

Protecting a unique and valued area

You can be confident that Campbelltown would fight to protect the Adelaide Hills area (Rostrevor and Woodforde) just as it successfully lobbied and won the recent changes to Campbelltown's Development Plan Amendment.

Campbelltown also commits to maintaining the hills face zone. Campbelltown has publicly committed to maintaining the Development Plan Rules in the AHC exactly as they are now. If Campbelltown proceeds to a Stage 2 Proposal this commitment will be clearly stated in that proposal, and the Boundaries Commission could also reinforce that it be a condition of the realignment.

In the recent publication called 'Hands Off!' it states that Campbelltown 'is keen to expand into low-density areas in Rostrevor and Woodforde'. This is entirely untrue and Campbelltown is unsure how this view was formed.

The Process

You can be confident that Campbelltown will explore the benefits to both communities and both Councils of realigning the boundary and obtain some facts and data to inform this. Once the investigation is complete, Campbelltown will assess all facts that have been gathered and make a decision as to whether we wish to proceed to a Stage 2 Proposal. This has not been decided yet. If Campbelltown does proceed to Stage 2 the Commission will conduct their own investigation and Community consultation to further inform their decision.


Consultation

Campbelltown met with AHC and suggested that we work together and hold joint Community meetings so that the consultation impact on residents was minimised and residents only had to provide their views once, rather than separately to both Councils. This has not occurred and unfortunately as AHC are undertaking their own survey this will need to be duplicated.

To inform our investigation Campbelltown has requested some basic information from AHC. Campbelltown will need to obtain the necessary information independently and will be in touch with you with a more comprehensive consultation package. This requested information matters as it assists Campbelltown to explain the financial impact to both Communities.

If you have any questions or anything you would like to tell us please email boundary@campbelltown.sa.gov.au or contact me by phone on 8366 9239 or 0438 375 868. I'd be very happy to hear from you.

Yours faithfully



Jill Whittaker
Mayor

Michelle Bell

From: Paul Di Iulio
Sent: Monday, 2 December 2019 10:07 AM
To: Andrew Aitken
Cc: CEORecords
Subject: Letter to The Residents from Mayor Whittaker re Boundary Realignment proposal.pdf
Attachments: Letter to The Residents from Mayor Whittaker re Boundary Realignment proposal.pdf

Hi Andrew

As previously advised and in keeping with being totally open and transparent we agreed to provide you with anything that we provide the residents, so please find attached the letter from our Mayor that is being distributed to the residents in the affected area of Adelaide Hills Council today.

Regards

Paul Di Iulio
Chief Executive Officer

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☎ +61 8 83373818
📠 +61 418856085
✉ PDilulio@campbelltown.sa.gov.au
🌐 www.campbelltown.sa.gov.au



29 November 2019

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PO Box 1, Campbelltown SA 5074 | 172 Montacute Road, Rostrevor SA 5073
Tel: 08 8366 9222 | Fax: 08 8337 3818 | mail@campbelltown.sa.gov.au | www.campbelltown.sa.gov.au

Providing a quality lifestyle



Protecting a unique and valued area

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Yours faithfully



Jill Whittaker
Mayor

6316490
Document 47

From:Jill Whittaker
Sent:Mon, 2 Dec 2019 12:52:26 +1030
To:Lachlan Miller
Cc:Michelle Hammond
Subject:Re: Boundary Change proposal
Attachments:image989d25.PNG, ATT00001.htm, 191129 let jcw Mayor Whittaker - Boundary Change Survey - signed.pdf, ATT00002.htm, 191125 Boundary Change Proposal Information Sheet.pdf, ATT00003.htm

Dear Lachlan,

Thank you very much for this information which is appreciated. We were provided with a copy of this survey from residents in your area several days previously.

We appreciate the offer by Mayor Wisdom to sharing the report written about this survey and look forward to receiving a copy at the time of its release to elected members of Adelaide Hills Council.

It is disappointing that the survey was released within days of an inflammatory pamphlet being distributed in the subject area. This is an unfortunate coincidence for the credibility of the survey results.

Best wishes

Jill Whittaker
Mayor Campbelltown

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On 29 Nov 2019, at 5:21 pm, Lachlan Miller <lmiller@ahc.sa.gov.au> wrote:

Attn: Mayor Whittaker

Please find attached correspondence from Mayor Jan-Claire Wisdom, Adelaide Hills Council

Lachlan Miller
Executive Manager Governance & Performance



PO Box 44
Woodside SA 5244
Phone: 08 8408 0400
Fax: 08 8389 7440
mail@ahc.sa.gov.au
www.ahc.sa.gov.au

Direct line: 8408 0438
File Ref: 09.10.6

29 November 2019

Mayor Jill Whittaker
Campbelltown City Council
PO Box 1
CAMPBELLTOWN SA 5074
E: mayor@campbelltown.gov.au

Dear Mayor Whittaker

Boundary Change Proposal – Adelaide Hills Council Residents/Ratepayers Survey

In my previous correspondence I advised that the Adelaide Hills Council has a commitment to keeping the community informed regarding Campbelltown City Council's boundary change proposal and to seek feedback on their preferences.

To this end, at its September 2019 meeting, Council resolved to conduct a survey of residents and ratepayers affected by the boundary reform proposal to determine the level of support for the proposal.

The survey form and accompanying information was distributed to affected residents and ratepayers this week. I have attached a copy of this information in the spirit of keeping you informed of Adelaide Hills Council's actions regarding the boundary change proposal.

Council will be considering a report on the outcomes of the survey in the New Year and I will endeavour to provide you with a copy of that report when the agenda is released.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Jan-Claire'.

Jan-Claire Wisdom
Mayor

Encl: Council Boundary Change Proposal Survey



Have your say:

Council Boundary Change Proposal

Project Summary

Campbelltown City Council (CCC) has put forward a Council Boundary Change Proposal (the Proposal) to the Boundaries Commission (a State Government body that assesses and investigates council boundary change proposals, and makes recommendations to the Minister) to review the boundary between CCC and Adelaide Hills Council (AHC).

CCC proposes moving the boundary eastwards so that the parts of Rostrevor and Woodforde that are currently in AHC, move to the CCC area in their entirety. *See map included in this information pack.*

There are currently 573 properties (3.3% of total AHC properties) that are within the proposed Boundary Change Zone.

AHC does not have a formal position on the Proposal yet as we'd like your feedback on what you think about it first. Please take a moment to read this information sheet and complete the short survey.

Your feedback is important and AHC will compile it into a report for consideration by AHC Council Members, at this stage planned for early 2020.

How you can have your say

- Complete the hard copy survey attached, place it in the enclosed free return-paid envelope and post it back to us before Sunday 8 December 2019 (you don't need a postage stamp)
- Scan the survey and email it to engagement@ahc.sa.gov.au
- Head to our website engage.ahc.sa.gov.au and complete the online survey

Survey closes Sunday 8 December 2019

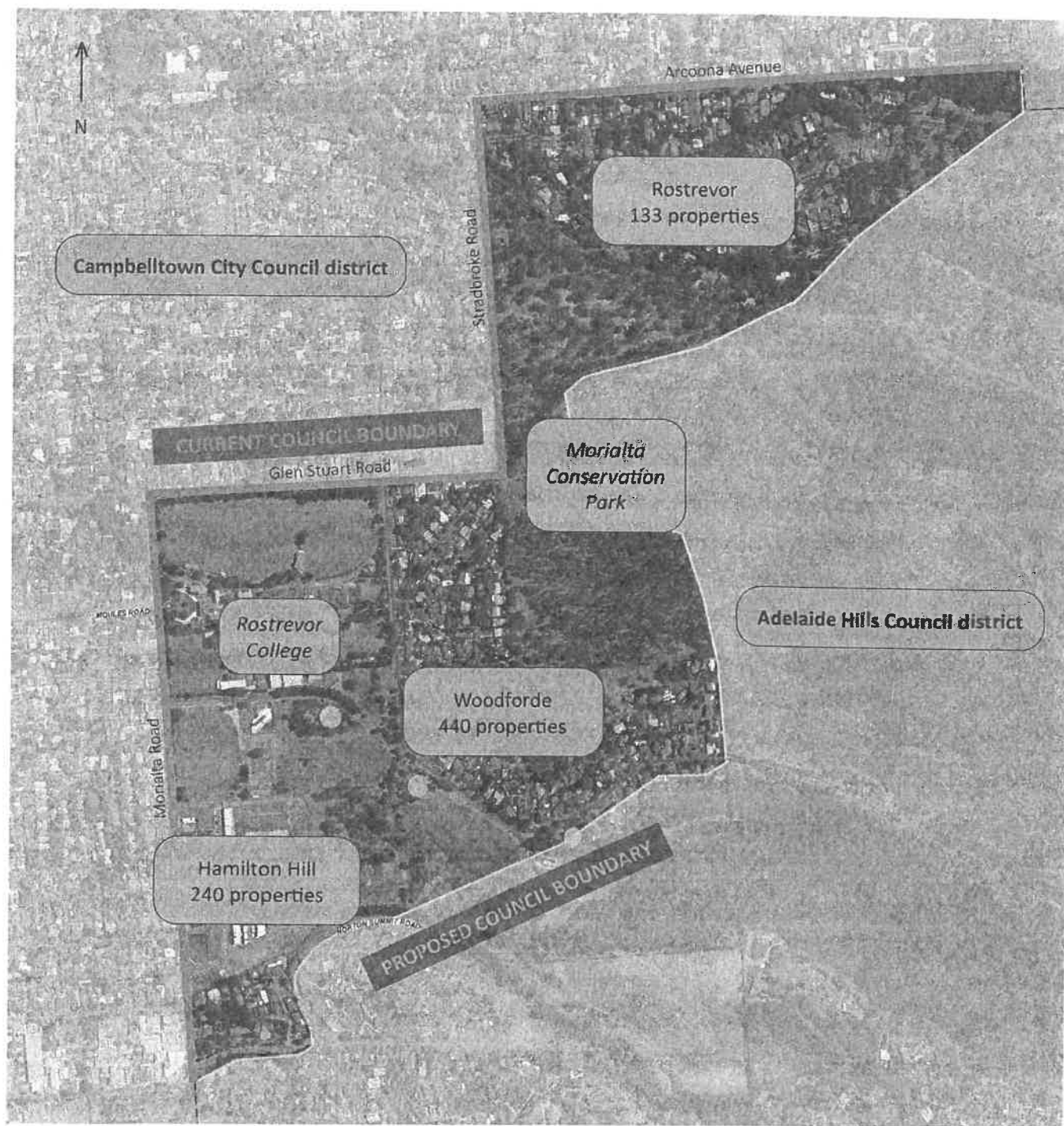
We are here to help

If you've got a question, want additional hard copy surveys, or further information about the Boundary Change Proposal please get in touch with our team.

@ engagement@ahc.sa.gov.au

) (08) 8408 0587

Boundary Change Proposal Map



Important information

Please note this survey is only intended for people over 18 years of age who live, work, or own a property in the proposed Boundary Change Zone. All names and addresses will be cross checked against the electoral role and council's database, and any identifying data will be kept strictly confidential.

Further detailed information is available at engage.ahc.sa.gov.au, and additional hard copies of the survey can be requested by calling (08) 8408 0587 or emailing engagement@ahc.sa.gov.au.

This is just the beginning

This is the start of a comprehensive review process which will be undertaken by CCC and the Boundaries Commission. Adelaide Hills Council has no formal role to play in the process at this time. No decision has been made yet and the final decision lies with the Minister for Local Government.

Step 1 - Potential Proposal (January 2019)

Consideration of CCC's initial proposal by Boundaries Commission

Approved by Boundaries Commission to progress to next stage



Step 2 - General Proposal

CCC prepares general proposal for Boundaries Commission

CCC undertakes consultation with the community

Current
status



Step 3 (if proposal continues) - Investigation by Commission

Boundaries Commission assesses the proposal using an independent investigator

CCC must agree to the cost of the investigation

Criteria to be assessed include financial and resource implications and community support



Step 4 - Report to Minister

Boundaries Commission prepares a report for the Minister explaining recommendations

Published on Boundaries Commission website

Minister may make suggestions for further consideration



Step 5 - Decision

Minister decides whether proposal will proceed or not

Overview of the Boundary Change Proposal

We've summarised some of the key points of interest between AHC and CCC. If the information you are looking for is not covered here, take a look on our website, ahc.sa.gov.au, or call our Customer Service Team on 8408 0400.

	Adelaide Hills Council	Campbelltown City Council
Total population <i>Total number of people living in whole council area at 2018 Census.</i>	39,734 (0.50 persons per hectare)	51,469 (21.13 persons per hectare)
Land area <i>Total land size of whole council area.</i>	79,498 hectares	2,436 hectares
Electors* <i>The number of people living in the council area who are entitled to vote in Council elections.</i>	29,500 electors	35,000 electors
Council structure	One Mayor 12 Council Members Two Wards	One Mayor 10 Council Members Five Wards
Representation quota <i>The number of electors divided by all Council Members</i>	One Council Member represents 2,261 electors	One Council Member represents 3,183 electors
Annual Council Rates <i>Rate charged annually.</i>	AHC's rating structure consists of a Fixed Charge of \$662 and a Rate in the Dollar against Capital Value of 0.002469. <i>If rating structures remained the same, most residents within the proposed Boundary Change Zone would receive a reduction in annual rates ranging from approximately \$22 to \$450.</i>	CCC's rating structure consists of a Minimum Rate of \$984 and a Rate in the Dollar against Capital Value of 0.003050.
Planning and Development	There is a new Planning and Design Code being developed by the State Government which comes into effect on 1 July 2020. More details about planning and development comparison can be found overleaf.	
Minimum site area <i>For a detached dwelling</i>	The average minimum allowable site size in the AHC parts of Rostrevor and Woodforde (including Hamilton Hill) is 703m ² . <i>There is no suggestion, at this time, that either council would pursue changes to reduce allotment sizes in the Boundary Change Zone.</i>	In the CCC part of Rostrevor and Magill the average minimum site size is 350m ² .
Open space and civil services <i>Roads, footpaths, signs, street lights, parks, ovals, playgrounds, cemeteries.</i>	There are no noticeable differences in terms of open space and civil services functions and services between AHC and CCC.	

* The number of electors is obtained from the Electoral Commission of SA and the source date is 28 February 2018.

	Adelaide Hills Council	Campbelltown City Council
Environmental sustainability	AHC and CCC have both declared a climate emergency, and both councils have a number of sustainability initiatives.	
Kerbside bins	East Waste collects general waste weekly and recycling and green organics waste on alternating fortnights in both council areas.	
Green organics drop off days	AHC organises a number of free green organics drop off days throughout the year for residents.	CCC does not host free green organics drop off days.
Hard waste	Both AHC and CCC offer one 'at call' hard waste collection per property each financial year.	
Resource Recovery Centres	Residents can go to any resource recovery centre (including those outside of their council district). Each council has one resource recovery centre.	
School zones <i>In relation to which schools children are entitled to attend based on their residence.</i>	Catchment areas are not limited to council boundaries and are set by the State Government Department of Education.	
Community grants	In 2017-18 AHC awarded \$219,000 in funding through its grant program.	In 2017-18 CCC awarded \$41,341 in funding through its grant program.
Regulatory matters <i>This includes local laws established by councils to deal with issues specific to the relevant council area.</i>	There are no noticeable differences in regulatory matters between AHC and CCC except regarding domestic cats. In AHC cats must be confined to their owner's property from 1 January 2022. More information at ahc.sa.gov.au/council/delegations-and-by-laws .	

Need more information? Visit each council's website

	ahc.sa.gov.au	campbelltown.sa.gov.au
Council documents <i>Annual Reports, Strategic Plans, policies</i>	Council > Council Documents	Council > Documents and Publications
Community services <i>Youth, volunteering, diversity, seniors</i>	Community	Community
Community grants	Council > Grants and Tenders	Community > Grants
Regulatory matters <i>Local laws and rules</i>	Council > Delegations and By-laws	Council > Documents and Publications
Sport and recreation	Community > Sport and Recreation	Recreation and Leisure
Civil Services	Resident > Roads, Streetscapes, Works	Services > Capital Works Program
Environmental sustainability	Environment > Sustainability	Environment
Rates and property	Resident > Rates and Property	Council > Rates

Further information available at engage.ahc.sa.gov.au

Planning and Development

The South Australian planning system is changing on 1 July 2020. A new Planning and Design Code (P&D Code) will become the single source of planning policy for assessing development applications across the state.

What does this mean if the boundary change proposal was to proceed?

The new P&D Code being developed by the State Government will replace all council development plans. The new Code means that planning policy will be standardised across council boundaries (this includes AHC and CCC).

Any changes to zonings in either council district after 1 July 2020 would require public consultation as well as Ministerial approval.

For further information about specific development controls applicable under the proposed P&D Code, please contact the P&D Code Free Hotline on 1800 318 102, or review the new P&D Code at saplanningportal.sa.gov.au.

What happens to development applications submitted before 1 July 2020?

The current planning rules will stay the same before 1 July 2020. Any planning application submitted before that time will be assessed under the current planning rules.

Current planning policy comparisons between AHC and CCC:

	AHC		CCC
	Woodforde and Rostrevor	Hamilton Hill	Rostrevor and Magill
Site area The minimum size of a 'block' for a detached dwelling	Ranges from 929-1,000m ²	180m ²	Ranges from 350-500m ²
Frontage width The minimum width of a 'block' for a detached dwelling	21 metres	8 metres	Ranges from 7-20 metres
Front setback The minimum distance from the road to the house	6 metres	3 metres	5 metres
Rear setback The minimum distance from the back of the house to the back fence	4 metres	4 metres	4 metres
Site coverage The maximum percentage that a site can be covered by a dwelling	40%	60%	50%
Building height The maximum height allowed for a building	6 metres wall height	3 storeys	8.5 metres

Planning and Design Code Information Session

If you are interested in learning more about the SA Planning Reform please come along to our free Information Session.

Wednesday 27 November 2019 | 6:30pm - 8:00pm

Kelty Theatre, Rostrevor College

Register: planning-forum-woodforde.eventbrite.com.au or call 8408 0400



Survey: **Council Boundary Change Proposal**

This survey is also online at engage.ahc.sa.gov.au

Name _____ Year of birth: _____

Postal address _____

Email _____ Phone: _____

Are you a (tick all that apply)

☐ Resident ☐ Property owner ☐ Other: _____

☐ Tenant ☐ Business owner

Do you support the Campbelltown City Council's boundary change proposal? (tick one)

☐ Yes ☐ Undecided

☐ No ☐ No preference

Why do you say that?

What are your areas of interest about the council boundary change proposal? (tick your top three)

- | | |
|--|--|
| <input type="checkbox"/> Planning and development | <input type="checkbox"/> Annual Council Rates |
| <input type="checkbox"/> Footpaths, road and park maintenance | <input type="checkbox"/> Climate Change |
| <input type="checkbox"/> Community services | <input type="checkbox"/> Council rules and regulations |
| <input type="checkbox"/> Environmental sustainability | <input type="checkbox"/> Community grants |
| <input type="checkbox"/> Level of representation (number of electors represented by each Council Member) | |
| <input type="checkbox"/> Other _____ | |

Do you have any further comments about the Campbelltown City Council's boundary change proposal that you would like Adelaide Hills Council to consider?

If you need more space please use the back of this page or attach additional pages.

Please place your completed survey in the free reply-paid envelope provided and into your nearest mailbox, or scan and email to engagement@ahc.sa.gov.au by 8 December 2019.

Michelle Bell

From: Paul Di Iulio
Sent: Monday, 2 December 2019 10:10 AM
To: Jill Whittaker
Cc: Michelle Hammond; CEORecords
Subject: FW: Letter to The Residents from Mayor Whittaker re Boundary Realignment proposal.pdf
Attachments: Letter to The Residents from Mayor Whittaker re Boundary Realignment proposal.pdf

Hi Jill

Please find below a copy of the email I sent Lee from MRA this morning

Regards

Paul Di Iulio
Chief Executive Officer

📞 +61 8 83669247
📠 +61 8 83373818
📠 +61 418856085
✉ PDilulio@campbelltown.sa.gov.au
🌐 www.campbelltown.sa.gov.au

From: Paul Di Iulio
Sent: Monday, December 2, 2019 10:04 AM
To: Lee Walker-Roberts <lwalkerroberts@creativejuices.com.au>
Cc: Steve Swann <steve@swanns.net>
Subject: Letter to The Residents from Mayor Whittaker re Boundary Realignment proposal.pdf

Hi Lee

Further to our brief discussion at the Cricket on Friday please find attached the letter from our Mayor that is being distributed to the residents in the affected area of Adelaide Hills Council today.

Regards



29 November 2019

To the Resident

Boundary Realignment Information

Dear Resident

I am writing to give you a brief outline of some of the issues relating to the proposed Council Boundary realignment from the perspective of Campbelltown City Council.

Campbelltown will investigate whether there is interest and benefit to both Communities in realigning the boundary. Campbelltown submitted this concept in the form of a Stage 1 proposal to the Boundaries Commission, as required by the legislation. This was done with complete transparency and we would like to provide you with the reasons.

Communities of Interest

The suggestion for boundary change has been put to Campbelltown Council over many years by residents who associate closely with Campbelltown as they spend much of their time in the area, use our facilities, are members of our clubs, volunteer in our Council and consider themselves to be more aligned to Campbelltown. It comes from residents who want quicker service request responses (due to closer location), and shorter distances to drive to their Council Offices and facilities. These residents want a voice in forming the development of their local community.

Strong Financial Position

Campbelltown is financially sustainable and has no debt. Our Long Term Financial Plan is sound and shows that we are not in need of additional rates as has been suggested by a few people.

Along with the rates income would come associated expenditure of servicing the area, maintaining the infrastructure, and providing for future asset replacement. We would also propose that the transfer of rates income is phased across several years to ensure that AHC (Adelaide Hills Council) doesn't lose a large amount of rates income in Year 1; and we are sure the Commission would also expect this.

Local Services & Facilities

Campbelltown provides quick response times and local services for socially isolated and older people which assist in forming social networks with people closer to their homes. Our first rate facilities are within very close proximity and are easier for you to access and use rather than having to drive some distance. You can be involved in the planning of new facilities within our area as we know that including Community members in these decisions has led to top notch facilities.

PO Box 1, Campbelltown SA 5074 | 172 Montacute Road, Rostrevor SA 5073
Tel: 08 8366 9222 | Fax: 08 8337 3818 | mail@campbelltown.sa.gov.au | www.campbelltown.sa.gov.au

Providing a quality lifestyle



Protecting a unique and valued area

You can be confident that Campbelltown would fight to protect the Adelaide Hills area (Rostrevor and Woodforde) just as it successfully lobbied and won the recent changes to Campbelltown's Development Plan Amendment.

Campbelltown also commits to maintaining the hills face zone. Campbelltown has publicly committed to maintaining the Development Plan Rules in the AHC exactly as they are now. If Campbelltown proceeds to a Stage 2 Proposal this commitment will be clearly stated in that proposal, and the Boundaries Commission could also reinforce that it be a condition of the realignment.

In the recent publication called 'Hands Off!' it states that Campbelltown 'is keen to expand into low-density areas in Rostrevor and Woodforde'. This is entirely untrue and Campbelltown is unsure how this view was formed.

The Process

You can be confident that Campbelltown will explore the benefits to both communities and both Councils of realigning the boundary and obtain some facts and data to inform this. Once the investigation is complete, Campbelltown will assess all facts that have been gathered and make a decision as to whether we wish to proceed to a Stage 2 Proposal. This has not been decided yet. If Campbelltown does proceed to Stage 2 the Commission will conduct their own investigation and Community consultation to further inform their decision.

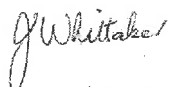
Consultation

Campbelltown met with AHC and suggested that we work together and hold joint Community meetings so that the consultation impact on residents was minimised and residents only had to provide their views once, rather than separately to both Councils. This has not occurred and unfortunately as AHC are undertaking their own survey this will need to be duplicated.

To inform our investigation Campbelltown has requested some basic information from AHC. Campbelltown will need to obtain the necessary information independently and will be in touch with you with a more comprehensive consultation package. This requested information matters as it assists Campbelltown to explain the financial impact to both Communities.

If you have any questions or anything you would like to tell us please email boundary@campbelltown.sa.gov.au or contact me by phone on 8366 9239 or 0438 375 868. I'd be very happy to hear from you.

Yours faithfully



Jill Whittaker
Mayor

6316573
Document No. 49

From:Jill Whittaker
Sent:Tue, 3 Dec 2019 09:57:01 +1030
To:Paul Di Iulio;Michelle Hammond
Subject:My personal response to MRA

Hi Paul,
Here is my draft response to MRA.

Happy to have a comment from you prior to sending it off.

Dear MRA Committee members,

I hope you are feeling a little more re-assured about the investigation into a boundary re-alignment as a result of my recent letter to residents. There is a lot to consider in a re-alignment for everyone concerned. It takes time to consider the issues for the best result for everyone.

I therefore ask that if you use statements, attributed to me, in any future communications with residents, that they are an accurate reflection of what has been said and not misquoting by omission of key words. The standard convention to indicate words have been edited out is the use of three dots.

I am very happy to discuss any matter with you to open up dialogue as to the pros and cons of a potential change which could provide opportunities for residents to access a local free bus service provided door to door by Campbelltown, as well as easier access to our depot and offices, and closer connection to local emergency services including the Red Cross.

Best wishes and a Happy Christmas

Jill Whittaker
Mayor Campbelltown

📞 +61 8 7231 1904
📞 +61 8 83373818
📞 +61438375868
✉ JWhittaker@campbelltown.sa.gov.au
🌐 www.campbelltown.sa.gov.au

From:Michelle De Beer
Sent:Tue, 10 Dec 2019 15:58:52 +1030
To:info@morialtaresidents.net
Subject:Correspondence from Mayor Whittaker of Campbelltown City Council re boundary realignment proposal
Attachments:SAdminKonic19121015520.pdf

Dear Morialta Residents' Association

Please find attached correspondence from Mayor Whittaker of Campbelltown City Council.

Kind regards
Michelle



Office of the Mayor

10 December 2019

Morialta Residents' Association
1 Maroia Avenue
ROSTREVOR SA 5073

Dear Committee and Members

Hopefully, you are feeling re-assured about the investigation into a boundary realignment as a result of my recent letter to residents. There is a lot to consider in a realignment for everyone concerned. It takes time to consider the issues to achieve the best result for everyone. If you didn't receive a copy of that letter, let me know and a copy will be forwarded to you.

My request to your organisation is that if you use statements, attributed to me, that they are a reflection of what has been said and not inaccurate through the omission of key words. The standard convention to indicate words have been edited out is the use of three dots with an acknowledgement of where and when they were said which provides context for the reader.

I am very happy to discuss any matter with you to improve dialogue as to the pros and cons of a potential change. For instance we could discuss opportunities for residents to access a free, local bus service for shopping provided door to door by Campbelltown, easier access to our Depot and Offices, and closer connection to local emergency services including the Red Cross.

The issue of Planning and Development is one affecting many areas but no changes are proposed for your area by Campbelltown for good reasons. It is an emotional topic and every area has issues to manage as can be seen in the Hamilton Hill Development.

We are working as part of the Eastern Region Alliance of Councils (Adelaide Councils voluntarily working together for the benefit of the eastern region communities) to negotiate the new Planning system where rules are State-wide and determined by the State Government.

Campbelltown Council has always been delighted to have the contributions of the residents of Morialta and Woodforde to our City as we have long historical linkages. In 2009, for instance, the late Mr Eric Webb became our Citizen of the Year in recognition of his many contributions to Campbelltown.

- 2 -

Best wishes and a Happy Christmas to you all.

Yours sincerely

A handwritten signature in dark ink, appearing to read 'Jill Whittaker', written in a cursive style.

Jill Whittaker
Mayor

6312489
Document No. 51

From:Michelle De Beer
Sent:Tue, 24 Dec 2019 11:31:02 +1030
To:jcwisdom@ahc.sa.gov.au
Subject:Correspondence from Mayor Whittaker of Campbelltown Council re Boundary Realignment proposal
Attachments:SAdminKonic19122411220.pdf

Good morning Mayor Wisdom

Please find attached correspondence from Mayor Whittaker of Campbelltown Council regarding the Boundary Realignment proposal.

Kind regards
Michelle



Office of the Mayor

24 December 2019

Mayor Jan-Claire Wisdom
Adelaide Hills Council
PO Box 44
WOODSIDE SA 5244

Email: jcwisdom@ahc.sa.gov.au

Dear Mayor Wisdom

I acknowledge receipt of your letter of 13 November 2019 and your follow up email on 6 December 2019.

Council does have a very good understanding of the boundary reform legislation and guidelines and has had several conversations and meetings with Boundaries Commission Representatives to clarify issues. Council has extremely robust Community Engagement processes but cannot decide on a more complete process until we have relevant information which I asked you and your CEO to provide when we talked at the LGA Conference in early November. Nothing has changed since then.

The AHC CEO and Executive Manager Governance & Performance met with our CEO and General Manager Corporate & Community Services, and have been in contact since earlier this year. At that meeting your CEO committed to working with Campbelltown and a discussion also occurred about holding joint meetings to ensure minimal impact to the AHC residents.

The information that we have requested from AHC is information that is readily available to Councils (ie names and addresses, capital values, and asset information) and based on our experience could be provided at minimal cost. We agree that AHC should not need to spend much time, money or resources on gathering information to provide to Campbelltown, and we would not ask or expect AHC to do that. However, in the spirit of the undertakings that were given by your CEO, I believe our request is reasonable.

There is a level of discomfort for us about Campbelltown accepting a quote for service from AHC as we think this sets an unhealthy precedent for information that is exchanged between the two Councils going forward and other mutually supportive actions. Given the angst that our request has caused, and the length of time that has passed, we will proceed in gathering the information independently which will unfortunately slow the process.

- 2 -

Once we have collected the information and analysed it Council will make a decision as to whether we wish to proceed to a Stage 2 Proposal. If Council decides to proceed we will provide you with a full Community Engagement Plan at that time, for your information.


Campbelltown initiated this process with good intent and wishes to work closely with you and your Council to achieve the best outcome for both communities, whether a realignment occurs or not. Throughout the process we remain respectful of your Council and Staff and the services you provide.

I look forward to receiving the results of your recent survey.

Quite separate from this issue I offer the support of Campbelltown Council as you face the unfolding disaster of the impacts of bushfires and the long road to recovery.

I would also like to take this opportunity to wish you and your family, along with all Elected Members and Staff at AHC a very Happy Christmas and a prosperous New Year.

Yours sincerely



Jill Whittaker
Mayor



**Adelaide Hills
COUNCIL**



PO Box 44
Woodside SA 5244
Phone: 08 8408 0400
Fax: 08 8389 7440
mail@ahc.sa.gov.au
www.ahc.sa.gov.au

Direct line: 8408 0438
File Ref: 09.10.6

7 January 2020

Mayor Jill Whittaker
Campbelltown City Council
PO Box 1
CAMPBELLTOWN SA 5074
E: mayor@campbelltown.sa.gov.au

Dear Mayor Whittaker,

Boundary Change Proposal – Provision of Information

I refer to your correspondence of 24 December 2019.

Firstly I would to acknowledge and thank you for your CCC's support in responding to the Cudlee Creek fire. Further, your good wishes for the festive season were gratefully received.

From your correspondence I acknowledge CCC's intention not to enter into arrangements with AHC to obtain the previously requested information and instead to obtain it independently in order to progress with CCC's Stage 2 Submission.

I note that you have again made reference to the meeting between the senior staff of CCC and AHC and contend that undertakings given have not been honoured. In my letter of 27 September 2019, I outlined our Elected Members' concern regarding the resource impact associated with preparing the requested information and CCC's lack of detail provided regarding the intended boundary change process. Consequently Council resolved to request the Project and Engagement Plan and for the Administration to not provide any further assistance until these documents were received.

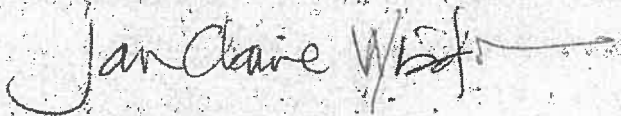
Given this resolution, it would have been entirely inappropriate for the CEO or Executive Manager Governance & Performance to provide the requested assistance to CCC in the interim. I am sure that you, like me, have the expectation that members of your Administration comply with the resolutions of Council.

As advised in my 13 November 2019 letter, given the brevity of the Project and Engagement Plan received, AHC resolved to conduct its own survey of residents and ratepayers. AHC will be informed by the results of the survey and it will assist in framing its next steps in relation to the proposal.

As advised previously, the results of the survey will be provided to CCC when the Council agenda is released.

On a more positive note, on behalf of AHC, I would like to wish your Elected Members, staff, residents and ratepayers a happy and prosperous 2020

Yours sincerely,

A handwritten signature in dark ink, appearing to read 'Jan-Claire Wisdom', with a long horizontal flourish extending to the right.

Jan-Claire Wisdom
Mayor

6314202
Document 53

From:Lachlan Miller
Sent:Wed, 8 Jan 2020 08:51:31 +1030
To:Michelle De Beer
Cc:Lachlan Miller
Subject:Correspondence for Mayor Whittaker - Boundary Change Proposal - response to 24 December 2019 correspondence
Attachments:200107 AHC letter to CCC - Boundary Change Proposal - signed.pdf

Good morning Michelle

Please find attached correspondence from Mayor Wisdom for Mayor Whittaker regarding the Campbelltown City Council Boundary Change Proposal.

I will put the hardcopy in the mail.

Regards

Lachlan Miller
Executive Manager Governance & Performance

p 08 8408 0516
e lmiller@ahc.sa.gov.au
w ahc.sa.gov.au

Visit me at: 63 Mount Barker Road, Stirling SA 5152
PO Box 44 Woodside SA 5244



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PO Box 44
Woodside SA 5244
Phone: 08 8408 0400
Fax: 08 8389 7440
mail@ahc.sa.gov.au
www.ahc.sa.gov.au

Direct line: 8408 0438
File Ref: 09.10.6

7 January 2020

Mayor Jill Whittaker
Campbelltown City Council
PO Box 1
CAMPBELLTOWN SA 5074
E: mayor@campbelltown.sa.gov.au

Dear Mayor Whittaker

Boundary Change Proposal – Provision of Information

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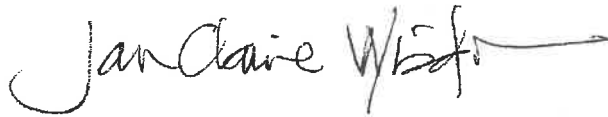
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As advised in my 13 November 2019 letter, given the brevity of the Project and Engagement Plan received, AHC resolved to conduct its own survey of residents and ratepayers. AHC will be informed by the results of the survey and it will assist in framing its next steps in relation to the proposal.

As advised previously, the results of the survey will be provided to CCC when the Council agenda is released.

On a more positive note, on behalf of AHC, I would like to wish your Elected Members, staff, residents and ratepayers a happy and prosperous 2020

Yours sincerely

A handwritten signature in black ink, reading "Jan-Claire Wisdom". The signature is written in a cursive style with a long horizontal flourish extending to the right.

Jan-Claire Wisdom
Mayor

6321779

Document No.54

From:Elisa Rose
Sent:Mon, 3 Feb 2020 13:18:07 +1030
To:Jill Whittaker
Subject:Re: Boundary Realignment Survey

Dear Mayor Whittaker,

Thank you for your response and for meeting my deadline.

Kind Regards,

Elisa Rose
Journalist

P: 08 8391 1388 | M: 0432 963 821
E: elisa@courier.net.au | W: www.courier.net.au



On 3 Feb 2020, at 1:13 pm, Jill Whittaker <JWhittaker@campbelltown.sa.gov.au> wrote:

Dear Elisa -here is a statement in response to your questions.

The results of the Adelaide Hills Council poll, where just over half the residents that answered want to stay with the status quo, is not a surprise. Campbelltown was not consulted in the development of the poll or its timing which was limited in scope and information.

The investigation by Campbelltown was started after a significant number of residents of the area told us that they identify with Campbelltown. Informal talks about a boundary change have occurred over several years between elected members and staff from both councils; recognising the geographical, historical and community links between Campbelltown and the residents of Rostrevor and Woodforde.

We remain committed to working with Adelaide Hills Council through this process to ensure the final outcome is in the best interests of all residents affected.

Best wishes

Jill Whittaker
Mayor Campbelltown

<Logo86x71_75014e49-EmailcontactlettersT_906fa699-2873-415a-b208-
-aed5-490e-adc6-f3ddb679df9a.png> +61 8 7231 1904
fd582e96c858.png> <EmailcontactlettersF_8e73762b-3aa9-48fd-a011-
a3769f302318.png> +61 8 83373818
<EmailcontactlettersM_e691d38e-b6b6-498b-9beb-
c0b120f49c28.png> +61438375868
<EmailcontactlettersE_5d8609d5-016e-448d-bc8a-
7cff961ab4d9.png> JWhittaker@campbelltown.sa.gov.au
<EmailcontactlettersW_78709b51-bc7b-4ea2-bae1-
2988c892c3eb.png> www.campbelltown.sa.gov.au

<FireSeasonMM7FebThornParkStratPlan_e6bcf31a-1279-427b-9603-
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d0b0ce0e677c.png> <LinkedIn19x22_0fbf0e11-2c1c-4087-84b6-
4a9790e17c79.png> <YouTube64_5x15_3503fa92-f811-4f7d-bcc1-
7ecea290209f.png>

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On 30 Jan 2020, at 10:38 am, Elisa Rose <Elisa@courier.net.au> wrote:

Good morning,

Thank you for your time on the phone earlier and your willingness to respond to some questions about the Boundary Realignment Proposal.

At the Adelaide Hills Council meeting held on Tuesday, councillors received the results of a survey of residents living in the AHC sections of Rostrevor and Woodforde. The survey was mailed to all residents and businesses in the affected area as well as owners of rental properties in the area to gain insight into their views of the boundary realignment proposal. It was something that residents had asked for at the AHC community meeting in Rostrevor last year.

268 people responded to the survey and the results were:
Overall 58% of respondents opposed the boundary realignment plan.

Of those:

81% of Rostrevor respondents opposed the boundary realignment plan, while 15% supported it and 4% were undecided or didn't have a preference.

52% of Woodforde respondents opposed the boundary realignment plan, while 42% were in favour and 6% were undecided or didn't have a preference.

The full report can be found here (from page 33):

<https://www.ahc.sa.gov.au/ahc-council/Documents/Ordinary-Council/Council-AGENDA/200128%20Council%20Agenda%20Public%20for%20printing.pdf>

In light of the survey results, the AHC decided at that meeting to ask that the CCC considered withdrawing the boundary realignment proposal.

Considering the above, I have a few questions for you as the CCC Mayor:

The sentiments of the affected residents initially came as a surprise to the AHC. Are the results of the survey also surprising to you?
Given the apparent lack of support among affected residents, will the CCC consider withdrawing the boundary realignment proposal?

As discussed, my deadline is COB Monday. Thank you again.

Kind Regards,

Elisa Rose
Journalist

P: 08 8391 1388 | M: 0432 963 821
E: elisa@courier.net.au | W: www.courier.net.au

<Logo.jpg>

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6324963
Document 55

PO Box 44
Woodside SA 5244
Phone: 08 8408 0400
Fax: 08 8389 7440
mail@ahc.sa.gov.au
www.ahc.sa.gov.au

Direct line: 8408 0438
File Ref: 09.10.6

6 February 2020

Mayor Jill Whittaker
Campbelltown City Council
PO Box 1
CAMPBELLTOWN SA 5074
E: JWhittaker@campbelltown.sa.gov.au

Dear Mayor Whittaker

Proposed Council Boundary Realignment - Rostrevor and Woodforde

I refer to my email correspondence on 24 January 2020 in which I provided a copy of the *Council Boundary Change Proposal – Survey Outcomes Report* which had been included in the Adelaide Hills Council (AHC) 28 January 2020 Ordinary Meeting agenda.

Council considered the survey results at the meeting and resolved:

1. *That the report be received and noted.*
2. *To note that electronic copies of the Council Boundary Change Survey Report have been provided to the residents and ratepayers who participated in the survey and to the Mayor of Campbelltown City Council.*
3. *To provide the Council Boundary Change Proposal Survey Report at Appendix 1 to the Boundaries Commission, the Minister for Local Government, the Shadow Minister for Local Government and the Member for Morialta.*
4. *To recognise and accept that the majority of Rostrevor (AHC) and Woodforde community respondents in the Council Boundary Change Survey are against the boundary change proposal. As such, Council requests that Campbelltown City Council, in light of these results, consider withdrawing their proposal with the Boundaries Commission.*

At the same meeting, AHC resolved to receive and note the following petition from 61 residents of Rostrevor:

"We are Adelaide Hills Council residents/ratepayers and live within the area of the proposed boundary changes initiated by Campbelltown City Council.

We do not want under any circumstance to be incorporated into Campbelltown City Council and be affected by their own requirements in regards to planning and building regulation signage etc.

We understand that the wishes and concerns of residents so affected must be of paramount importance when assessing and deciding on such important issues".

Council further resolved to forward this information to the CCC, the Boundaries Commission, the Minister for Local Government, the Shadow Minister for Local Government and the Member for Morialta for their information.

AHC acknowledges that there is a comprehensive and robust process for assessing boundary alignment proposals however it equally believes that the sentiment of the potentially affected communities should be actively represented as the process progresses.

Yours sincerely

A handwritten signature in dark ink, appearing to read 'Lachlan Miller', with a long horizontal flourish extending to the right.

Lachlan Miller
Executive Manager Governance & Performance

6325875

Document No. 56

PDI:CM

Enq: Paul Di Iulio
Ph: 8366 9247

18 February 2020

Mr Lachlan Miller
Executive Manager Governance & Performance
Adelaide Hills Council
PO Box 44
WOODSIDE SA 5244

Dear Mr Miller

I acknowledge receipt of your letter of 6 February 2020 regarding the proposed Council Boundary Realignment.

Since receiving this information Mayor Wisdom has sought an opportunity to present the outcomes of your opinion poll to Campbelltown Council. It is my understanding that Mayor Whittaker has invited Adelaide Hills Council to present the outcomes to Campbelltown Council at a Briefing Session at a mutually convenient time.

Therefore, in light of this invitation, Campbelltown will not be considering this matter until the Briefing Session has taken place and the additional information required by Council to make an informed decision has been collated.

Should you wish to discuss this matter further, please contact me.

Yours sincerely

Paul Di Iulio
Chief Executive Officer

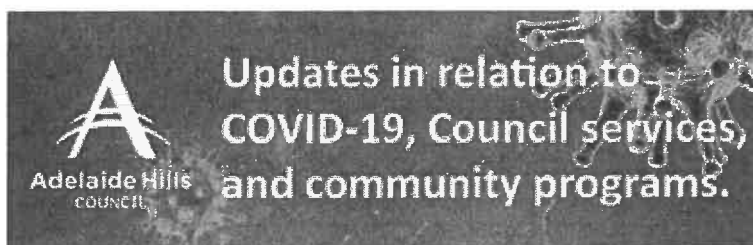
6348109
Document No 57

From:Pam Williams
Sent:Thu, 30 Apr 2020 15:36:08 +0930
To:mail
Subject:Correspondence from Adelaide Hills Council
Attachments:200430 let aa campbelltown boundary adjustment and deputation.pdf

Good afternoon

Please find a letter from Adelaide Hills Council for the attention of your Chief Executive Officer.

Pam Williams
Executive Assistant to Mayor & CEO
p 08 8408 0438
e pwilliams@ahc.sa.gov.au
w ahc.sa.gov.au
Visit me at: 63 Mount Barker Road, Stirling SA 5152
PO Box 44 Woodside SA 5244



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Fax: 08 8389 7440
mail@ahc.sa.gov.au
www.ahc.sa.gov.au

Direct line: 8408 0438
File Ref: 09.10.7 OC20/4202

30 April 2020

Mr Paul Di Iulio
Chief Executive Officer
Campbelltown City Council
PO Box 1
CAMPBELLTOWN SA 5074
E: mail@campbelltown.sa.gov.au

Dear Paul

I write in response to your letter received on 25 February 2020 and apologise for the delay in responding.

The invitation from Mayor Whittaker to Mayor Wisdom, in an email dated 17 February, to attend a Briefing Session is not required given this item does not require a 'discussion/negotiation'. Mayor Wisdom requested a deputation to talk to the survey results which was a simple and reasonable request that Mayor Whittaker refused. The results indicate that a majority of survey respondents do not support the boundary change proposed by Campbelltown City Council.

Following a Council resolution from earlier this year, copies of the Council Boundary Change Survey Report have been provided to:

- Residents and ratepayers who participated in the survey
- The Boundaries Commission
- The Minister for Local Government
- The Shadow Minister for Local Government, and
- The Member for Morialta.

Mayor Whittaker has also been provided with a copy of this report. I respectfully request that the report also be provided to each Campbelltown City Council Elected Member, if it hasn't been already. I'd appreciate being informed once this has occurred.

By way of informing our residents and ratepayers, in particular those who completed the survey, of our Council's next steps, we were anticipating being able to inform them of our Mayor and Deputy Mayor's deputation to a Campbelltown City Council meeting. Regrettably, this did not occur and will now need to be revisited once the COVID-19 restrictions are reduced/removed. We will now be informing our residents and ratepayers that our reasonable request for this deputation was refused.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Andrew Aitken'.

Andrew Aitken
Chief Executive Officer

6356453

Document No. 58

From: Paul Di Iulio
Sent: Wed, 27 May 2020 16:12:36 +0930
To: Caroline Moeller; Michelle De Beer
Subject: Fwd: Deputation to Campbelltown Council meeting on Tuesday 2 June 2020

Hi Caroline and Michelle

FYI

Regards

Paul Di Iulio
Chief Executive Officer

+61 8 83669247
+61 8 83373818
+61 418856085
PDilulio@campbelltown.sa.gov.au
www.campbelltown.sa.gov.au

Begin forwarded message:

From: Andrew Aitken <aaitken@ahc.sa.gov.au>
Date: 27 May 2020 at 3:39:29 pm ACST
To: Paul Di Iulio <PDilulio@campbelltown.sa.gov.au>
Cc: CEORecords <CEORecords@campbelltown.sa.gov.au>, Kylie Hopkins <khopkins@ahc.sa.gov.au>, Lachlan Miller <lmiller@ahc.sa.gov.au>
Subject: RE: Deputation to Campbelltown Council meeting on Tuesday 2 June 2020

Hi Paul

Thanks for your follow-up on this matter. I hope this email finds you well.

Our Mayor and Deputy Mayor will be using a power point presentation. We'll forward it to your staff prior to 5pm on Monday as requested.

Regards
Andrew

Andrew Aitken – Chief Executive Officer
Adelaide Hills Council
visit me at: 63 Mount Barker Road, Stirling SA 5152

t: 08 8408 0438 | **f:** 08 8389 7440 | **e:** aaiken@ahc.sa.gov.au | **w:** www.ahc.sa.gov.au | **p:**
PO Box 44 Woodside SA 5244

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From: Paul Di Iulio [mailto:PDilulio@campbelltown.sa.gov.au]
Sent: Wednesday, 27 May 2020 2:14 PM
To: Andrew Aitken
Cc: CEORecords
Subject: Deputation to Campbelltown Council meeting on Tuesday 2 June 2020

Hi Andrew,

How are you going?

Please find below the email that was sent to both your Mayor and Deputy Mayor regarding their deputation next Tuesday night, for your information.

Could you please advise whether they will talking to power point presentation on the evening, if they do we would appreciate receiving it by 5.00 pm on Monday 1 June 2020 so that we can arrange to have Staff upload it in readiness for the Council Meeting.

Regards

Paul Di Iulio
Chief Executive Officer

 **CAMPBELLTOWN
CITY COUNCIL**  +61 8 83669247
 +61 8 83373818
 +61 418856085
 PDilulio@campbelltown.sa.gov.au
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From: Michelle De Beer

Sent: Monday, 25 May 2020 10:14 AM

To: lcwisdom@ahc.sa.gov.au; ndaniell@ahc.sa.gov.au

Subject: Deputation to Campbelltown Council meeting on Tuesday 2 June 2020

Good morning Mayor Wisdom and Deputy Mayor Daniell

As you are aware, Mayor Jill Whittaker has approved your request for a deputation to the Council meeting to be held on Tuesday 2 June 2020.

Due to current social distancing restrictions Council is currently conducting meetings via The Zoom application. Please ensure you download the 'Zoom' app and use the following link to Join the Zoom meeting:

<https://us02web.zoom.us/j/87537599687?pwd=cTBuVDdETWRGeGRhcnBMOWdtakxhQT09>

You will also need the password which is: 591252

You are free to Join the meeting once we commence at 7.00 pm however you will be held in the 'virtual waiting room' until you are called forward to make your deputation. At this time you will be electronically connected.

You will have 15 minutes to make your presentation and please keep in mind that the meeting is being live streamed. A Zoom meeting invitation will follow this email.

Should you have any questions or you have any technical difficulties please do not hesitate to contact me.

Kind regards
Michelle

6357654

Document No. 59

From: [REDACTED]
Sent: Mon, 1 Jun 2020 13:25:26 +0930
To: mail
Subject: 'Attention - Public Question Time'

Dear Campbelltown Council,

The Adelaide Hills Council has advised that they are due to provide a submission to the Campbelltown Council at your meeting tomorrow night, with the aim of convincing you to withdraw your proposal to realign the boundaries of Rostrevor and Woodforde.

As a resident of Woodforde I would like to know, assuming the boundary realignment goes ahead, what your plans would be in relation to the utter lack of footpaths around the entire perimeter of Rostrevor Collage (notwithstanding the tiny stretch of broken concrete at the start of Kintyre Road).

Children walking to school in either:

1. Mud during winter; or
2. Dodging cars on the road to avoid the mud

is unacceptable. To date the Adelaide Hills Council have made ZERO effort towards installing a footpath such that our children can get to and from school SAFELY. I would like to know Campbelltown Council's view on this matter.

Kind regards,

[REDACTED]

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6360422
Document 60

From: Paul Di Iulio
Sent: Mon, 1 Jun 2020 17:03:57 +0930
To: Lachlan Miller
Cc: Andrew Aitken; CEORecords
Subject: RE: TRIM: RE: Adelaide Hills Council's Deputation - 2 June 2020 - Boundary Change Survey

Hi Lachlan

My understanding is that it has however I will double check with my Staff

Regards

Paul Di Iulio
Chief Executive Officer

T +61 8 83669247
F +61 8 83373818
M +61 418856085
E PDilulio@campbelltown.sa.gov.au
W www.campbelltown.sa.gov.au

From: Lachlan Miller <lmiller@ahc.sa.gov.au>
Sent: Monday, 1 June 2020 5:02 PM
To: Paul Di Iulio <PDilulio@campbelltown.sa.gov.au>
Cc: Andrew Aitken <aaitken@ahc.sa.gov.au>; CEORecords <CEORecords@campbelltown.sa.gov.au>; Lachlan Miller <lmiller@ahc.sa.gov.au>
Subject: RE: TRIM: RE: Adelaide Hills Council's Deputation - 2 June 2020 - Boundary Change Survey

Hello Paul

No need for an apology.

Thanks for the advice regarding the presentation.

If it hasn't already been sent through, could you please arrange for Mayor Wisdom (jcwisdom@ahc.sa.gov.au) and Deputy Mayor Daniell (ndaniell@ahc.sa.gov.au) to receive the meeting invitation with the Zoom link and any other meeting details.

Regards

Lachlan Miller
Executive Manager Governance & Performance

Ext. 516

From: Paul Di Iulio [mailto:PDilulio@campbelltown.sa.gov.au]
Sent: Monday, 1 June 2020 4:45 PM
To: Lachlan Miller
Cc: Andrew Aitken; CEOREcords
Subject: RE: TRIM: RE: Adelaide Hills Council's Deputation - 2 June 2020 - Boundary Change Survey

Hi Lachlan

Sorry for the delay in responding to your previous email however I have been in meetings all afternoon.

In regards to your question, we would be happy to share the screen so Mayor Wisdom control the PowerPoint.

Regards

Paul Di Iulio
Chief Executive Officer

 **T** +61 8 83669247
F +61 8 83373818
M +61 418856085
E PDilulio@campbelltown.sa.gov.au
CAMPBELLTOWN
CITY COUNCIL **W** www.campbelltown.sa.gov.au



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From: Lachlan Miller <lmiller@ahc.sa.gov.au>
Sent: Monday, 1 June 2020 4:22 PM
To: Paul Di Iulio <PDilulio@campbelltown.sa.gov.au>
Cc: Andrew Aitken <aaaitken@ahc.sa.gov.au>; CEORecords <CEORecords@campbelltown.sa.gov.au>;
Lachlan Miller <lmiller@ahc.sa.gov.au>
Subject: RE: TRIM: RE: Adelaide Hills Council's Deputation - 2 June 2020 - Boundary Change Survey

Hello again Paul

Please find attached the presentation for tomorrow night's deputation.

I am still awaiting your response on the control of the presentation. Mayor Wisdom's preference would be for her to control the PowerPoint via share screen, if possible.

Regards

Lachlan Miller
Executive Manager Governance & Performance

Ext. 516

From: Lachlan Miller
Sent: Monday, 1 June 2020 12:41 PM
To: 'Paul Di Iulio'
Cc: Andrew Aitken; CEORecords; Lachlan Miller
Subject: TRIM: RE: Adelaide Hills Council's Deputation - 2 June 2020 - Boundary Change Survey

Hello Paul

Thanks for your email.

Your council's openness and transparency goes without saying.

I appreciate your advice that a copy of the survey report has recently been provided to each of your Elected Members. I sent the email for the following reasons:

1. I hadn't received any indication that the report had been provided to your Elected Members when we originally sent it through in January
2. If your Elected Members had any queries regarding the survey conduct or results they could raise them with me (as your team wouldn't be able to answer them).

Yes, we are just putting the finishing touches on the presentation and will be sending it through in the next couple of hours. Can you please confirm whether you will allow Mayor Wisdom and Deputy Mayor Daniell to share their screens (and thereby control the slide advancing) or if they will need to advise your minute secretary each time they want to progress to the next slide?

Thanks in anticipation.

Regards

Lachlan Miller
Executive Manager Governance & Performance

Ext. 516

From: Paul Di Iulio [<mailto:PDiIulio@campbelltown.sa.gov.au>]
Sent: Saturday, 30 May 2020 9:16 AM
To: Lachlan Miller
Cc: Andrew Aitken; CEORecords
Subject: RE: Adelaide Hills Council's Deputation - 2 June 2020 - Boundary Change Survey

Thanks Lachlan for copying me into this email. However as we operate in a very open and transparent way at Campbelltown we provided all this information to our Elected Members over a week ago so they had the opportunity to read the report prior to the deputation.

If you have any further information that you would like our Elected Members to review, I would be more than happy to distribute it for you.

We look forward to hearing from your Mayor and Deputy Mayor on Tuesday night and as Andrew confirmed last week they will be providing their power point presentation to us by 5.00pm on Monday s to upload it, in readiness for the meeting.

If there is any further assistance you would like us to undertake please contact me at your convenience.

Regards

Paul Di Iulio
Chief Executive Officer



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From: Lachlan Miller <lmiller@ahc.sa.gov.au>

Sent: Friday, 29 May 2020 5:03 PM

To: Jill Whittaker <JWhittaker@campbelltown.sa.gov.au>; Domenic Barbaro <cr.barbaro@campbelltown.sa.gov.au>; Johanna McLuskey <cr.mcluskey@campbelltown.sa.gov.au>; Luci Blackborough <cr.blackborough@campbelltown.sa.gov.au>; John Kennedy <cr.kennedy@campbelltown.sa.gov.au>; Elena Casciano <cr.casciano@campbelltown.sa.gov.au>; Anna Leombruno <cr.leombruno@campbelltown.sa.gov.au>; Sue Irvine <cr.irvine@campbelltown.sa.gov.au>; Matthew Noble <cr.noble@campbelltown.sa.gov.au>; Therese Britton - La Salle <cr.brittonlasalle@campbelltown.sa.gov.au>; John Flynn <cr.flynn@campbelltown.sa.gov.au>
Cc: Paul Di Iulio <PDilulio@campbelltown.sa.gov.au>; Lachlan Miller <lmiller@ahc.sa.gov.au>
Subject: Adelaide Hills Council's Deputation - 2 June 2020 - Boundary Change Survey

Good afternoon Members

I am writing to you on behalf of Mayor Wisdom and Deputy Mayor Daniell from the Adelaide Hills Council (AHC) in relation to their upcoming deputation at your 2 June 2020 Ordinary meeting.

The topic of the deputation is the Council Boundary Change Proposal Survey which was conducted in November/December 2019 with the affected residents in Rostrevor (AHC) and Woodforde.

To provide some background to the deputation, please find attached the Council Boundary Change Proposal Survey Report, which sets out the survey process and the results.

If you would like any further information in relation to the survey process, please do not hesitate to contact me.

Regards

Lachlan Miller
Executive Manager Governance & Performance

p 08 8408 0516
e lmiller@ahc.sa.gov.au
w ahc.sa.gov.au

6360420
Document No. 61

From:Lachlan Miller
Sent:Mon, 1 Jun 2020 16:22:26 +0930
To:Paul Di Iulio
Cc:Andrew Aitken;CEORecords;Lachlan Miller
Subject:RE: TRIM: RE: Adelaide Hills Council's Deputation - 2 June 2020 - Boundary Change Survey
Attachments:200602 Council Boundary Change Survey v1.1.pptx

Hello again Paul

Please find attached the presentation for tomorrow night's deputation.

I am still awaiting your response on the control of the presentation. Mayor Wisdom's preference would be for her to control the PowerPoint via share screen, if possible.

Regards

Lachlan Miller
Executive Manager Governance & Performance

Ext. 516

From: Lachlan Miller
Sent: Monday, 1 June 2020 12:41 PM
To: 'Paul Di Iulio'
Cc: Andrew Aitken; CEORecords; Lachlan Miller
Subject: TRIM: RE: Adelaide Hills Council's Deputation - 2 June 2020 - Boundary Change Survey

Hello Paul

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1. I hadn't received any indication that the report had been provided to your Elected Members when we originally sent it through in January
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Thanks in anticipation.

Regards

Lachlan Miller
Executive Manager Governance & Performance

Ext. 516

From: Paul Di Iulio [mailto:PDilulio@campbelltown.sa.gov.au]
Sent: Saturday, 30 May 2020 9:16 AM
To: Lachlan Miller
Cc: Andrew Aitken; CEORecords
Subject: RE: Adelaide Hills Council's Deputation - 2 June 2020 - Boundary Change Survey

Thanks Lachlan for copying me into this email. However as we operate in a very open and transparent way at Campbelltown we provided all this information to our Elected Members over a week ago so they had the opportunity to read the report prior to the deputation.

If you have any further information that you would like our Elected Members to review, I would be more than happy to distribute it for you.

We look forward to hearing from your Mayor and Deputy Mayor on Tuesday night and as Andrew confirmed last week they will be providing their power point presentation to us by 5.00pm on Monday s to upload it, in readiness for the meeting.

If there is any further assistance you would like us to undertake please contact me at your convenience.

Regards

Paul Di Iulio
Chief Executive Officer

 **CAMPBELLTOWN**
CITY COUNCIL

T +61 8 83669247
F +61 8 83373818
M +61 418856085
E PDilulio@campbelltown.sa.gov.au
W www.campbelltown.sa.gov.au



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From: Lachlan Miller <lmiller@ahc.sa.gov.au>

Sent: Friday, 29 May 2020 5:03 PM

To: Jill Whittaker <JWhittaker@campbelltown.sa.gov.au>; Domenic Barbaro <cr.barbaro@campbelltown.sa.gov.au>; Johanna McLuskey <cr.mcluskey@campbelltown.sa.gov.au>; Luci Blackborough <cr.blackborough@campbelltown.sa.gov.au>; John Kennedy <cr.kennedy@campbelltown.sa.gov.au>; Elena Casciano <cr.casciano@campbelltown.sa.gov.au>; Anna Leombruno <cr.leombruno@campbelltown.sa.gov.au>; Sue Irvine <cr.irvine@campbelltown.sa.gov.au>; Matthew Noble <cr.noble@campbelltown.sa.gov.au>; Therese Britton - La Salle <cr.brittonlasalle@campbelltown.sa.gov.au>; John Flynn <cr.flynn@campbelltown.sa.gov.au>

Cc: Paul Di Iulio <PDilulio@campbelltown.sa.gov.au>; Lachlan Miller <lmiller@ahc.sa.gov.au>

Subject: Adelaide Hills Council's Deputation - 2 June 2020 - Boundary Change Survey

Good afternoon Members

I am writing to you on behalf of Mayor Wisdom and Deputy Mayor Daniell from the Adelaide Hills Council (AHC) in relation to their upcoming deputation at your 2 June 2020 Ordinary meeting.

The topic of the deputation is the Council Boundary Change Proposal Survey which was conducted in November/December 2019 with the affected residents in Rostrevor (AHC) and Woodforde.

To provide some background to the deputation, please find attached the Council Boundary Change Proposal Survey Report, which sets out the survey process and the results.

If you would like any further information in relation to the survey process, please do not hesitate to contact me.

Regards

Lachlan Miller
Executive Manager Governance & Performance

p 08 8408 0516

e lmiller@ahc.sa.gov.au

w ahc.sa.gov.au



Rostrevor/ Woodforde Boundary Change Proposal Survey



2 June 2020

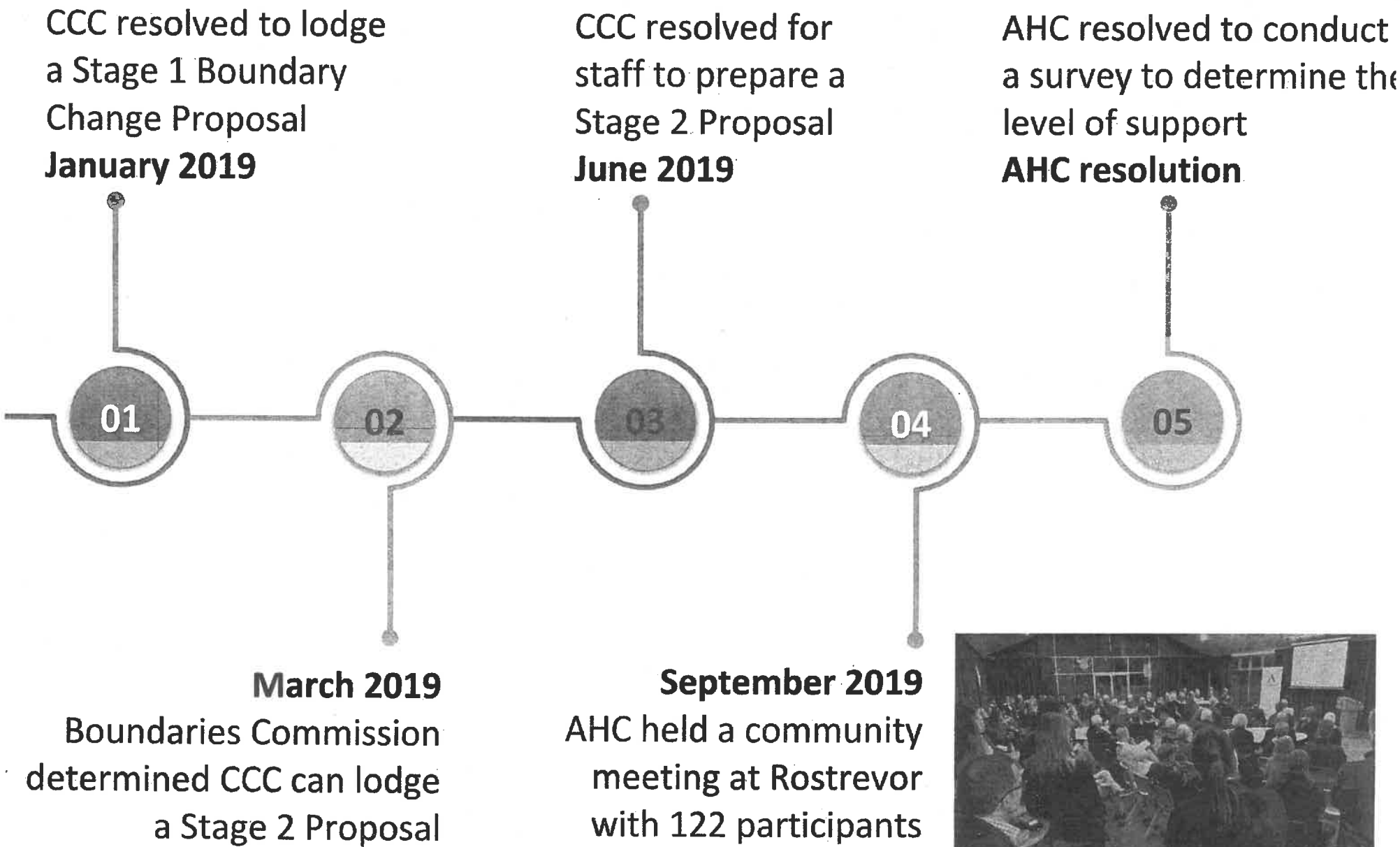
Purpose

The purpose of this presentation is to provide Campbelltown City Council (CCC) with:

- An overview of the results of Council Boundary Change Proposal Survey undertaken in November/December 2019
- The Adelaide Hills Council's (AHC) resolution regarding the Boundary Change Proposal Survey Result

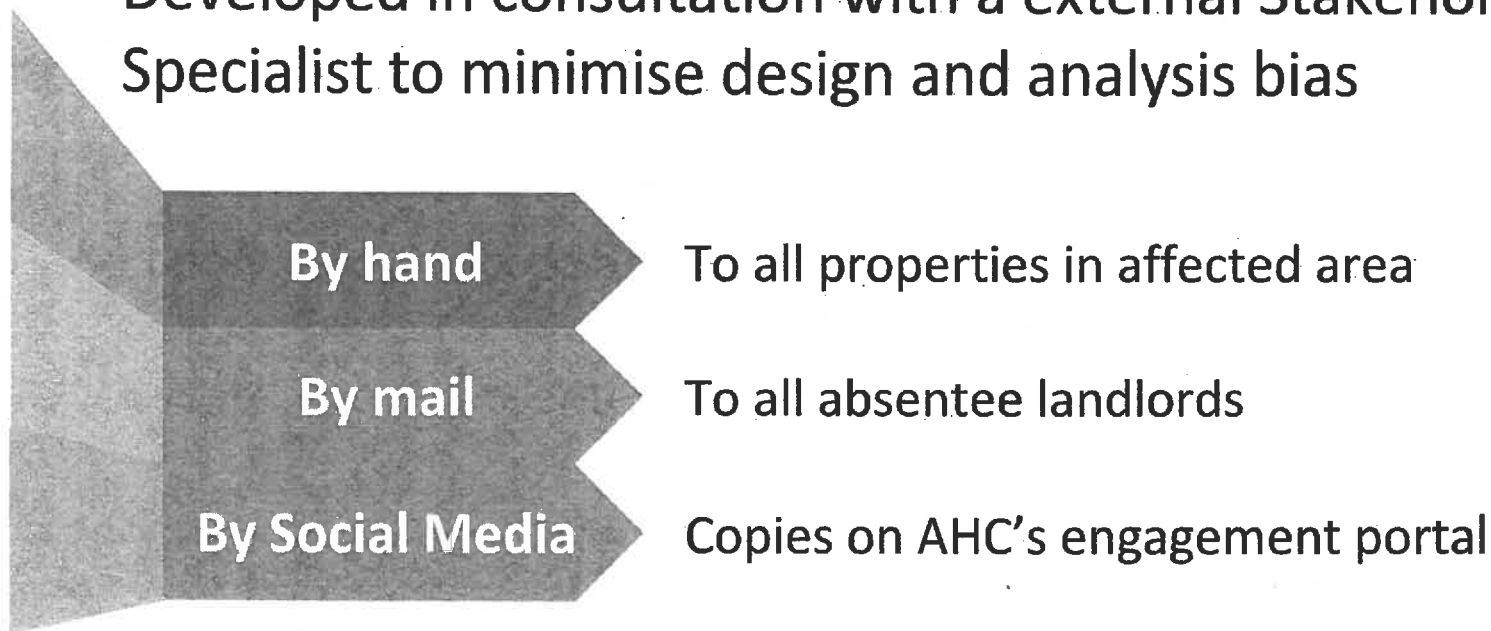


Steps leading to survey

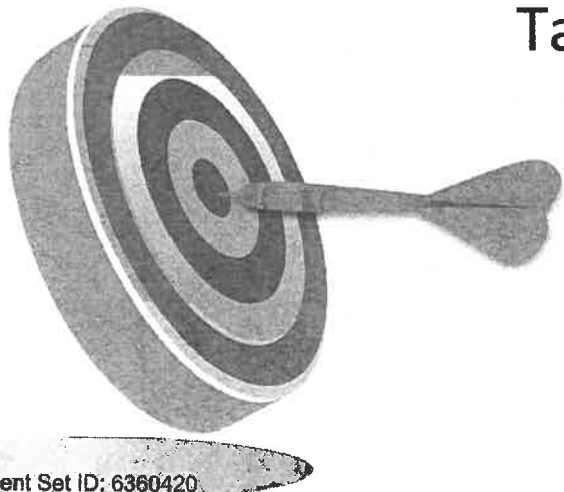


Survey Approach

Developed in consultation with a external Stakeholder Engagement Specialist to minimise design and analysis bias

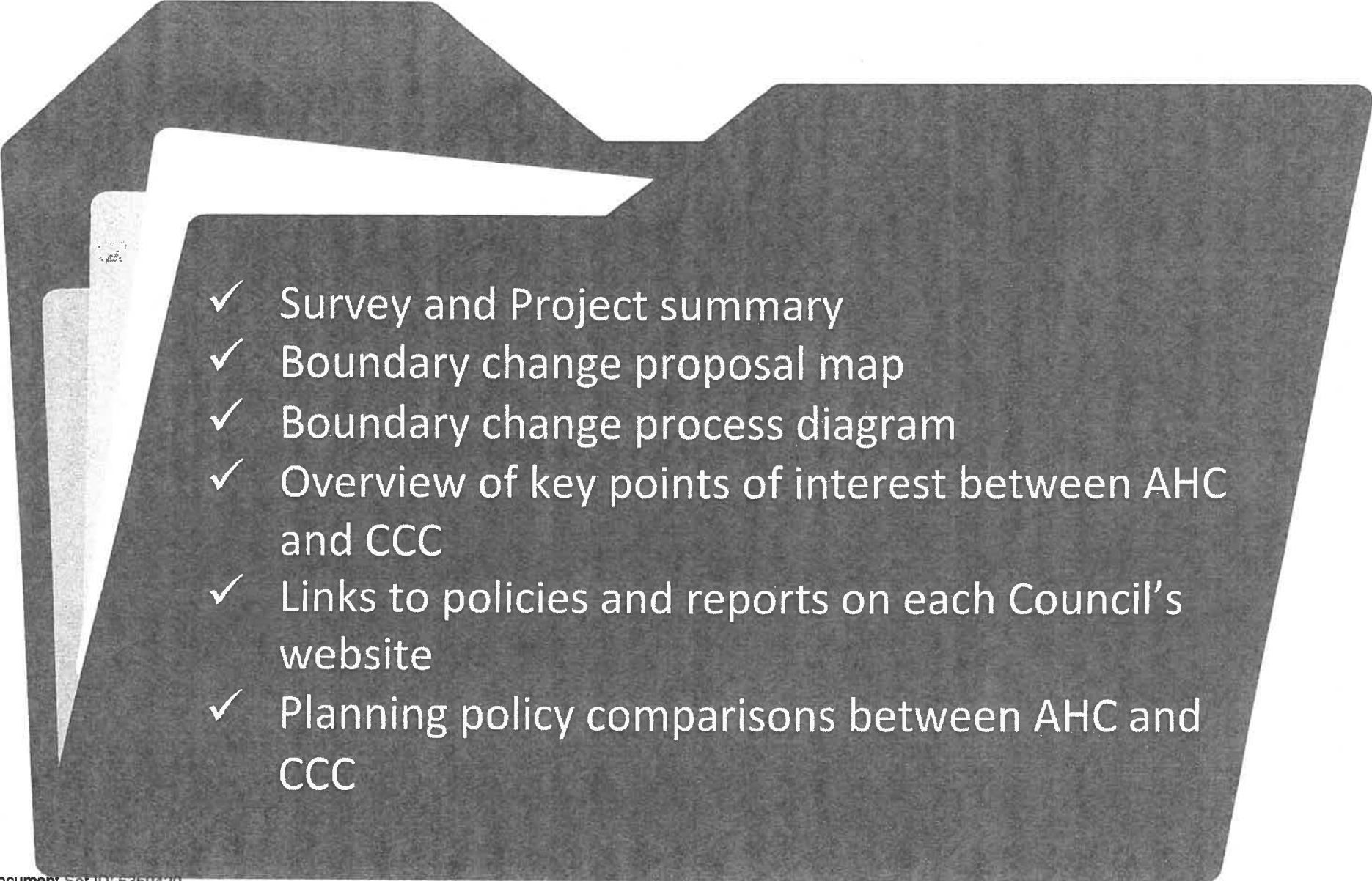


Target audience



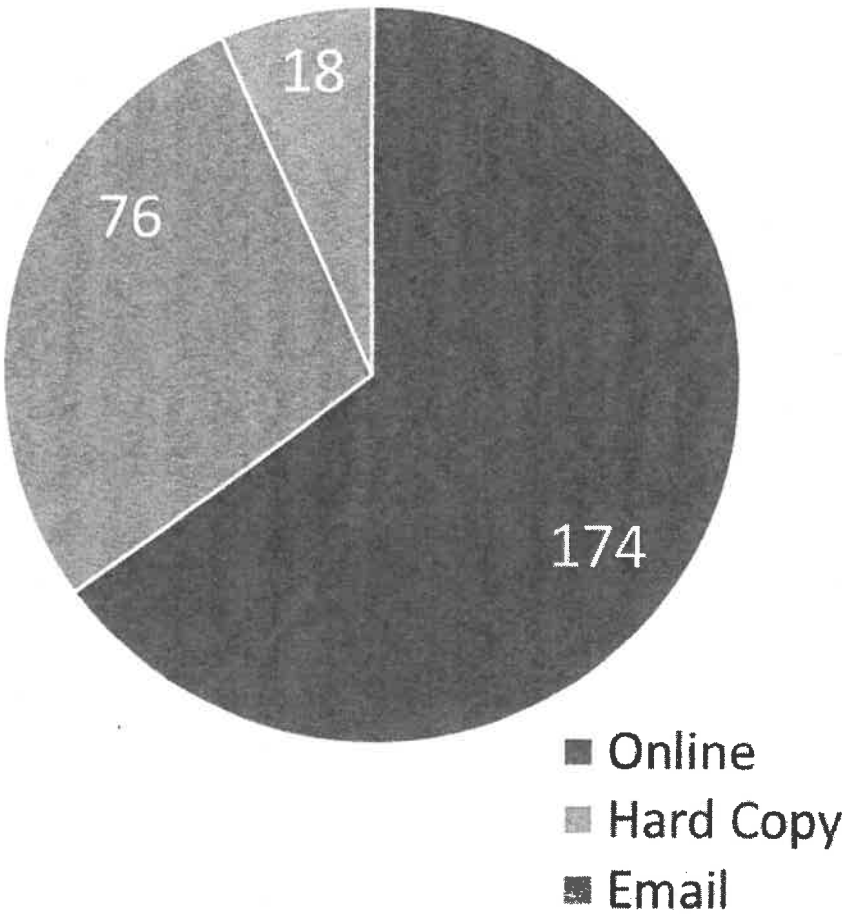
- All residents (18 and above) and ratepayers in the affected area
- Multiple household responses accepted as long as separate respondents

Survey Pack

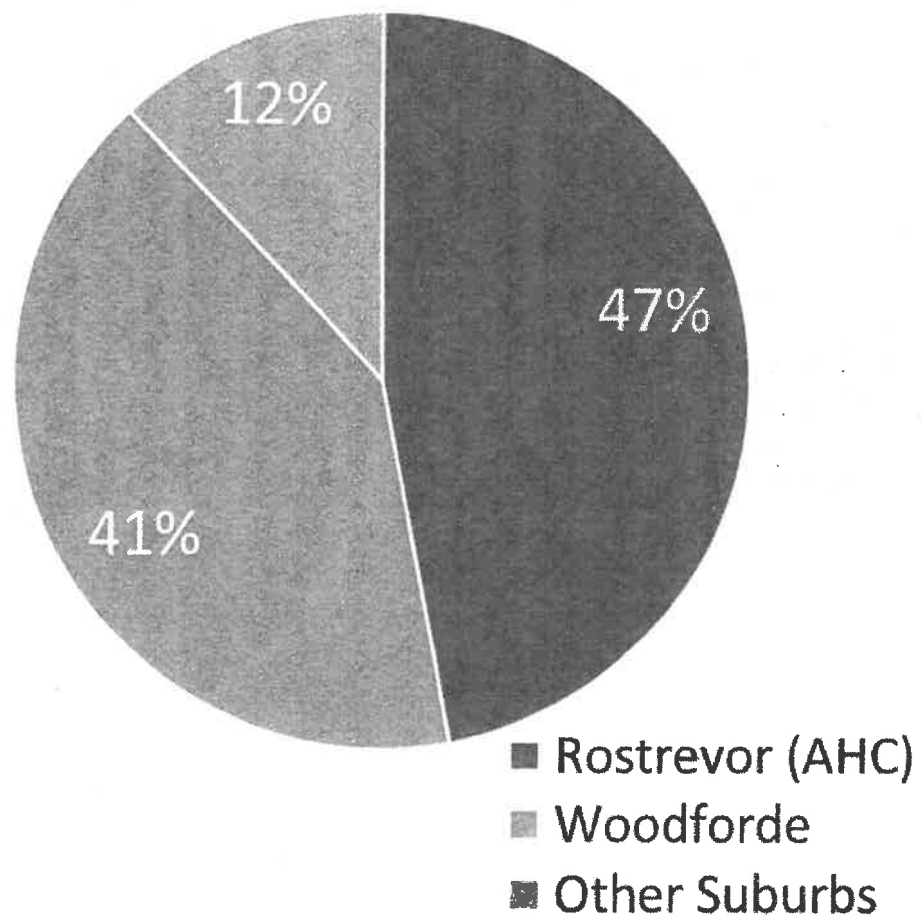
- 
- ✓ Survey and Project summary
 - ✓ Boundary change proposal map
 - ✓ Boundary change process diagram
 - ✓ Overview of key points of interest between AHC and CCC
 - ✓ Links to policies and reports on each Council's website
 - ✓ Planning policy comparisons between AHC and CCC

Survey Results (268 respondents)

How participants responded



Where participants reside

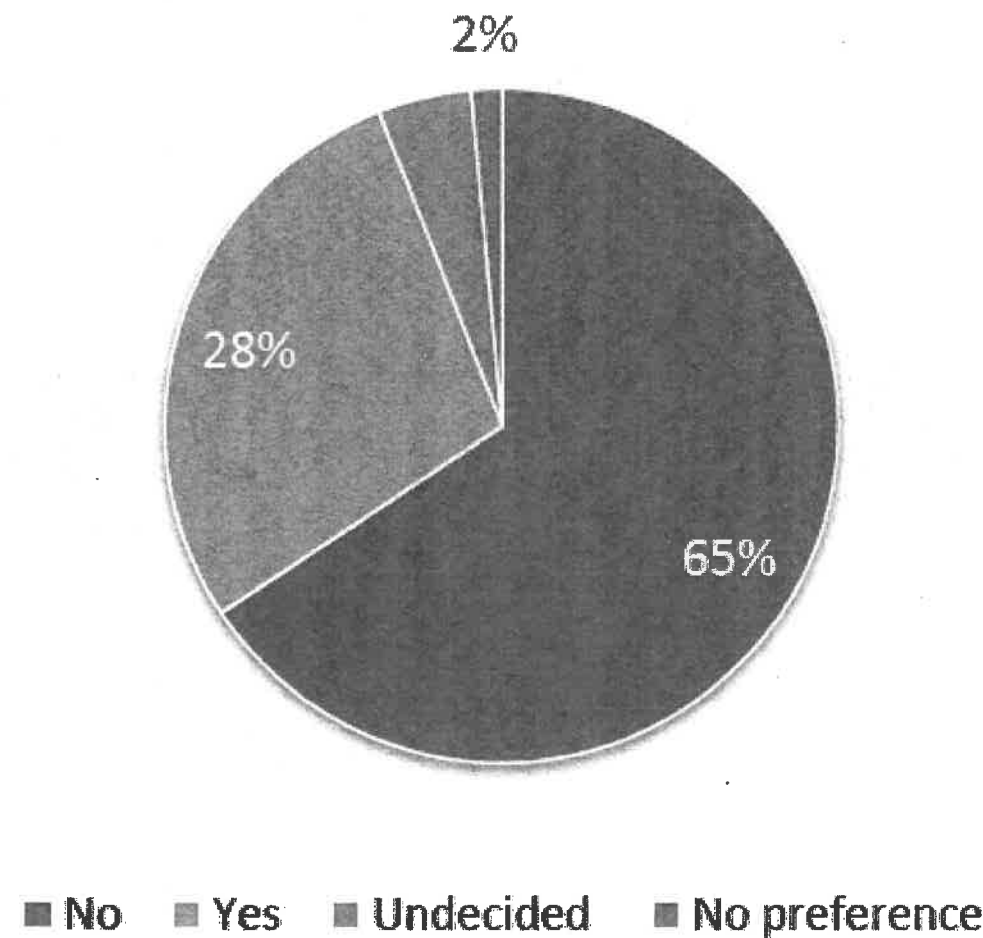


Survey Results: Overall

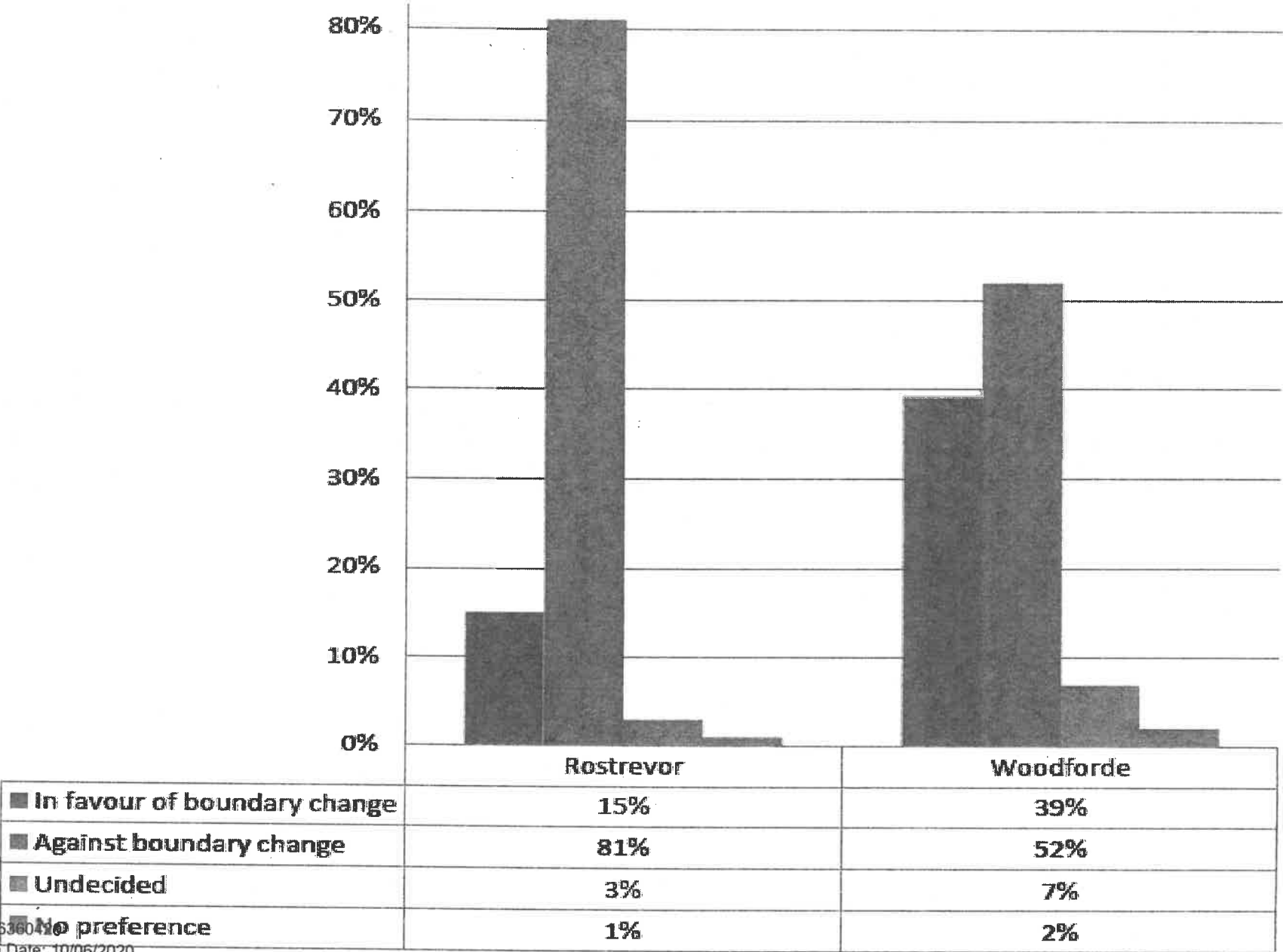
Level of support:

- 65% against the proposal
- 28% in favour:
- 5% undecided
- 2% no preference

Do you support the Campbelltown City Council's boundary change proposal?

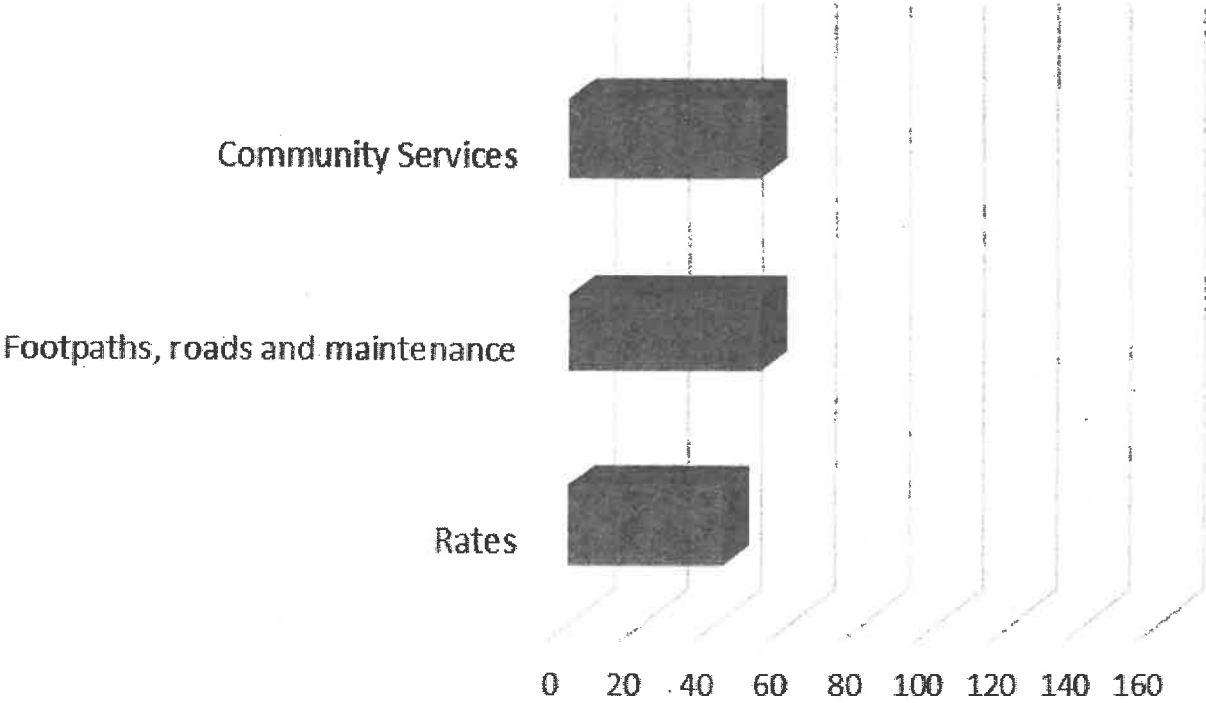


Survey Results: Suburb breakdown



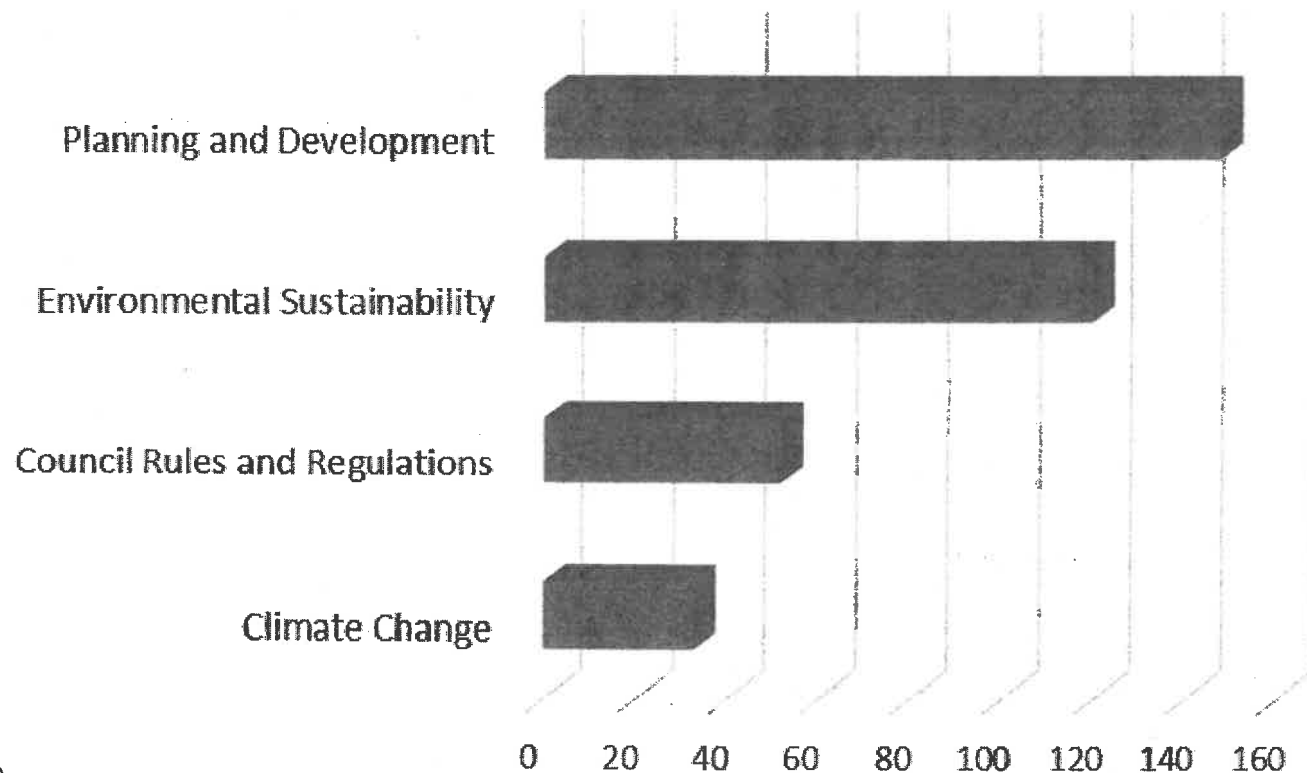
Survey Results – Key Issues For

- Community services (n = 52)
- Footpaths, road and park maintenance (n = 52)
- Rates (n = 42)
- Geographic location (general commentary)



Survey Results – Key Issues Against

- Planning and development (n = 148)
- Environmental sustainability (n = 120)
- Council rules and regulations (n = 52)
- Climate change (n = 33)



Communication of Survey Results

- ✓ All survey respondents
- ✓ CCC Mayor
- ✓ Boundaries Commission
- ✓ Minister for Local Government
- ✓ Opposition Spokesman for Local Government
- ✓ Member for Morialta

AHC's Response to the Survey Results

At its 28 January 2020 meeting, Council resolved:

To recognise and accept that the majority of Rostrevor (AHC) and Woodforde community respondents in the Council Boundary Change Survey are against the boundary change proposal. As such, Council requests that Campbelltown City Council, in light of these results, consider withdrawing their proposal with the Boundaries Commission.

This resolution was communicated to CCC on 6 February.



Document No. 62
6358064

From: Lachlan Miller
Sent: Tue, 2 Jun 2020 10:25:43 +0930
To: mail
Cc: Lachlan Miller
Subject: Attention Public Question Time

Hello

Please find below an email from a member of the public who mistakenly sent it to Adelaide Hills Council rather than Campbelltown City Council.

It appears to be for the public question time for tonight's meeting.

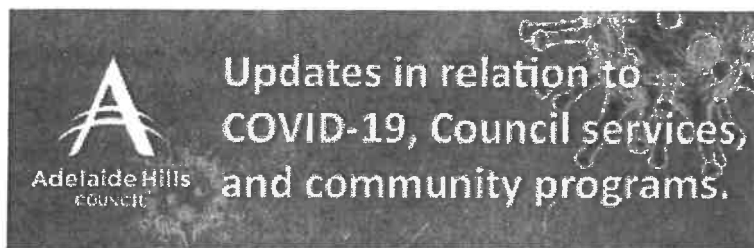
I have let [REDACTED] know by email and advised him that I would forward it to you, but he may also resend it.

Thanks in anticipation

Lachlan Miller
Executive Manager Governance & Performance

p 08 8408 0516
e lmiller@ahc.sa.gov.au
w ahc.sa.gov.au

Visit me at: 63 Mount Barker Road, Stirling SA 5152
PO Box 44 Woodside SA 5244



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From: [REDACTED]
Sent: Tuesday, 2 June 2020 12:11 AM
To: Sarah Hill
Cc: gabriellebegg@yahoo.com
Subject: Attention Public Question Time

Council.

As a resident of Rostrevor in the Adelaide Hills Council it has been purported to me that the Campbelltown Councils proposal for boundary change has been driven (In part) by residents in the area with a desire, among others, to access closer Council Services.

QUESTION: To save me the time and expense of a freedom of information application can the Council please advise exactly how many residents (properties) have approached the Council seeking boundary change, noting I seek the number of individual letters, emails and phone calls and over what period of time, but importantly do not seek any personal information.

NOTE: It is particularly relevant for the intent of my question if only a small number of resident have communicated on numerous occasions and these are being incorrectly counted as a total number of representations.

Regards,



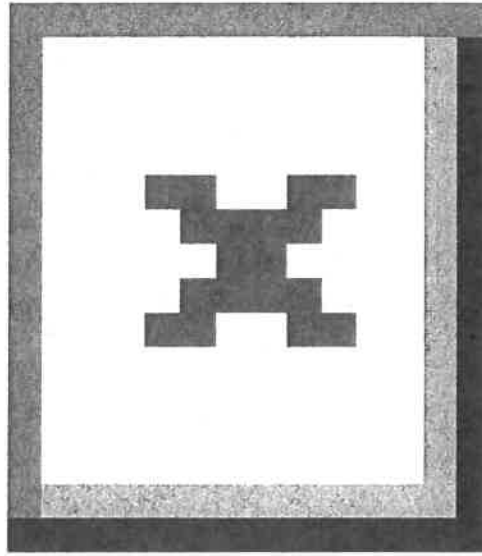
Sent from my iPad

On Jun 1, 2020, at 1:01 PM, Adelaide Hills Council <engage@ahc.sa.gov.au> wrote:

Council Deputation tomorrow 7pm

No images? [Click here](#)

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Dear Boundary Change Survey Respondent

As a participant in the Council Boundary Change Proposal Survey conducted by the Adelaide Hills Council in November / December 2019, we'd like to update you regarding a presentation being made to Campbelltown City Council tomorrow night by our Council.

Following the close of the survey, Council emailed you the results and these are available on our [Engagement Site](#). To recap, the overall results were:

- 268 respondents
- 65% of all respondents were against the boundary change proposal

- 28% of respondents were in favour
- 7% of respondents were undecided or had no preference

When the survey results were considered by the Adelaide Hills Council, the Mayor and Councillors resolved:

To recognise and accept that the majority of Rostrevor (AHC) and Woodforde community respondents in the Council Boundary Change Survey are against the boundary change proposal. As such, Council requests that Campbelltown City Council, in light of these results, consider withdrawing their proposal with the Boundaries Commission.

Mayor Wisdom wrote to the Campbelltown City Council to convey this resolution and has since been seeking an opportunity to make a deputation to that Council to present the survey results and the Adelaide Hills Council's resolution.

Approval has finally been given after a number of refusals, and Mayor Jan-Claire Wisdom and Deputy Mayor Nathan Daniell will be making a deputation at the Campbelltown Council's meeting tomorrow night (Tuesday 2 June). Due to the social distancing restrictions the meeting will be conducted remotely and can be viewed via the Campbelltown Council's on-line [live stream](#). The meeting starts at 7.00pm and the deputation should be in the first 10 minutes.

If you would like to ask a question of the Campbelltown Council you can do so by lodging a question to email mail@campbelltown.sa.gov.au with the subject line 'Attention - Public Question Time' by 12 noon on the day of the meeting (2 June). The question will be read out and a response will be provided in the meeting.

Thank you again for your participation in the survey and be assured that the Adelaide Hills Council will continue to represent your interests as the boundary change process continues.

Kind regards

Sarah
Community Engagement Coordinator
Adelaide Hills Council



Share



Adelaide Hills Council

6359908

Document No. 63

From: Paul Di Iulio
Sent: Thu, 4 Jun 2020 21:31:13 +0930
To: ExecSupport - DG
Subject: Fwd: Response to your question to Council during Public Question time

Please file

Regards

Paul Di Iulio
Chief Executive Officer

📞 +61 8 83669247
📞 +61 8 83373818
📞 +61 418856085
✉ PDilulio@campbelltown.sa.gov.au
🌐 www.campbelltown.sa.gov.au

Begin forwarded message:

From: [REDACTED]
Date: 4 June 2020 at 9:15:07 pm ACST
To: Paul Di Iulio <PDilulio@campbelltown.sa.gov.au>
Subject: Re: Response to your question to Council during Public Question time

Paul,
Thank you for your prompt and detailed response.
As you have gathered by now there are a significant number of residents who are well organized, resourced and passionately opposed to the switch. Looking at some of the subdivisions in the Campbelltown Council area I must say do not have confidence in the planning decisions of your council. Some begger belief to be frank.
This is a unique area with wildlife and tranquility and those living here are not prepared to roll the dice on a promise. It is easier to trust in the past actions of a Council than promises of another.
Having said that, I understand there would be a minority who seek to subdivide and develop (or as you say genuinely want to change the boundary), but unlike the moonlight markets the outcomes here are permanent and life changing. I lived in a box house in Prospect and moved here to get away from the noise of the neighbors television!
Thank you again for your reply, it is very much appreciated.
Kind regards

[REDACTED]

Sent from my iPad

On Jun 4, 2020, at 4:49 PM, Paul Di Iulio
<PDiIulio@campbelltown.sa.gov.au> wrote:

Dear [REDACTED]

Thank you for your email and question for Council's Public Question Time for last Tuesday night's meeting.

This topic has been discussed often over several years. When residents have raised this with Elected Members or staff informally we would not have recorded those details. Under the previous legislation, 20 residents were required to initiate a proposal and I was advised by Woodforde Residents that there were 20 residents keen to do this.

With a brief search of our records system we found evidence of 3 residents who expressed a desire to join Campbelltown. We also have records of 6 verbal conversations with residents passionately supporting the move to Campbelltown that have been had since the boundary realignment proposal was raised. The Boundary Change has also been discussed for several years between the two Councils, with a number of meetings between the Mayors and CEOs of both Council.

When a resident raises something that we think makes sense, we will consider it. For example, our very successful Moonlight Markets was just one person's idea, and as we considered the idea had merit, we explored it. The actual number of people that have contacted us in the past is of less importance to the number of residents who express an interest in coming to Campbelltown when we engage with them in a formal way.

Please feel free to contact me if you require any further information.

Regards

Paul Di Iulio
Chief Executive Officer

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fd582e96c858.png> b208-f3ddb679df9a.png>

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+61 8 83373818
<EmailcontactlettersM_e691d38e-b6b6-498b-9beb-c0b120f49c28.png>
+61 418856085
<EmailcontactlettersE_5d8609d5-016e-448d-bc8a-7cff961ab4d9.png>
PDilulio@campbelltown.sa.gov.au
<EmailcontactlettersW_78709b51-bc7b-4ea2-bae1-2988c892c3eb.png>
www.campbelltown.sa.gov.au

<COVID19Volunteersandwhywasteitcompost_c174d97a-e21a-49d6-b9a0-1e697cecd44b.png>

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<YouTube64_5x15_3503fa92-f811-4f7d-bcc1-7ecea290209f.png>

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From: [REDACTED]
Sent: Tuesday, 2 June 2020 12:11 AM
To: Sarah Hill
Cc: gabriellebegg@yahoo.com
Subject: Attention Public Question Time

Council.

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NOTE: It is particularly relevant for the intent of my question if only a small number of resident have communicated on numerous occasions and these are being incorrectly counted as a total number of representations.

Regards,

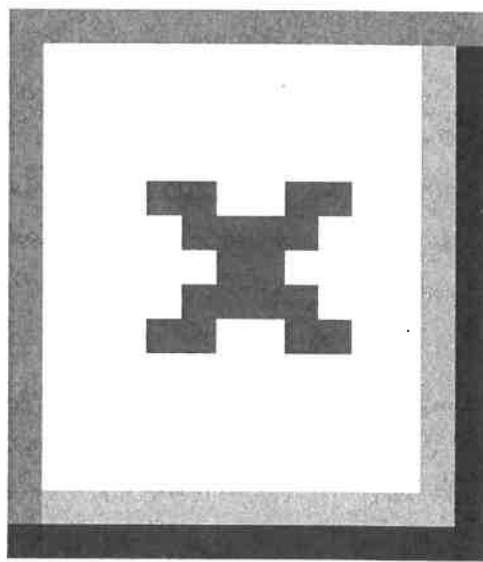


Sent from my iPad

On Jun 1, 2020, at 1:01 PM, Adelaide Hills Council
<engage@ahc.sa.gov.au> wrote:

Council Deputation tomorrow 7pm

No images? [Click here](#)



Dear Boundary Change Survey Respondent

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Mayor Wisdom wrote to the Campbelltown City Council to convey this resolution and has since been seeking an opportunity to make a deputation to that Council to present the survey results and the Adelaide Hills Council's resolution.

Approval has finally been given after a number of refusals, and Mayor Jan-Claire Wisdom and Deputy Mayor Nathan Daniell will be making a deputation at the Campbelltown Council's meeting tomorrow night (Tuesday 2 June). Due to the social distancing restrictions the meeting will be conducted remotely and can be viewed via the Campbelltown Council's on-line live stream. The meeting starts at 7.00pm and the deputation should be in the first 10 minutes.

If you would like to ask a question of the Campbelltown Council you can do so by lodging a question to email mail@campbelltown.sa.gov.au with the subject line 'Attention - Public Question Time' by 12 noon on the day of the meeting (2 June). The question will be read out and a response will be provided in the meeting.

Thank you again for your participation in the survey and be assured that the Adelaide Hills Council will continue to represent your interests as the boundary change process continues.

Kind regards

Sarah
Community Engagement Coordinator
Adelaide Hills Council



Adelaide Hills Council



Michelle Bell

From: Paul Di Iulio
Sent: Thursday, 4 June 2020 8:11 PM
To: CEORecords
Subject: Fwd: Campbelltown/Adelaide Hills Proposed Boundary Re-alignment

Please file

Regards

Paul Di Iulio
Chief Executive Officer

📞 +61 8 83669247
📠 +61 8 83373818
📠 +61 418856085
✉ PDilulio@campbelltown.sa.gov.au
🌐 www.campbelltown.sa.gov.au

Begin forwarded message:

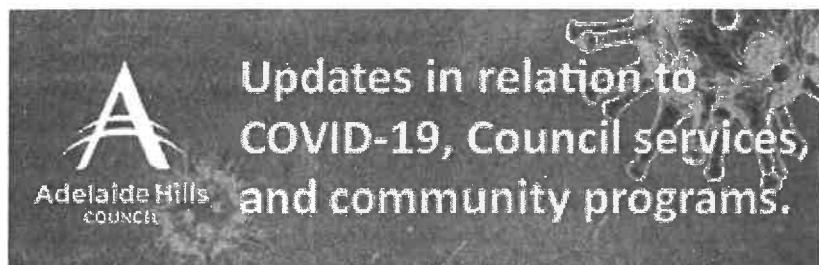
From: Andrew Aitken <aaitken@ahc.sa.gov.au>
Date: 4 June 2020 at 7:38:03 pm ACST
To: Paul Di Iulio <PDilulio@campbelltown.sa.gov.au>
Cc: CEORecords <CEORecords@campbelltown.sa.gov.au>, Michelle Hammond <MHammond@campbelltown.sa.gov.au>, Pam Williams <pwilliams@ahc.sa.gov.au>
Subject: RE: Campbelltown/Adelaide Hills Proposed Boundary Re-alignment

Hi Paul

I acknowledge receipt of your email and will provide a considered response in due course.

Regards
Andrew

Andrew Aitken – Chief Executive Officer | Adelaide Hills Council
ext. 438



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From: Paul Di Iulio [mailto:PDiiulio@campbelltown.sa.gov.au]
Sent: Thursday, 4 June 2020 10:44 AM
To: Andrew Aitken
Cc: CEORecords; Michelle Hammond
Subject: Campbelltown/Adelaide Hills Proposed Boundary Re-alignment

Hi Andrew

As you are aware Mayor Wisdom and Deputy Mayor Daniell provided our Council with a Deputation on Tuesday night and we are grateful for their time and the information they provided. Although I would say, I still think it would have been better to have an briefing session/workshop with both Councils as it would have allowed a more informal discussion that is not available through a deputation and general meeting procedures.

Mayor Wisdom indicated that you would provide us with the information we have requested, if we put the request in writing and as long as it doesn't consume excess staff resources and in turn cost your resident's a considerable amount of money. I was a bit confused by this as we have requested it via email in the past and from the advice my Staff have given me, this information would be readily available to you and it would not consume excess staff resources to provide us with the information.

Therefore in light of Mayor Wisdom's commitment, we specifically request the following information for the relevant area:

- Names and addresses (preferably property and postal addresses)
- Capital Valuations
- Asset Management Data (Current replacement cost, written down values, total useful life and remaining useful life of individual infrastructure assets)

I believe the names and addresses would be readily available to your staff given that you have corresponded with these residents during the course of the Boundary Change discussion. I also believe that this information, including the capital values would be readily available as an extract from the Council Assessment Book or the Rate Notice Extract.

I acknowledge the Asset Management Data may not be as readily available, however it should be relatively simple to extract.

Can you please advise if you will be able to provide the names and addresses and capital valuations by 22 June 2020, and whether this will require excess staff resources, in which case will there be a charge for providing this information to Campbelltown?

In addition can you please advise if you will be able to provide the Asset Management Data and if so when you expect to be able to provide that data to us, and whether there will be a cost of that information?

As you are aware we were very keen to work closely and together on this, as per the meeting that Michelle Hammond and I had with you and Lachlan Miller before any public meeting or survey was undertaken. Mayor Wisdom suggested that we should undertake our own survey, which indeed we will have to, however that is disappointing as we see that as an inconvenience to the affected residents, and it would have been far better to undertake this survey together to minimise the inconvenience to then by ensuring they only needed to provide feedback once.

Mayor Wisdom also indicated that your Council has worn all of the cost so far, and we haven't undertaken any community engagement at all. I must say I was disappointed to hear that as I think

it is fair to say we have been seeking information from you for some time. We have found it extremely difficult to engage with your residents as we don't have their names and addresses and we also wanted to work with you on the survey which would have significantly reduced the costs you have already incurred.

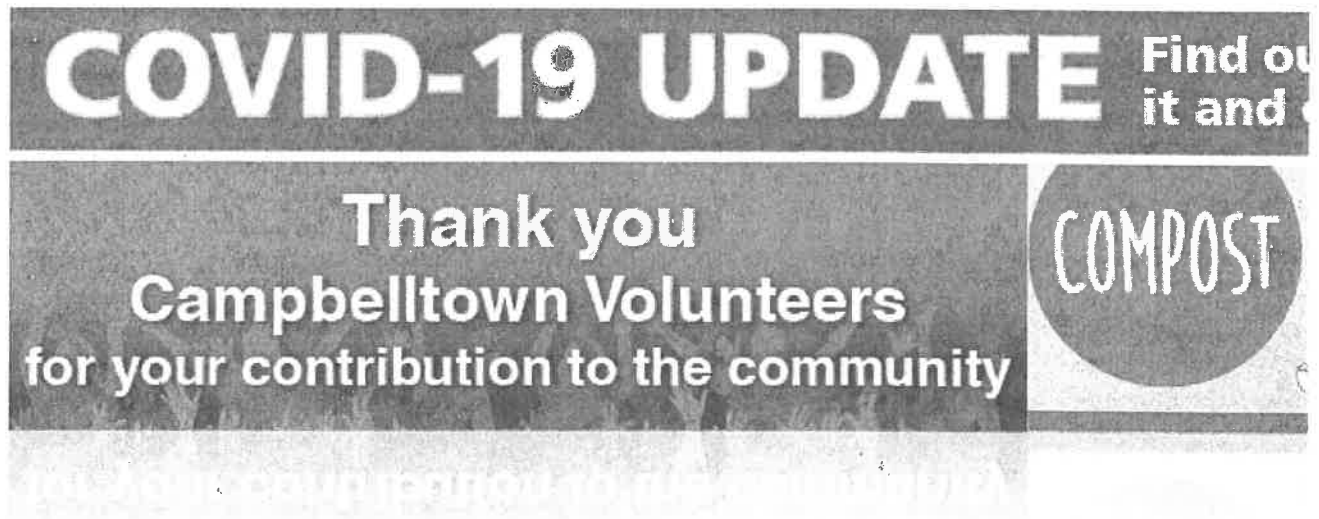
I look forward to hearing from you and hope that we can work together on this matter in a very timely manner.

Regards

Paul Di Iulio
Chief Executive Officer



T +61 8 83669247
F +61 8 83373818
M +61 418856085
E PDilulio@campbelltown.sa.gov.au
W www.campbelltown.sa.gov.au



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From: Elisa Rose
Sent: Fri, 5 Jun 2020 09:32:23 +0930
To: Caroline Moeller
Subject: Re: Boundary Commission Proposal

Thank you Caroline - much appreciated.

Kind Regards,

Elisa Rose
Journalist

P: 08 8391 1388 | M: 0432 963 821
E: elisa@courier.net.au | W: www.courier.net.au



On 5 Jun 2020, at 9:25 am, Caroline Moeller <CMoeller@campbelltown.sa.gov.au> wrote:

Thank you for your email Elisa

Council has received your email and will respond before your deadline.

Kind regards

Caroline.

Caroline Moeller
Executive Services Officer

<Logo86x71_75014e49<EmailcontactlettersT_906fa699-2873-415a-b208-f3ddb679df9a.png> +61
-aed5-490e-adc6- 8 83669239
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7cff961ab4d9.png> CMoeller@campbelltown.sa.gov.au
<EmailcontactlettersW_78709b51-bc7b-4ea2-bae1-
2988c892c3eb.png> www.campbelltown.sa.gov.au

<COVID19Volunteersandwhywasteitcompost c174d97a-e21a-49d6-b9a0-
1e697cecd44b.png>

[<Facebook19x19_19cf1ed7-c526-43d1-934c-5d8ecf2a0e8f.png>](#) [<Instagram19x19_a8d1b519-0a24-40b8-ae3-120ff3ab06a2.png>](#) [<Twitter19x22_76ba2a47-167a-487f-9dcf-d0b0ce0e677c.png>](#) [<LinkedIn19x22_0fbf0e11-2c1c-4087-84b6-4a9790e17c79.png>](#) [<YouTube64_5x15_3503fa92-f811-4f7d-bcc1-7ecea290209f.png>](#)

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From: Elisa Rose <Elisa@courier.net.au>

Sent: Thursday, June 4, 2020 12:21 PM

To: Caroline Moeller <CMoeller@campbelltown.sa.gov.au>

Subject: Boundary Commission Proposal

Dear Caroline and Paul,

I hope you're both well. As part of my role here at the Mt Barker Courier I cover the Adelaide Hills Council and as such have watched the deputation made by the council at the CCC meeting on Tuesday night. I'm writing a report on that part of the meeting and was hoping you could help me by answering some questions for me.

At the meeting a Rostrevor resident asked how many AHC residents had contacted the council expressing interest in moving to CCC. I understand from the response that there may be some people who have contacted the council via phone or via their local councillor and that these figures may not be available. However, at the meeting the resident was told he could be given the figure of written correspondence from AHC residents interested in becoming part of CCC.

1. I was hoping you could provide for me the number of such written requests from AHC residents to the CCC prior to CCC lodging the State 1 submission and in what time frame these requests were received?
2. I understand from the meeting that the CCC has requested, and thus far been denied, some information from the AHC. What information has the CCC sought, and been denied, from the AHC to support its stage 2 proposal?

3. AHC claims it has offered the CCC for a fee and that this offer was rejected. Is this the case and if so, why did the CCC decide not to accept that offer?

4. At the meeting Cr Noble said he had concerns that the AHC survey was not independent and asked whether the AHC would commit to a survey that was fully independent and approved by both councils. Does the CCC believe the survey sent out by AHC was biased in anyway or lacking independence and if so, what are the CCC's particular concerns about the survey (eg. were there particular questions/information that CCC believes were an issue)?

5. After the deputation, Mayor Whittaker said the CCC would consider the AHC request to withdraw the proposal after it had received the information it had requested and was in a position to properly consider the AHC request. Has this position changed at all since the meeting?

Thank you for your help, it is much appreciated. We print on Tuesdays and as such my deadline for this story is COB on Monday.

Kind Regards,

Elisa Rose
Journalist

P: 08 8391 1388 | M: 0432 963 821
E: elisa@courier.net.au | W: www.courier.net.au

<image001.jpg>

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<EmailcontactlettersM_e691d38e-b6b6-498b-9beb-c0b120f49c28.png>

Michelle Bell

From: Paul Di Iulio
Sent: Monday, 8 June 2020 1:55 PM
To: Elisa@courier.net.au
Cc: CEORecords; Caroline Moeller
Subject: FW: Boundary Commission Proposal

Hi Elisa

Please see my answers to your questions below

Regards

Paul Di Iulio
Chief Executive Officer

📞 +61 8 83669247
📞 +61 8 83373818
📠 +61 418856085
✉ PDilulio@campbelltown.sa.gov.au
🌐 www.campbelltown.sa.gov.au

From: Elisa Rose <Elisa@courier.net.au>
Sent: Thursday, June 4, 2020 12:21 PM
To: Caroline Moeller <CMoeller@campbelltown.sa.gov.au>
Subject: Boundary Commission Proposal

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At the meeting a Rostrevor resident asked how many AHC residents had contacted the council expressing interest in moving to CCC. I understand from the response that there may be some people who have contacted the council via phone or via their local councillor and that these figures may not be available. However, at the meeting the resident was told he could be given the figure of written correspondence from AHC residents interested in becoming part of CCC.

1. I was hoping you could provide for me the number of such written requests from AHC residents to the CCC prior to CCC lodging the State 1 submission and in what time frame these requests were received?

With a brief search of our records system we found evidence of 3 residents who expressed a desire to join Campbelltown, and records of 6 verbal conversations with residents passionately supporting the move to Campbelltown since the boundary realignment proposal was raised. The Boundary Change has also been discussed for several years between the two Councils, with a number of meetings between the Mayors and CEOs of both Council. These discussions have occurred in response to requests by residents over several years, particularly those in Woodforde who have been keen to move into the nearby Campbelltown community. The actual number of people that have contacted us in the past is of less importance to the number of residents who express an interest in coming to Campbelltown when we engage with them in a formal way.

2. I understand from the meeting that the CCC has requested, and thus far been denied, some information from the AHC. What information has the CCC sought, and been denied, from the AHC to support its stage 2 proposal?

The Boundary Reform legislation envisaged a cooperative approach by Councils that would ultimately lead to an independent decision made in the best interests of residents.

We want to have an open and sensible conversation with the residents. To do that, we have simply requested from AHC the contact details of residents and the capital value of their properties, along with relevant asset management data to help us work out the financial impact to our Council.

3. AHC claims it has offered the CCC for a fee and that this offer was rejected. Is this the case and if so, why did the CCC decide not to accept that offer?

We considered that a request for payment would set a dangerous precedent for Local Government going forward, given that we traditionally share information quite freely and transparently and assist each other wherever possible.

The contact details we are seeking are readily available to AHC and, in line with the spirit of goodwill which is the intent of this Boundary Reform legislation, we don't believe it's reasonable to be charged. If AHC had to develop the information and spend a significant amount of time extracting it, a fee may be appropriate, however we don't believe this is the case.

4. At the meeting Cr Noble said he had concerns that the AHC survey was not independent and asked whether the AHC would commit to a survey that was fully independent and approved by both councils. Does the CCC believe the survey sent out by AHC was biased in anyway or lacking independence and if so, what are the CCC's particular concerns about the survey (eg. were there particular questions/information that CCC believes were an issue)?

Our position has always been that we wanted to work closely with AHC on this matter, and consult with the residents together, to ensure minimal inconvenience to the residents. It made sense to us that the residents should only have to provide feedback once. We are not suggesting that the survey was biased in anyway. We are suggesting that some things could have been explained better, and that it would have been appropriate for us to provide some relevant information for inclusion in the survey.

5. After the deputation, Mayor Whittaker said the CCC would consider the AHC request to withdraw the proposal after it had received the information it had requested and was in a position to properly consider the AHC request. Has this position changed at all since the meeting?

Campbelltown had previously advised that we would consider the AHC request to withdraw the proposal after the Deputation and once Council has considered more information.

We also would have preferred to have a workshop with both Councils so that there could have been free and untimed discussion (as the legislation intended) to flesh out ideas and issues, rather than be confined to the rules of a Deputation during a Council Meeting. AHC declined to do this and instead pursued a Deputation.

Thank you for your help, it is much appreciated. We print on Tuesdays and as such my deadline for this story is COB on Monday.

Kind Regards,

Elisa Rose
Journalist

P: 08 8391 1388 | M: 0432 963 821
E: elisa@courier.net.au | W: www.courier.net.au



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6362583
Document No. 67

From: Paul Di Iulio
Sent: Tue, 16 Jun 2020 13:33:38 +0930
To: Michelle Hammond
Cc: CEORecords
Subject: FW: Council boundary realignment
Attachments: 200616_ccc boundary.pdf, 191121 Boundary Change Proposal Mailout - A4 version.pdf

Hi Shel

FYI, consideration and further discussion with Georgina as to how we should respond to this correspondence. I will advise the EMs that we are preparing response to this letter so they don't all respond individually.

Regards

Paul Di Iulio
Chief Executive Officer

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📠 +61 8 83373818
📠 +61 418856085
✉ PDilulio@campbelltown.sa.gov.au
🌐 www.campbelltown.sa.gov.au

From: Steve Swann <steve@swanns.net>
Sent: Tuesday, 16 June 2020 9:55 AM
To: Paul Di Iulio <PDilulio@campbelltown.sa.gov.au>; Jill Whittaker <JWhittaker@campbelltown.sa.gov.au>; Domenic Barbaro <cr.barbaro@campbelltown.sa.gov.au>; Johanna McLuskey <cr.mcluskey@campbelltown.sa.gov.au>; Luci Blackborough <cr.blackborough@campbelltown.sa.gov.au>; John Kennedy <cr.kennedy@campbelltown.sa.gov.au>; Elena Casciano <cr.casciano@campbelltown.sa.gov.au>; Anna Leombruno <cr.leombruno@campbelltown.sa.gov.au>; Sue Irvine <cr.irvine@campbelltown.sa.gov.au>; Therese Britton - La Salle <cr.brittonlasalle@campbelltown.sa.gov.au>; John Flynn <cr.flynn@campbelltown.sa.gov.au>
Subject: Council boundary realignment

Please find attached correspondence from the Morialta Residents' Association, regarding the proposal to realign your Council's boundary with the Adelaide Hills Council.

Steve Swann

Secretary,
Morialta Residents' Association

phone: (08) 8337 3264
mobile: 0409 282 734

1 Marola Avenue, Rostrevor SA 5073

<http://morialtaresidents.net>

<https://www.facebook.com/morialtaresidents>

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1 Marola Avenue, Rostrevor 5073 • 8337 3264
www.morialtaresidents.net • info@morialtaresidents.net

June 16, 2020

The Mayor and Councillors,
Campbelltown City Council,
PO Box 1,
Campbelltown SA 5074

cc: Paul Di Iulio, CEO

Boundary realignment proposal

Dear Mayor and Councillors,

The Morialta Residents' Association wishes to record its continued opposition to your boundary realignment proposal and to express concern and disappointment at the way the Adelaide Hills Council deputation was received at your June 2 meeting.

The set-piece introductory speech by the Mayor clearly implied that information provided to residents by the AHC in the lead up to its survey may have been factually incorrect, biased and not free of "political spin."

It sought to colour the AHC as uncooperative, suggested the survey of residents was not independent, that its results might not be representative and that only the "loud" voices were heard.

The survey was in fact undertaken at the request of rate-paying AHC Woodforde and Rostrevor residents, following an information session held at Rostrevor College in September 2019.

Campbelltown Council representatives were present at this information session in September. Mayor Whittaker addressed the meeting, having been invited by the AHC to present the CCC's case for change.

The main reason offered for Campbelltown initiating this expensive and exhaustive process was that CCC had been approached by "some" residents over the years, seeking to be part of Campbelltown. The specific number of residents was not revealed then, despite a direct question from the floor.

It is also claimed that AHC residents are a cost burden on CCC's services and that we "feel a greater community connection with Campbelltown."

After Mayor Whittaker's address at the beginning of the session, all representatives of the CCC left the forum, to attend your own Council meeting. Had CCC's representatives been able to stay, they would obviously have been surprised and impressed that the AHC actually did not use the opportunity to promote the case for remaining with the AHC. Their presentation was detailed, impartial and covered all of the major issues, including the potential savings in council rates that might accrue to residents if the area was to become a part of the CCC.

The way the process has been conducted by the AHC has been exemplary. Indeed it was almost a textbook case of how to fairly execute such a process. Every ratepayer in Woodforde and Morialta received the same, professionally-produced information pack and survey papers urging them to consider the issues and express their opinion. *(A copy of the survey pack is attached.)*

That you can suggest that it was only the "loud" voices which chose to respond is remarkable. Every resident had the opportunity to respond and 268 took it, the clear majority rejecting your realignment proposal. Those who did not respond can be reasonably assumed to either be happy with the status quo or be uncommitted, one way or the other.

A part of Campbelltown Council's 'pledge' is to 'listen attentively'. This is precisely what the AHC did that evening, demonstrating a willingness to represent and advocate for the residents of the area, even if that turned out to be to the AHC's own financial disadvantage. To date, this 'listening' is not something that we have seen demonstrated by the CCC.

As AHC Deputy Mayor Nathan Daniel said in his presentation to CCC on June 2:

... In order to minimise bias in the approach (the AHC) actually engaged an external stakeholder engagement person to essentially help with the design and analysis to ensure it was objective because we didn't go into this with the intention or wanting to have a particular outcome. All we really wanted to do was to understand what our residents were thinking because that would then inform how we go about this process and how we can best represent their views. . .

We note that Mr Daniel is a post-doctoral research fellow at the University of South Australia and, therefore, well acquainted with best-practice methods of data collection and analysis. It is clear to us that the survey was undertaken with a high degree of integrity and we, therefore, strongly reject your inference that the survey or the attendant process employed may have been biased.

If you do genuinely hold that view, then, in the interests of fairness, we suggest that you provide the AHC, ourselves and the public with any evidence that might in any way support this contention of bias.

Your Council also needs to substantiate the primary claims used to justify its pursuit of boundary realignment with credible data:

1. Resident pressure to join Campbelltown

In a response to one of our residents, Campbelltown CEO Paul Dilulio has recently confirmed that:

With a brief search of our records system we found evidence of 3 residents who expressed a desire to join Campbelltown. We also have records of 6 verbal conversations with residents passionately supporting the move to Campbelltown that have been had since the boundary realignment proposal was raised.

This is a very slender basis on which to launch a protracted campaign which will incur substantial costs for your own ratepayers. The numbers provided are in stark contrast to the number of Woodforde and Rostrevor/Morialta residents who clearly – and passionately – have recorded their own counter views.

2. Use of facilities and services

This argument in support of boundary change is emotive and lacks any supporting detail at all. AHC residents pay rates to have their rubbish collected, their roads and facilities maintained and other services provided, all at the expense of the AHC.

The roads we use to enter and exit our areas are either State Government roads or jointly maintained.

Traversing roads in other areas is a practice common to residents of all councils, including your own.

Shopping locally at private businesses does not constitute use of your services – in fact it strengthens your city's economy.

The actual marginal cost and extent of the claimed use of parks and gardens and your library must also be quantified to make this a credible argument.

The overwhelming majority of residents of our area know they have been, and will continue to be, well served by the AHC and see no compelling reason for the boundary to be realigned.

The Morialta Residents' Association formally requests that you reconsider this costly attempt to realign the boundaries.

Yours faithfully,



Mardi Espinoza
President



Steve Swann
Secretary

Dedicated to the preservation of the environment



Have your say:

Council Boundary Change Proposal

Project Summary

Campbelltown City Council (CCC) has put forward a Council Boundary Change Proposal (the Proposal) to the Boundaries Commission (a State Government body that assesses and investigates council boundary change proposals, and makes recommendations to the Minister) to review the boundary between CCC and Adelaide Hills Council (AHC).

CCC proposes moving the boundary eastwards so that the parts of Rostrevor and Woodforde that are currently in AHC, move to the CCC area in their entirety. *See map included in this information pack.*

There are currently 573 properties (3.3% of total AHC properties) that are within the proposed Boundary Change Zone.

AHC does not have a formal position on the Proposal yet as we'd like your feedback on what you think about it first. Please take a moment to read this information sheet and complete the short survey.

Your feedback is important and AHC will compile it into a report for consideration by AHC Council Members, at this stage planned for early 2020.

How you can have your say

- Complete the hard copy survey attached, place it in the enclosed free return-paid envelope and post it back to us before Sunday 8 December 2019 (you don't need a postage stamp)
- Scan the survey and email it to engagement@ahc.sa.gov.au
- Head to our website engage.ahc.sa.gov.au and complete the online survey

Survey closes Sunday 8 December 2019

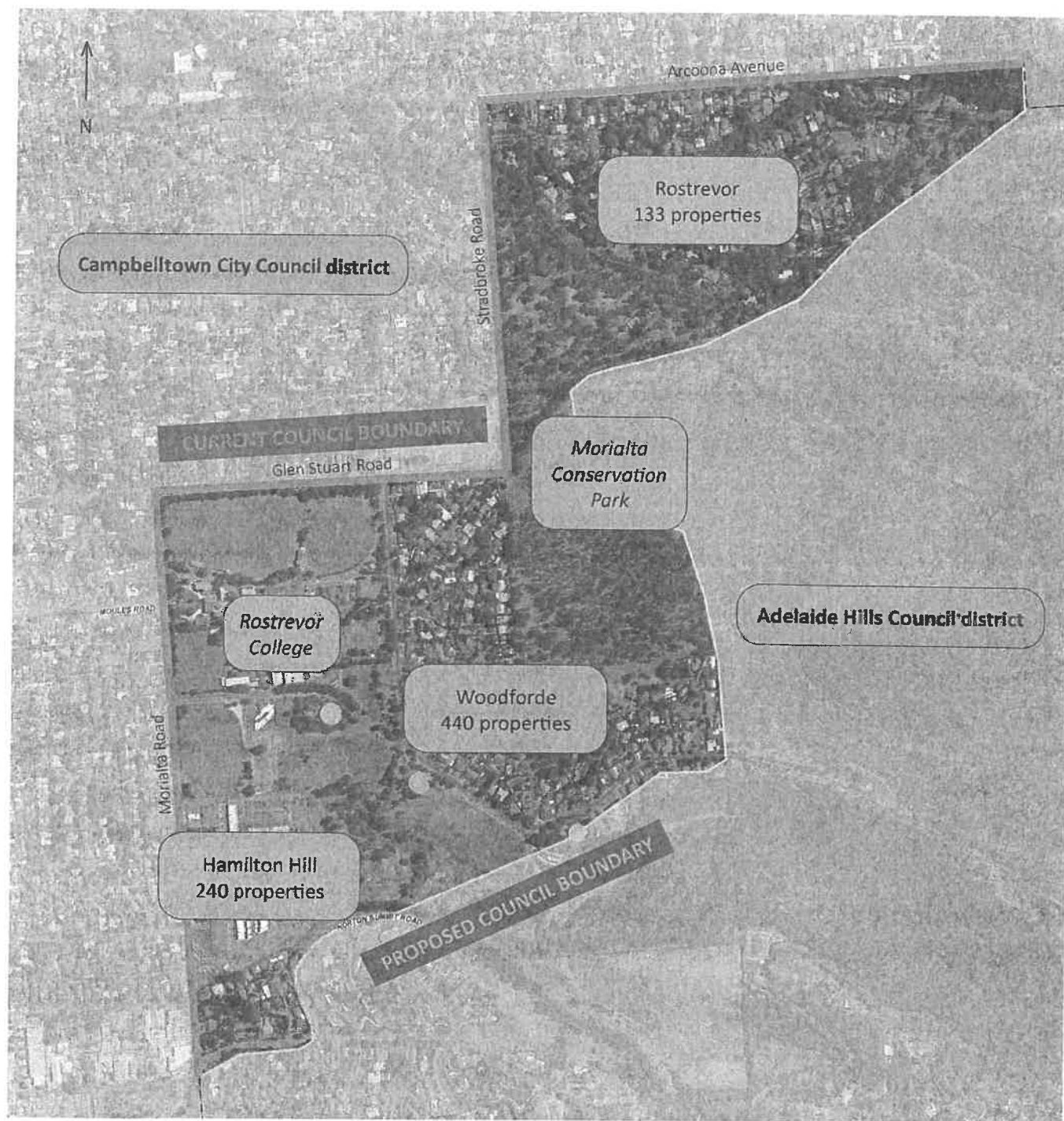
We are here to help

If you've got a question, want additional hard copy surveys, or further information about the Boundary Change Proposal please get in touch with our team.

@ engagement@ahc.sa.gov.au

) (08) 8408 0587

Boundary Change Proposal Map



Important information

Please note this survey is only intended for people over 18 years of age who live, work, or own a property in the proposed Boundary Change Zone. All names and addresses will be cross checked against the electoral role and council's database, and any identifying data will be kept strictly confidential.

Further detailed information is available at engage.ahc.sa.gov.au, and additional hard copies of the survey can be requested by calling (08) 8408 0587 or emailing engagement@ahc.sa.gov.au.

This is just the beginning

This is the start of a comprehensive review process which will be undertaken by CCC and the Boundaries Commission. Adelaide Hills Council has no formal role to play in the process at this time. No decision has been made yet and the final decision lies with the Minister for Local Government.

Step 1 - Potential Proposal (January 2019)

Consideration of CCC's initial proposal by Boundaries Commission

Approved by Boundaries Commission to progress to next stage



Step 2 - General Proposal

CCC prepares general proposal for Boundaries Commission

CCC undertakes consultation with the community

Current
status



Step 3 (if proposal continues) - Investigation by Commission

Boundaries Commission assesses the proposal using an independent investigator

CCC must agree to the cost of the investigation

Criteria to be assessed include financial and resource implications and community support



Step 4 - Report to Minister

Boundaries Commission prepares a report for the Minister explaining recommendations

Published on Boundaries Commission website

Minister may make suggestions for further consideration



Step 5 - Decision

Minister decides whether proposal will proceed or not

Overview of the Boundary Change Proposal

We've summarised some of the key points of interest between AHC and CCC. If the information you are looking for is not covered here, take a look on our website, ahc.sa.gov.au, or call our Customer Service Team on 8408 0400.

	Adelaide Hills Council	Campbelltown City Council
Total population <i>Total number of people living in whole council area at 2018 Census.</i>	39,734 (0.50 persons per hectare)	51,469 (21.13 persons per hectare)
Land area <i>Total land size of whole council area.</i>	79,498 hectares	2,436 hectares
Electors* <i>The number of people living in the council area who are entitled to vote in Council elections.</i>	29,500 electors	35,000 electors
Council structure	One Mayor 12 Council Members Two Wards	One Mayor 10 Council Members Five Wards
Representation quota <i>The number of electors divided by all Council Members</i>	One Council Member represents 2,261 electors	One Council Member represents 3,183 electors
Annual Council Rates <i>Rate charged annually.</i>	AHC's rating structure consists of a Fixed Charge of \$662 and a Rate in the Dollar against Capital Value of 0.2469. CCC's rating structure consists of a Minimum Rate of \$984 and a Rate in the Dollar against Capital Value of 0.3050. <i>If rating structures remained the same, most residents within the proposed Boundary Change Zone would receive a reduction in annual rates ranging from approximately \$22 to \$450.</i>	
Planning and Development	There is a new Planning and Design Code being developed by the State Government which comes into effect on 1 July 2020. More details about planning and development comparison can be found overleaf.	
Minimum site area <i>For a detached dwelling</i>	The average minimum allowable site size in the AHC parts of Rostrevor and Woodforde (including Hamilton Hill) is 703m ² . <i>There is no suggestion, at this time, that either council would pursue changes to reduce allotment sizes in the Boundary Change Zone.</i>	In the CCC part of Rostrevor and Magill the average minimum site size is 350m ² .
Open space and civil services <i>Roads, footpaths, signs, street lights, parks, ovals, playgrounds, cemeteries.</i>	There are no noticeable differences in terms of open space and civil services functions and services between AHC and CCC.	

* The number of electors is obtained from the Electoral Commission of SA and the source date is 28 February 2018.

Adelaide Hills Council

Campbelltown City Council

Environmental sustainability	AHC and CCC have both declared a climate emergency, and both councils have a number of sustainability initiatives.	
Kerbside bins	East Waste collects general waste weekly and recycling and green organics waste on alternating fortnights in both council areas.	
Green organics drop off days	AHC organises a number of free green organics drop off days throughout the year for residents.	CCC does not host free green organics drop off days.
Hard waste	Both AHC and CCC offer one 'at call' hard waste collection per property each financial year.	
Resource Recovery Centres	Residents can go to any resource recovery centre (including those outside of their council district). Each council has one resource recovery centre.	
School zones <i>In relation to which schools children are entitled to attend based on their residence.</i>	Catchment areas are not limited to council boundaries and are set by the State Government Department of Education.	
Community grants	In 2017-18 AHC awarded \$219,000 in funding through its grant program.	In 2017-18 CCC awarded \$41,341 in funding through its grant program.
Regulatory matters <i>This includes local laws established by councils to deal with issues specific to the relevant council area.</i>	There are no noticeable differences in regulatory matters between AHC and CCC except regarding domestic cats. In AHC cats must be confined to their owner's property from 1 January 2022. More information at ahc.sa.gov.au/council/delegations-and-by-laws .	

Need more information? Visit each council's website

ahc.sa.gov.au

campbelltown.sa.gov.au

Council documents <i>Annual Reports, Strategic Plans, policies</i>	Council > Council Documents	Council > Documents and Publications
Community services <i>Youth, volunteering, diversity, seniors</i>	Community	Community
Community grants	Council > Grants and Tenders	Community > Grants
Regulatory matters <i>Local laws and rules</i>	Council > Delegations and By-laws	Council > Documents and Publications
Sport and recreation	Community > Sport and Recreation	Recreation and Leisure
Civil Services	Resident > Roads, Streetscapes, Works	Services > Capital Works Program
Environmental sustainability	Environment > Sustainability	Environment
Rates and property	Resident > Rates and Property	Council > Rates

Further information available at engage.ahc.sa.gov.au

Planning and Development

The South Australian planning system is changing on 1 July 2020. A new Planning and Design Code (P&D Code) will become the single source of planning policy for assessing development applications across the state.

What does this mean if the boundary change proposal was to proceed?

The new P&D Code being developed by the State Government will replace all council development plans. The new Code means that planning policy will be standardised across council boundaries (this includes AHC and CCC).

Any changes to zonings in either council district after 1 July 2020 would require public consultation as well as Ministerial approval.

For further information about specific development controls applicable under the proposed P&D Code, please contact the P&D Code Free Hotline on 1800 318 102, or review the new P&D Code at sapanningportal.sa.gov.au.

What happens to development applications submitted before 1 July 2020?

The current planning rules will stay the same before 1 July 2020. Any planning application submitted before that time will be assessed under the current planning rules.

Current planning policy comparisons between AHC and CCC:

	AHC		CCC
	Woodforde and Rostrevor	Hamilton Hill	Rostrevor and Magill
Site area The minimum size of a 'block' for a detached dwelling	Ranges from 929-1,000m ²	180m ²	Ranges from 350-500m ²
Frontage width The minimum width of a 'block' for a detached dwelling	21 metres	8 metres	Ranges from 7-20 metres
Front setback The minimum distance from the road to the house	6 metres	3 metres	5 metres
Rear setback The minimum distance from the back of the house to the back fence	4 metres	4 metres	4 metres
Site coverage The maximum percentage that a site can be covered by a dwelling	40%	60%	50%
Building height The maximum height allowed for a building	6 metres wall height	3 storeys	8.5 metres

Planning and Design Code Information Session

If you are interested in learning more about the SA Planning Reform please come along to our free Information Session.

Wednesday 27 November 2019 | 6:30pm - 8:00pm

Kelty Theatre, Rostrevor College

Register: planning-forum-woodforde.eventbrite.com.au or call 8408 0400



Survey: *Council Boundary Change Proposal*

This survey is also online at engage.ahc.sa.gov.au

Name _____ Year of birth: _____

Postal address _____

Email _____ Phone: _____

Are you a (tick all that apply)

- | | | |
|-----------------------------------|---|---------------------------------------|
| <input type="checkbox"/> Resident | <input type="checkbox"/> Property owner | <input type="checkbox"/> Other: _____ |
| <input type="checkbox"/> Tenant | <input type="checkbox"/> Business owner | |

Do you support the Campbelltown City Council's boundary change proposal? (tick one)

- | | |
|------------------------------|--|
| <input type="checkbox"/> Yes | <input type="checkbox"/> Undecided |
| <input type="checkbox"/> No | <input type="checkbox"/> No preference |

Why do you say that?

What are your areas of interest about the council boundary change proposal? (tick your top three)

- | | |
|--|--|
| <input type="checkbox"/> Planning and development | <input type="checkbox"/> Annual Council Rates |
| <input type="checkbox"/> Footpaths, road and park maintenance | <input type="checkbox"/> Climate Change |
| <input type="checkbox"/> Community services | <input type="checkbox"/> Council rules and regulations |
| <input type="checkbox"/> Environmental sustainability | <input type="checkbox"/> Community grants |
| <input type="checkbox"/> Level of representation (number of electors represented by each Council Member) | |
| <input type="checkbox"/> Other _____ | |

Do you have any further comments about the Campbelltown City Council's boundary change proposal that you would like Adelaide Hills Council to consider?

If you need more space please use the back of this page or attach additional pages.

Please place your completed survey in the free reply-paid envelope provided and into your nearest mailbox, or scan and email to engagement@ahc.sa.gov.au by 8 December 2019.

6363201
Document No. 68

From: Simon Zbierski
Sent: Wed, 17 Jun 2020 16:18:27 +0930
To: 'DPTI:Data Requests ORG'
Subject: RE: Quote for Valuation Data
Attachments: Signed Data Agreement - Campbelltown City Council and The Office of the Registrar-General.pdf

Hi Sahaj,

Please find attached a signed copy of the data agreement for your records.

Regards,

From: DPTI:Data Requests ORG <DPTI.DataRequestsORG@sa.gov.au>
Sent: Friday, 12 June 2020 2:24 PM
To: Simon Zbierski <SZbierski@campbelltown.sa.gov.au>
Cc: DPTI:Data Requests ORG <DPTI.DataRequestsORG@sa.gov.au>
Subject: RE: Quote for Valuation Data

Hi Simon,

Thanks for your acceptance of the sample data set. Please find attached Data Agreement and Schedule for signoff. Kindly return the signed copy to DPTI.DataRequestsORG@sa.gov.au.

I note from the data supply response that Campbelltown City Council may engage a private consultant to undertake consultation or review outcomes of the consultation. In this regards, an additional clause has been included under the Data Schedule as an "Additional Data Restriction" stating the obligations on the part of the private consultant performing the consultation/review process.

A complete data set will be delivered to you via DPTI KiteWorks.

If you have any further questions please let me know.

Thank you.

Regards
Sahaj

Sahaj Ratnannavar
ICT Specialist | Office of the Registrar-General
People and Corporate Services Division
Department of Planning, Transport and Infrastructure
Level 2 101 Grenfell Street | GPO Box 1354 ADELAIDE SA 5001 | DX 58195
T (08) 8456 4912 (internal 64912) | sahaj.ratnannavar@sa.gov.au | www.dpti.sa.gov.au



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From: Simon Zbierski [<mailto:SZbierski@campbelltown.sa.gov.au>]
Sent: Friday, 12 June 2020 11:24 AM
To: DPTI:Data Requests ORG <DPTI.DataRequestsORG@sa.gov.au>
Subject: RE: Quote for Valuation Data

Thankyou Sahaj. Looks good.

Is this still just sample data or is this the data for the entire area we are seeking the information for?

If it is just a sample, we would be happy to now receive the full dataset.

Regards,

Simon Zbierski
Manager Finance

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From: DPTI:Data Requests ORG <DPTI.DataRequestsORG@sa.gov.au>
Sent: Friday, 12 June 2020 10:58 AM
To: Simon Zbierski <SZbierski@campbelltown.sa.gov.au>
Cc: DPTI:Data Requests ORG <DPTI.DataRequestsORG@sa.gov.au>
Subject: RE: Quote for Valuation Data

Hi Simon,

Further to my email on Wednesday, the Valuations team have compiled the ownership name data. Just noting that an ownership can have one or many owners. For this reason an additional worksheet ("Names") has been added to the file with the full names of the owners for each valuation record in the attached file.

I trust that a sample file containing first-100 records in separate worksheets will be acceptable by you.

Regards
Sahaj

Sahaj Ratnannavar

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From: DPTI:Data Requests ORG
Sent: Wednesday, 10 June 2020 3:17 PM
To: Simon Zbierski <SZbierski@campbelltown.sa.gov.au>
Cc: DPTI:Data Requests ORG <DPTI.DataRequestsORG@sa.gov.au>
Subject: RE: Quote for Valuation Data

Hi Simon,

Thanks for your confirmation about the data extract. I have passed on the requirement to the Valuations team (to extract the full name of property owners) and hoping to hear from them.

Just noting that the due date for the data supply request is today. The data may not be arranged by EOD today. As I am on leave tomorrow, I will aim to get back to you as soon as I can before the end of this week.

I am sorry for the delay.

Regards
Sahaj

Sahaj Ratnannavar
ICT Specialist | Office of the Registrar-General
People and Corporate Services Division
Department of Planning, Transport and Infrastructure
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From: Simon Zbierski [<mailto:SZbierski@campbelltown.sa.gov.au>]
Sent: Wednesday, 10 June 2020 9:51 AM
To: DPTI:Data Requests ORG <DPTI.DataRequestsORG@sa.gov.au>
Subject: RE: Quote for Valuation Data

Hi Sahaj,

This information is great. As you have indicated, we would like to obtain the full names of the property owners.

Regards,

Simon Zbierski
Manager Finance



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From: DPTI:Data Requests ORG <DPTI.DataRequestsORG@sa.gov.au>

Sent: Tuesday, 9 June 2020 12:14 PM

To: Simon Zbierski <SZbierski@campbelltown.sa.gov.au>

Cc: DPTI:Data Requests ORG <DPTI.DataRequestsORG@sa.gov.au>

Subject: RE: Quote for Valuation Data

Hi Simon,

The requested data has been extracted with a couple of additional fields and is in the attached file "Sample data set AdelaideHills_Rostrevor_Woodforde".

The additional fields are valuation number, land use and description. The valuation number in column 'A' directly relates to the capital value. The capital value is the latest determined by the Valuer-General and comes into force for the 2020/21 financial year.

In the extract the property location is immediately after the capital value and is presented in its component fields.

For the property owner, the ownership number and abbreviated name are supplied. (Full names can be extracted if required but are best provided in a separate file/worksheet as there can be multiple names for each ownership).

The owner address is stored in one of three different formats – Street Address, Postal address (for PO boxes) or Other Address. The component fields for each address type are included to allow you to merge fields as required.

I have attached a sample file consisting of first 100 records. Let me know if this suits your requirement so that I can arrange for the complete extract. I will also be sending a Data agreement and Schedule to cover the data supply arrangement once you send us a confirmation.

Thank you.

Regards
Sahaj

Sahaj Ratnannavar

ICT Specialist | Office of the Registrar-General

People and Corporate Services Division

Department of Planning, Transport and Infrastructure

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From: Simon Zbierski [<mailto:SZbierski@campbelltown.sa.gov.au>]

Sent: Wednesday, 27 May 2020 10:48 AM

To: DPTI:Data Requests ORG <DPTI.DataRequestsORG@sa.gov.au>

Cc: Moore, Ray (DPTI) <Ray.Moore@sa.gov.au>

Subject: RE: Quote for Valuation Data

Thank you for the clarification. I will submit our request shortly.

Regards,

Simon Zbierski

Manager Finance



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From: DPTI:Data Requests ORG <DPTI.DataRequestsORG@sa.gov.au>
Sent: Tuesday, 26 May 2020 12:40 PM
To: Simon Zbierski <SZbierski@campbelltown.sa.gov.au>
Cc: Moore, Ray (DPTI) <Ray.Moore@sa.gov.au>; DPTI:Data Requests ORG <DPTI.DataRequestsORG@sa.gov.au>
Subject: RE: Quote for Valuation Data

Hi Simon,

In this instance as you are government client no cost applies to the supply of datasets that you are seeking to obtain from the Office of the Registrar-General.

Regards
Sahaj

Sahaj Ratnannavar

ICT Specialist | Office of the Registrar-General
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From: Simon Zbierski [<mailto:SZbierski@campbelltown.sa.gov.au>]
Sent: Tuesday, 26 May 2020 11:23 AM
To: DPTI:Data Requests ORG <DPTI.DataRequestsORG@sa.gov.au>
Cc: Moore, Ray (DPTI) <Ray.Moore@sa.gov.au>
Subject: RE: Quote for Valuation Data

Thank you Sahaj. Is there a price for obtaining this data so we can understand the cost before placing an order.

Regards,

Simon Zbierski
Manager Finance





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From: DPTI:Data Requests ORG <DPTI.DataRequestsORG@sa.gov.au>
Sent: Tuesday, 26 May 2020 10:48 AM
To: Simon Zbierski <SZbierski@campbelltown.sa.gov.au>
Cc: DPTI:Data Requests ORG <DPTI.DataRequestsORG@sa.gov.au>; Moore, Ray (DPTI) <Ray.Moore@sa.gov.au>
Subject: FW: Quote for Valuation Data

Hello Simon,

Your enquiry in relation to obtaining property details within the Adelaide Hills Council area (as per the shaded region in the email trail below) was forwarded to the Office of the Registrar-General.

As there have been changes in the way data is delivered after the commercialisation of Land Titles Office in October 2017, the State is under obligation to manage land data in compliance with the Land Services Agreement entered into by the State with Land Services SA (LSSA). Office of the Registrar-General (ORG) is responsible for fulfilment of data requests for Local Councils, State and Federal Government and Universities. Anything that falls outside these areas is served by LSSA who is the service provider for private entities. In this case your first point of contact will be ORG at DPTI.DataRequestsORG@sa.gov.au

Our team has reached out to the Valuations data experts in this instance and their assessment of the request is that the area of interest is portions of the suburbs of Rostrevor and Woodforde within the Adelaide Hills Council area. An extract of data for the whole of those suburbs within the Adelaide Hills Council can be readily undertaken but would then require manual removal of those records not in the defined area. There doesn't appear to be many to remove as most seem to be large reserve parcels. Further to this Property ownership details can be provided and can generally be assumed to be the ratepayer. Lastly mailing addresses available in SAILIS may not have been maintained since the purchase of the property and therefore may not be current.

We are happy to assist you in this regards and request you to complete the [data supply form](#). This will allow us to track the progress in the ORG's Governance System and enter into a Data Agreement covering the supply of data to your office.

Regards
Sahaj

Sahaj Ratnannavar

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From: Anastasia Stavrou [<mailto:Anastasia.Stavrou@landservices.com.au>]
Sent: Monday, 25 May 2020 4:22 PM
To: DPTI:Data Requests ORG <DPTI.DataRequestsORG@sa.gov.au>
Subject: FW: Quote for Valuation Data
Importance: High

Hello Sahaj,
Please see urgent request below, Campbelltown Council have requested some valuation data.

Thank you

Anna

From: Simon Zbierski <SZbierski@campbelltown.sa.gov.au>
Sent: Monday, 25 May 2020 2:49 PM
To: Michael Hooper <michael.hooper@landservices.com.au>
Cc: Michelle Hammond <MHammond@campbelltown.sa.gov.au>
Subject: RE: Quote for Valuation Data

Hi Michael,

Hope you are well. We have been going back through our records and don't recall seeing a quote for the service requested below.

Can you please provide this information for our consideration.

Regards,

Simon Zbierski
Manager Finance



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From: Simon Zbierski <SZbierski@campbelltown.sa.gov.au>

Sent: Wednesday, 27 November 2019 11:50 PM

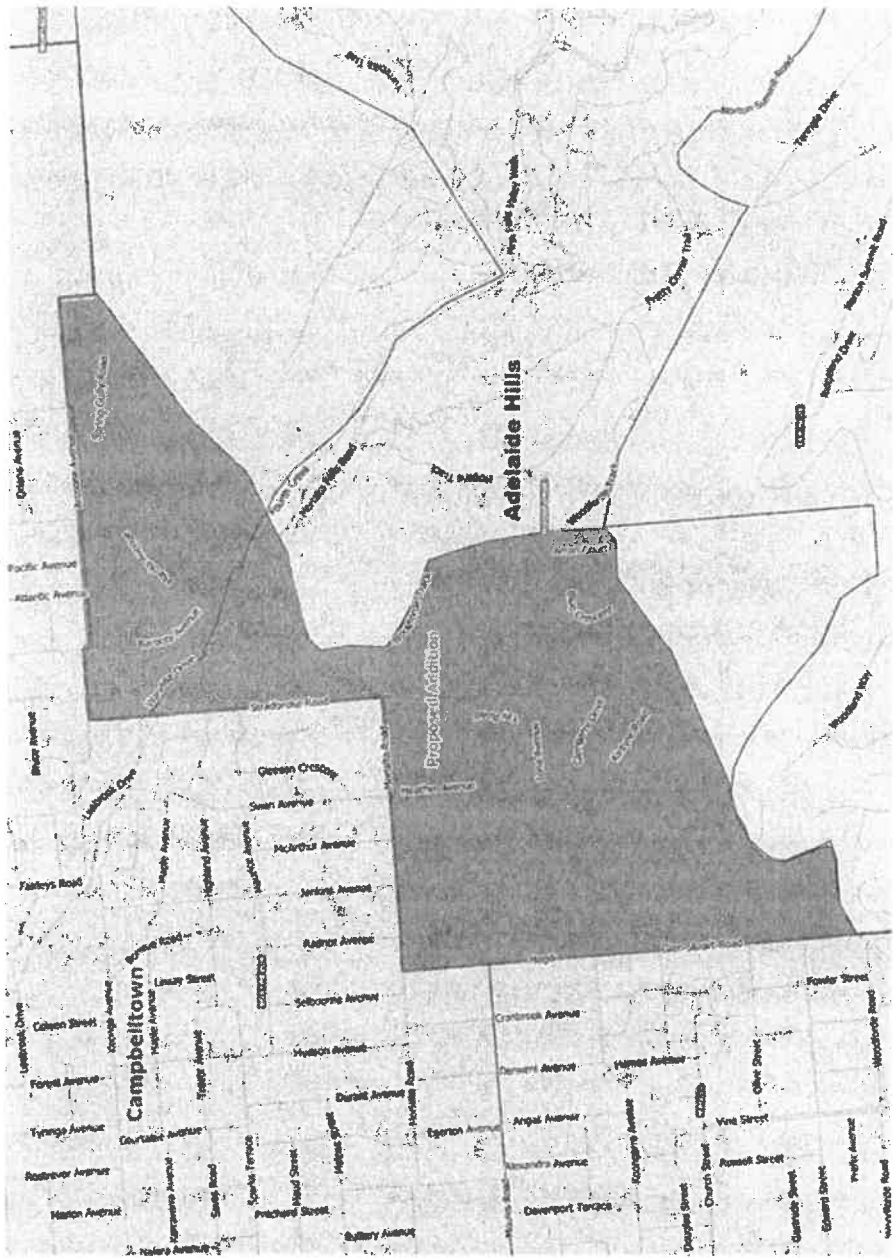
To: Michael Hooper (michael.hooper@landservices.com.au) <michael.hooper@landservices.com.au>

Cc: Michelle Hammond <MHammond@campbelltown.sa.gov.au>

Subject: Quote for Valuation Data

Hi Michael,

As discussed over the phone we are seeking the following information for certain properties within the Adelaide Hills Council area (shaded in blue in the picture below) that would be subject to a potential boundary re-alignment with Campbelltown.



Specifically we are looking for a quote that provides the following as a minimum:

- � Property address
- � Capital value.

If you are also able to advise the Ratepayers details and mailing address would be an additional cost or inclusive of the cost associated with the two dot points listed above, that would be appreciated.

As I advised, I am on leave from Friday night, so I have copied in my boss who is requesting the information.

Regards,

Simon Zbierski
Manager Finance

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**ADELAIDE HILLS COUNCIL
SPECIAL COUNCIL MEETING
Tuesday 8 September 2020
AGENDA BUSINESS ITEM**

Item:	7.1
Responsible Officer:	Steven Watson Governance & Risk Coordinator Office of the Chief Executive
Subject:	Election of Deputy Mayor
For:	Decision

SUMMARY

The *Local Government Act 1999* provides that a council may, if it so resolves, create the position of Deputy Mayor.

At its Ordinary Council Meeting held 27 November 2018, Council resolved to create the Deputy Mayor for the duration of the Council term and resolved to appoint Cr Nathan Daniell to the role for a period to conclude on 26 November 2019.

At its Ordinary Council Meeting held 22 October 2019, Council resolved to appoint Cr Nathan Daniell to the role for a period to conclude on 26 November 2020.

The purpose of this report is to seek Council's determination regarding the process and election of the Deputy Mayor for a specified term.

RECOMMENDATION

- 1. That the report be received and noted.**
 - 2. To determine that the method of selecting the Deputy Mayor be by an indicative vote to determine the preferred person utilising the process 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 Deputy Mayor's role and for the meeting to resume once the results of the indicative vote have been declared.**
 - 4. To appoint Cr..... to the position of Deputy Mayor for amonth term to commence 27 November 2020 and conclude on 26 November 20XX (or the conclusion of the current Council term whichever occurs first).**
-

1. GOVERNANCE

➤ Strategic Management Plan/Functional Strategy/Council Policy Alignment

Strategic Plan 2020-24 – A brighter future

Goal 5	A Progressive Organisation
Objective O4	We actively represent our community
Priority O4.2	Attract and develop a diverse and capable elected body that represents, promotes and reflects the composition of the community
Priority O4.3	Advocate to, and exert influence with, our stakeholders on behalf of our community to promote the needs and ambitions of the region
Objective O5	We are accountable, informed, and make decisions in the best interests of the whole community
Priority O5.1	Enhance governance structures and systems to prudently adapt to changing circumstances and meet our legislative obligations

➤ Legal Implications

Section 51(3) of the *Local Government Act 1999* (the Act) provides that a council may, if it so resolves, create the position of Deputy Mayor.

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

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

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

Sections 73 and 74 set out the provisions regarding Material Conflicts of Interest. As the Deputy Mayor position earns an additional allowance, this likely constitutes a personal and/or pecuniary benefit under s73 and therefore Council Members seeking to be appointed to the office of Deputy Mayor could have a Material Conflict of Interest and would need to consider declaring the interest and leave the Chamber prior to the discussion of the matter under s74(1). However the Council Member may stay in the chamber and participate during an adjournment and informal gathering.

Council's *Informal Council and Council Committee Gatherings and Discussions Policy* created under s90(8a) sets out the provisions for the conduct of a Designated Informal Gathering.

➤ **Risk Management Implications**

The Council's consideration of the requirement for a Deputy Mayor will assist in mitigating the risk of:

Poor governance practices occur which lead to a loss of stakeholder (i.e. customer and regulator) confidence and/or legislative breaches.

Inherent Risk	Residual Risk	Target Risk
Extreme (5C)	Low (3E)	Low (3E)

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

➤ **Financial and Resource Implications**

An Independent Remuneration Tribunal has jurisdiction under section 76 of the Act to determine the allowances payable to council members. The Tribunal determines the annual allowance for councillors, principal members, deputy mayor, prescribed and non-prescribed committee presiding members and travel time allowances with the applicable determination of this term of council being *Determination 6 of 2018 – Allowances for Members of Local Government Councils*.

The Determination sets the annual allowance for a councillor who is a deputy mayor at 1.25 times the annual councillor allowance. This amount will be adjusted in accordance with the consumer price index at the next anniversary of the 2018 Local Government election in accordance with statutory requirements.

As a Group 2 Council for the purposes of the Determination, the Deputy Mayor's allowance is as follows:

Council Member Annual Allowance (Nov 19 – Oct 20)	\$17,912
Deputy Mayor Annual Allowance	\$ 4,478
Total Allowance for a Deputy Mayor	\$22,390

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

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

A Deputy Mayor's role is to act in the Office of Mayor when the Mayor is absent or unable to perform the duties of the Mayor, which allows a continuance of mayoral activities within the Council Chamber and the community. The Deputy Mayor may also represent the office of the Mayor at community events when the Mayor is unable to attend.

➤ **Sustainability Implications**

Not applicable.

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

Consultation in the preparation of the report was as follows:

Council Committees: Not Applicable

Council Members: Not Applicable

Advisory Groups: Not Applicable

Workshops: Not Applicable

Administration: Chief Executive Officer
Executive Manager Governance & Performance
Executive Assistant Mayor and CEO

External Agencies: Not Applicable

Community: Not Applicable

2. BACKGROUND

The Adelaide Hills Council has resolved during each term to create the role of Deputy Mayor.

At its Ordinary Council Meeting held 27 November 2018, Council resolved to create the position of Deputy Mayor for the term of this Council as detailed below:

12.2 Election of Deputy Mayor – Period of Appointment

Moved Cr Linda Green
S/- Cr Nathan Daniell

276/18

Council resolves:

1. That the report be received and noted
2. To create the position of Deputy Mayor for a term of 12 months

Cr Green, with the consent of Cr Daniell, sought and was granted leave of the meeting to vary the motion as follows.

Council resolves:

1. That the report be received and noted
2. To create the position of Deputy Mayor for the term of this Council.

Carried Unanimously

At its Ordinary Council Meeting held 27 November 2018, Council resolved to appoint the Deputy Mayor for a period of 12 months as detailed below:

12.2.3 Election of Deputy Mayor – Appointment of Deputy Mayor

7.56pm Cr Daniell declared a Material Conflict of Interest at Item 12.2.3, Election of Deputy Mayor, as he will receive a pecuniary benefit if appointed to this position and left the Chamber.

7.56pm Cr Herrmann declared a Material Conflict of Interest at Item 12.2.3, Election of Deputy Mayor, as he will suffer a pecuniary loss and left the Chamber.

Moved Cr Mark Osterstock
S/- Cr John Kemp

279/18

Council resolves to appoint Cr Nathan Daniell to the position of Deputy Mayor for a 12 month term to commence 27 November 2018 and conclude on 26 November 2019.

Carried Unanimously

At its Ordinary Council Meeting held 22 October 2019, Council resolved to appoint the Deputy Mayor for a period of 12 months as detailed below:

12.8.1 Appointment of Deputy Mayor

Moved Cr Mark Osterstock
S/- Cr Kirsty Parkin

253/19

To appoint Cr Nathan Daniell to the position of Deputy Mayor for a 12 month term to commence 27 November 2019 and conclude on 26 November 2020.

Carried Unanimously

During the current Council term, the Deputy Mayor has deputised for the Mayor on several occasions and acted in the Office of the Mayor during periods of absence.

3. ANALYSIS

The Deputy Mayor position provides certainty and clarity regarding arrangements when the Mayor is unavailable to undertake official duties. Further, Council Members who undertake the Deputy Mayor role gain and develop skills from undertaking the Presiding Member's role.

The Act does not set out any specific qualifications or experience for the Deputy Mayor position however Council may wish to consider general suitability factors including (but not limited to):

- understanding or the ability to acquire the same in the role, function and strategic intent of the Council.
- 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 Council's *Code of Practice for Council Meeting Procedures* more specifically.

- expertise in chairing meetings of Council (if past experience exists), or other boards/committees in other organisations, public and private;
- ability to preside efficiently, firmly, impartially and fairly over Council meetings;
- ability to manage conflict and differing opinions;
- ability and availability to represent and have an affinity with the community as a whole;
- ability and availability to represent the Council in the presence of members of Parliament, dignitaries and peers;
- ability and availability to act in the Office of the Mayor during periods of absence.
- ability to deal with matters delegated under Council Policies to the Mayor (i.e. training and development, Council Member conduct);
- leadership, social and communication skills;
- relationship with the CEO, directors/departmental managers and staff of the Council;
- the opportunity to further develop presiding member skill;
- the opportunity to consider diversity in the role;
- current and future time commitments (i.e. there are a number of Council Committees, Regional Subsidiaries and Advisory Groups that also require Council Member representation).

Indicative Voting Process for Determining Council Appointed Positions

Due to the implications of the Material Conflict of Interest provisions under s74 (see Legal Implications above), it is proposed that the Council adjourn the meeting for the purposes of seeking nominations for and, if necessary, conducting an indicative vote (Indicative Voting Process) to determine the preferred person for the position of Deputy Mayor.

As the Indicative Voting Process involves discussion of a matter that is, or is intended to be, part of the agenda for a formal meeting of the Council or Council Committee, it is a Designated Informal Gathering for the purposes of s90 and the *Informal Council and Council Committee Gatherings and Discussions Policy* (the Policy). As a Designated Informal Gathering, 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 Code of Practice for Council Meeting Procedures* with modifications to suit the legislative requirements of the conflict of interest and informal gatherings provisions.

The proposed Indicative Voting Process is:

- a) Chief Executive Officer calls for self-nominations for the position of Deputy Mayor.
- b) If the number of nominees is equal to or less than the number of positions, no election will be required. If the number of nominees is greater, an election will be necessary.
- c) The CEO will appoint a Returning Officer and may enlist other Council staff to assist with the conduct of the vote and the count.
- d) The method of voting will be by secret ballot utilising the preferential counting system
- e) Each Council Member (including the Mayor) shall have one vote.
- f) Ballot papers will be provided to each Member
- g) The nominees' names will be drawn to determine the order on the ballot paper.
- h) Each nominee will have two (2) minutes to speak to the Gathering in support of their candidacy. The speaking order will be as listed on the ballot paper.
- i) 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.
- j) 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.
- k) After all votes have been counted, the Returning Officer shall formally declare the result of the election (i.e. the preferred person).
- l) The ballot papers will be shredded.

Proposed Chronology of Events

The mechanics are relatively complicated due to the legislative provisions regarding conflict of interest and informal gatherings, as such the following chronology is suggested:

- I. At its Ordinary Council Meeting held 27 November 2018, Council previously resolved the position of Deputy Mayor for this term of this Council. Changing this position will constitute a rescission motion.
- II. Council will then consider the process that it will use to choose the preferred person. Council would give effect to this by dealing with Recommendation 2 (or a variant) at this time.
- III. Having decided the method, Council will then have to adjourn the meeting to enable the process to be undertaken. Council would give effect to this by dealing with Recommendation 3 (or a variant) at this time.
- IV. Once the Indicative Voting Process has been completed the Council meeting will resume in accordance with the previous resolution.

Upon resumption the Council Member(s) who nominated for the Deputy Mayor role would be advised to make declarations in accordance with *s74 – Dealing with material conflicts of interest* and leave the Chamber.

Council can then resolve for the preferred person to be appointed as the Deputy Mayor for an identified term, which could be the balance of the Council term or a shorter period. Council would give effect to this by dealing with Recommendation 4 (or a variant) at this time.

Alternatively, should only one Member be interested in nominating for the position of Deputy Mayor, a Member may wish to move recommendations 1 and 4 without the need for an adjournment and designated informal gathering.

4. OPTIONS

The Council has the following options:

- I. To resolve to continue with the position of Deputy Mayor for a period and to undertake the processes as outlined in the report (**Recommended**)
- II. To determine not to continue with the position of Deputy Mayor (**Not Recommended**). Doing so would require a member chosen by the Council to act in the office of Mayor or Chairperson during periods of the Mayor's absence.

5. APPENDIX

Nil

**ADELAIDE HILLS COUNCIL
SPECIAL COUNCIL MEETING
Tuesday 8 September 2020
AGENDA BUSINESS ITEM**

Item: 7.2

Responsible Officer: Steven Watson
Governance & Risk Coordinator
Office of the Chief Executive

Subject: Audit Committee Membership – Council Members

For: Decision

SUMMARY

The Audit Committee is created under Section 41 of the *Local Government Act 1999* (the Act) to satisfy the requirements of Section 128 of the Act.

At its 22 October 2019 meeting, Council resolved to appoint Councillors Herrmann and Mudge as members of the Audit Committee for a period to conclude on 26 November 2020 and resolved to appoint Councillor Herrmann as the Presiding Member of the Audit Committee for a period to conclude on 26 November 2020.

As such, the Audit Committee membership terms of Councillors Herrmann and Mudge are due to expire on the 26 November 2020, and Cr Herrmann's Presiding Member role is also due to expire 26 November 2020. The Audit Committee requires Council Member appointment to commence from 27 November 2020.

The *Statutes Amendment (Local Government Review) Bill 2020* proposes a number of legislative changes that may impact on the functions of the Audit Committee however as it is only a Bill at this point in time, it does not impact on the required recruitment of Council Members.

The purpose of this report is to seek the Council's determination regarding the process for the election of the Council Member membership for a specified term. The matter of Presiding Member will be contemplated in a future report when the Independent Membership of the Panel will also be resolved.

RECOMMENDATION

Council resolves:

1. That the report be received and noted
2. To determine that the method of selecting the Audit Committee Members to be by an indicative vote to determine the preferred persons for the two Council Member positions utilising the process set out in this Agenda report.
3. To adjourn the Council meeting for the purposes of seeking nominations for and, if necessary, conducting an indicative vote to determine the preferred persons for the Audit Committee Member roles and for the meeting to resume once the results of the indicative vote have been declared.
4. To appointand as members of the Audit Committee for amonth term to commence 27 November 2020 and conclude on 26 November 20XX (inclusive) (or at the conclusion of the Council Term).

1. GOVERNANCE

➤ Strategic Management Plan/Functional Strategy/Council Policy Alignment

Strategic Plan 2020-24 – A brighter future

Goal 5	A Progressive Organisation
Objective O4	We actively represent our community
Priority O4.3	Attract and develop a diverse and capable elected body that represents, promotes and reflects the composition of the community
Priority O4.3	Advocate to, and exert influence with, our stakeholders on behalf of our community to promote the needs and ambitions of the region
Objective O5	We are accountable, informed, and make decisions in the best interests of the whole community
Priority O5.1	Enhance governance structures and systems to prudently adapt to changing circumstances and meet our legislative obligations

➤ Legal Implications

Section 128 - Audit Committee of the Act prescribes that a council must have an audit committee to fulfil the functions set out in that section. Regulation 17(1)(b) of the *Local Government (Financial Management) Regulations 2011* requires that the audit committee must include at least one person who is not a member of the council and who is determined by the council to have financial experience relevant to the functions of an audit committee (i.e. an independent member).

Regulation 17 of the *Local Government (Financial Management) Regulations 2011* provides that the audit committee of a council:

- a) must have between 3 and 5 members (inclusive); and
- b) must include 1 person who is not a member of the council and who is determined by the council to have financial experience relevant to the functions of an audit committee; and
- c) must not include, as a member, the council's auditor under Section 128 of the Act.

Section 41 of the *Local Government Act 1999* (the Act) sets out the processes for the establishment of council committees. These committees may be formed to assist council in the performance of its functions; to enquire into matters; to provide advice to council and to exercise delegated powers, functions and duties. The Audit Committee is a s41 Committee

Sections 73 and 74 of the Act set out the provisions regarding Material Conflicts of Interest. Council Member membership of the Audit Committee in one of the two Council Member roles under the Committee's TOR, may possibly constitute a personal benefit under s73 of the Act.

Sections 75 and 75A of the Act set out the provisions regarding Actual and Perceived Conflicts of Interest. A Council Member seeking to be appointed to a Committee may in actuality, or could be perceived by an impartial person to, have a conflict between their personal interests and the public interest that might lead to a decision that is contrary to the public interest.

Therefore a Council Member seeking to be appointed to a Committee Member role could have a Material, Actual or Perceived Conflict of Interest and would need to consider declaring the interest and leave the Chamber prior to the discussion of the matter under s74(1) or s75A(2), as appropriate. However the Council Member may stay in the chamber and participate during an adjournment and informal gathering.

Council's *Informal Council and Council Committee Gatherings and Discussions Policy* created under s90(8a) of the Act sets out the provisions for the conduct of a Designated Informal Gathering.

The *Statutes Amendment (Local Government Review) Bill 2020* is currently before Parliament. The Bill contains revised draft sections (125A) regarding the internal audit function, (126) the functions and membership of an 'audit and risk committee', and (129) regarding the conduct of the audit which, if they are enacted, will impact on the role and functions of the Audit Committee. This will be the subject of a future report when required.

➤ **Risk Management Implications**

The Council's consideration of the membership of the Audit Committee will assist in mitigating the risk of:

Poor governance practices occur which lead to a loss of stakeholder (i.e. customer and regulator) confidence and/or legislative breaches.

Inherent Risk	Residual Risk	Target Risk
Extreme (5C)	Low (3E)	Low (3E)

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

➤ **Financial and Resource Implications**

An Independent Remuneration Tribunal has jurisdiction under section 76 of the Act to determine the allowances payable to council members. The Tribunal determines the annual allowance for councillors, principal members, deputy mayor, prescribed and non-prescribed committee presiding members and travel time allowances with the applicable determination of this term of council being *Determination 6 of 2018 – Allowances for Members of Local Government Councils*.

A prescribed committee is 'a committee that endures, irrespective of whether the council has assigned any particular work for the committee to perform and assist council or provides advice to the council.'

The Determination sets the annual allowance for a councillor who is a presiding member of one or more prescribed committees is equal to one and a quarter (1.25) times the annual allowance for councillors of that council. There is no allowance payment for councillors who are members of Council Committees.

This amount will be adjusted in accordance with the consumer price index at the next anniversary of the 2018 Local Government election in accordance with statutory requirements.

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

There is a high expectation that Council has appropriate governance and accountability mechanisms in place in relation to its meeting structures and that Council Committee members are competent and understand the role and functions of the committee and their individual obligations with regard to conduct.

➤ **Sustainability Implications**

Not applicable.

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

Consultation on the development of this report was as follows:

Council Committees: Not Applicable

Council Members: Not Applicable

Advisory Groups: Not Applicable

Workshops: Not Applicable

Administration: Chief Executive Officer
Executive Manager Governance & Performance
Executive Assistant Mayor and CEO

External Agencies: Not Applicable

Community: There is no requirement for community consultation in relation to the appointment of Council Members to the Audit Committee.

2. BACKGROUND

Audit Committee Terms of Reference

The Audit Committee Terms of Reference (**Appendix 1**) is based on the aforementioned provisions of the Act and Regulations and good practice guidance from the Local Government Association.

In November 2018, the State Parliament passed the *Public Interest Disclosure Bill 2018* which commenced in mid-2019.

The preamble to the Act describes it as:

An Act to encourage and facilitate disclosures of certain information in the public interest by ensuring that proper procedures are in place for making and dealing with such disclosures and by providing protection for persons making such disclosures; and for other purposes.

At its 17 December 2019 meeting, Council reviewed the Audit Committee TOR and resolved as follows:

12.10 Audit Committee Terms of Reference

**Moved Cr Malcolm Herrmann
S/- Cr Leith Mudge**

320/19

Council resolves:

- 1. That the report be received and noted**
- 2. To adopt the draft Audit Committee Terms of Reference at Appendix 1.**

Carried Unanimously

Audit Committee Council Member Membership

The relevant elements of the Committee's TOR regarding membership and contained in clause 5, as follows:

- 5.1 The Committee will comprise 5 members as follows:
 - 5.1.1 Three (3) Independent Members; and
 - 5.1.2 Two (2) Council Members
- 5.2 All members of the Committee will be appointed by the Council.
- 5.3 Independent Member(s) of the Committee shall have recent and relevant skills and experience in professions such as, but not limited to accounting, financial management, risk management, law, compliance, internal audit and governance.
- 5.4 It is desirable for the Council Members to be appointed to the Committee to have a sound understanding of financial management, risk management and governance.
- 5.5 In considering appointments to the Committee, Council should give consideration to the diversity of the membership.
- 5.6 Appointments to the Committee shall be for a period of up to three (3) years.

Council, at its 27 November 2018 meeting, in relation to the two Council Member positions on the Audit Committee resolved as follows:

12.7.1 Membership Audit Committee – Appointment of Members

Moved Cr Mark Osterstock
S/- Cr Ian Bailey

292/18

Council resolves to appoint Cr Malcolm Herrmann & Cr Leith Mudge as members of the Audit Committee for a 24 month term to commence 27 November 2018 and conclude on 26 November 2020 (inclusive).

Carried Unanimously

As such, the membership terms of Councillors Herrmann and Mudge are due to expire on the 26 November 2020. The Audit Committee requires Council Member appointment to commence from 27 November 2020.

Audit Committee Independent Membership

Council, at its 23 January 2018 meeting, in relation to the three Independent Member positions on the Audit Committee resolved as follows:

19.1.1. CEO Performance Review Committee and Audit Committee Independent Members Appointments – Confidential Item

RELEASED 1 FEBRUARY 2018

Moved Cr John Kemp
S/- Cr Malcolm Herrmann

22/18

Council resolves:

1. That the report be received and noted
2. To appoint Paula Davies to the CEO Performance Review Panel for a term to commence immediately until 30 November 2020 (inclusive)
3. That in relation to the Audit Committee Independent Membership:
 - a. To appoint Peter Brass to the position of Independent Member for a term to commence immediately until 30 November 2019 (inclusive)
 - b. To appoint Geoff Purdie to the position of Independent Member for a term to commence immediately until 30 November 2019 (inclusive)
 - c. To appoint Paula Davies to the position of Independent Member for a term to commence immediately until 30 November 2020 (inclusive).

Carried Unanimously

The terms of Peter Brass and Geoff Purdie were due to expire on 30 November 2019 and Council, at its 26 November 2019 meeting, for two (2) of three (3) Independent Member positions on the Audit Committee resolved as follows:

RELEASED 19 February 2020

19.1.1 Appointment of Audit Committee Independent Members – Confidential Item

Moved Cr Malcolm Herrmann
S/- Cr Leith Mudge

303/19

Council resolves:

1. That the report be received and noted
2. That in relation to the Audit Committee Independent Membership:
 - a. To appoint Peter Brass to the position of Audit Committee Independent Member for a term to commence from 1 December 2019 until 30 November 2021 (inclusive).
 - b. To appoint David Moffatt to the position of Audit Committee Independent Member for a term to commence from 1 December 2019 until 30 November 2021 (inclusive).

Carried Unanimously

The other Independent Member position held by Paula Davies on the Audit Committee is due to expire 30 November 2020 and as such the membership terms of the Independent Members are current and, while they could be changed by resolution of the Council, are not the subject of this report and are discussed in a separate report in the 8 September 2020 Special Council agenda.

Audit Committee Presiding Member

Clause 7.1 the current TOR provides that the Council will appoint the Presiding Member of the Committee. Council has the flexibility to appoint the Presiding Member for a term of its choice within the bounds of the 3 year term as per clause 5.6.

The matter of Presiding Member will be contemplated in a report at the 27 October 2020 Ordinary meeting when the Independent Membership of the Panel (as described above) will also be resolved.

3. ANALYSIS

Audit Committee Terms of Reference

Clause 4.8 of the Audit Committee TOR provides that at least once in its term the Committee will review its own performance and terms of reference. The Committee conducts a regular review in October/November each year.

Unfortunately this review will likely precede any clarity arising from the proposed legislative reforms (see Legal Implications section) and a secondary review of the TOR may be required closer to the commencement of the new provisions.

In the interim as there do not appear to be any concerns with the current functioning of the Audit Committee and therefore no changes to the TOR are proposed at this point in time.

Specified Skills of Audit Committee Members

Clause 5.3 of the Audit Committee TOR requires members to have recent and relevant skills and experience in professions such as, but not limited to accounting, financial management, risk management, law, compliance, internal audit and governance.

The draft provisions [s126(2)(b)] of the Bill regarding the members of 'audit and risk committees' require members to have 'skills, knowledge and experience relevant to the functions of the committee, including in financial management, risk management, governance and any other prescribed matter'.

While the final provisions of the legislation will not be known until well after the selection process is finalised, it is anticipated that the current TOR's provisions will likely satisfy whatever 'specified skills' are prescribed, particularly as there is likely to be a transition period for Members appointed prior to the new legislative provisions.

Indicative Voting Process for Determining Council Appointed Positions

Due to the potential implications of the Material Conflict of Interest provisions under s73 (see Legal Implications above) regarding the appointment of Committee Members, 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 role of Committee Member.

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 a Designated Informal Gathering for the purposes of s90 and the *Informal Council and Council Committee Gatherings and Discussions Policy* (the Policy). As a Designated Informal Gathering, 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 Code of Practice for Council Meeting Procedures* with modifications to suit the legislative requirements of the conflict of interest and informal gatherings provisions.

The proposed Indicative Voting Process is:

- a) Chief Executive Officer calls for self-nominations for the position of Audit Committee Member.
- b) If the number of nominees is equal to or less than the number of positions (i.e. two), no election will be required. If the number of nominees is greater, an election will be necessary.
- c) The CEO (or another Council staff member) will be appointed as the Returning Officer and may enlist other Council staff to assist with the conduct of the vote and the count.
- d) The method of voting will be by secret ballot utilising the preferential counting system
- e) Each Council Member (including the Mayor) shall have one vote.
- f) Ballot papers will be provided to each Council Member
- g) The nominee's names will be drawn to determine the order on the ballot paper.
- h) Each nominee will have two (2) minutes to speak to the Gathering in support of the candidacy. The speaking order will be as listed on the ballot paper.
- i) 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.
- j) 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.
- k) After all votes have been counted, the Returning Officer shall formally declare the result of the election (i.e. the preferred person).
- l) The ballot papers will be shredded.

Proposed Chronology of Events

The mechanics are relatively complicated due to the legislative provisions regarding conflict of interest and informal gatherings.

The following chronology has been based on guidance from the LGA regarding the election of Council Members to Committee and Presiding Member positions:

- I. Council will consider the process that it will use to choose the preferred persons for the Audit Committee Council Member positions. Council would give effect to this by dealing with Recommendation 2 (or a variant) at this time.
- II. Having decided the method, Council will then have to adjourn the meeting to enable the process to be undertaken. Council would give effect to this by dealing with Recommendation 3 (or a variant) at this time.
- III. Once the Indicative Voting Process has been completed the Council meeting will resume in accordance with the previous resolution.

Upon resumption, the Council Members who nominated for the Presiding Member role would be advised to make declarations in accordance with *s74 – Dealing with material conflicts of interest* and leave the Chamber.

- IV. Council can then resolve for the preferred persons to be appointed as the Audit Committee Council Members for an identified term. Council would give effect to this by dealing with Recommendation 4 (or a variant) at this time.

Once this matter is resolved, the Members who have declared Conflicts of Interest can return to the Chamber.

4. OPTIONS

The Council has the following options:

- I. To resolve to appoint the membership of the Audit Committee for a period and to undertake the processes as outlined in the report. This period may be more than one year (**Recommended**).
- II. To determine not to resolve the membership or Presiding Member (**Not Recommended**). Doing so would effectively breach Council's legislative obligations.

5. APPENDIX

- (1) Audit Committee Terms of Reference

Appendix 1

Audit Committee Terms of Reference

ADELAIDE HILLS COUNCIL

Audit Committee



TERMS OF REFERENCE

1. ESTABLISHMENT

- 1.1 The Audit Committee (the Committee) of Council is established under Section 41 of the *Local Government Act 1999* (the Act), for the purposes of Section 126 of the Act and in compliance with regulation 17 of the *Local Government (Financial Management) Regulations 2011*.
- 1.2 The Audit Committee does not have executive powers or authority to implement actions in areas which management has responsibility and does not have any delegated financial responsibility. The Audit Committee does not have any management functions and is therefore independent from management.

2. ROLE

- 2.1 The overall role of the Audit Committee will be to assist Council to accomplish its objectives by monitoring and providing advice on the adequacy and effectiveness of the systems and processes regarding financial management and reporting, internal control and risk management, internal audit and governance functions through the following functions:

3. SPECIFIC FUNCTIONS

- 3.1 Financial Reporting and Prudential Requirements

The Committee shall:

- 3.1.1 Provide comment on the assumptions underpinning Council's Strategic Management Plans (Strategic Plan, Annual Business Plan and Budget and Long Term Financial Plan), the consistency between plans and the adequacy of Council's plans in the context of maintaining financial sustainability;
- 3.1.2 Review and provide advice to Council on the degree to which the annual financial statements present fairly the state of affairs of the Council;
- 3.1.3 Monitor the integrity of the financial statements of the Council, including its annual report, reviewing significant financial reporting issues and judgements which they contain.;
- 3.1.4 Review and challenge where necessary:
 - 3.1.4.1 The consistency of, and/or any changes to, accounting policies;
 - 3.1.4.2 The methods used to account for significant or unusual transactions where different approaches are possible;
 - 3.1.4.3 Whether the Council has followed appropriate accounting standards and made appropriate estimates and judgements, taking into account the views of the external auditor;

3.1.4.4 The clarity of disclosure in the Council's financial reports and the context in which statements are made; and

3.1.4.5 All material information presented with the financial statements, such as the operating and financial review and the corporate governance statement (insofar as it relates to the audit and risk management);

3.1.5 Review prudential reports prepared under Section 48(1) of the Act and provide advice to Council, upon request, on other prudential matters.

3.2 Internal Controls and Risk Management Systems

The Committee shall:

3.2.1 Ensure that appropriate policies, practices and procedures of internal control (and other financial and risk management systems) are implemented, reviewed and maintained in order to assist the Council to carry out its activities in an efficient and orderly manner to achieve its objectives;

3.2.2 Review Council's risk management framework and monitor the performance of Council's risk management program;

3.2.3 Monitor the corporate risk profile and significant risk exposures for the organisation to ensure that there are appropriate management plans to manage and mitigate this business risk; and

3.2.4 Ensure an appropriate legislative compliance framework exists to identify risks and controls over compliance with applicable legislation and regulations.

3.3 Public Interest Disclosures

The Committee shall:

3.3.1 Review annually the Council's Public Interest Disclosure arrangements and compliance with the requirements of the *Public Interest Disclosure Act 2018*.

3.3.2 Provide recommendations to Council regarding Public Interest Disclosure Policy and resourcing required to comply with legislative requirements

3.3.2.1 2013.

3.4 Internal Audit

The Committee shall:

3.4.1 Monitor and review the effectiveness of the Council's internal audit function in the context of the Council's overall risk management system;

3.4.2 Consider and make recommendation on the program of the internal audit function and the adequacy of its resources and access to information to enable it to perform its function effectively and in accordance with the relevant professional standards.

3.4.3 Review all reports on the Council's operations from the internal auditors;

- 3.4.4 Review and monitor management's responsiveness to the findings and recommendations of the internal auditor; and
- 3.4.5 Where appropriate, meet the "head" of internal audit (internal or outsourced) at least once a year, without management being present, to discuss any issues arising from the internal audits carried out. In addition, the head of internal audit shall be given the right of direct access to the Principal Member of the Council and to the Presiding Member of the committee.

3.5 External audit

The Committee shall:

- 3.5.1 Consider and make recommendations to the Council, in relation to the appointment, re-appointment and removal of the Council's external auditor. The Committee shall oversee the selection process for new auditors and if an auditor resigns the Committee shall investigate the issues leading to this and decide whether any action is required;
- 3.5.2 Oversee Council's relationship with the external auditor including, but not limited to:
 - 3.5.2.1 Recommending the approval of the external auditor's remuneration, whether fees for audit or non-audit services, and recommending whether the level of fees is appropriate to enable an adequate audit to be conducted;
 - 3.5.2.2 Recommending the approval of the external auditor's terms of engagement, including any engagement letter issued at the commencement of each audit and the scope of the audit;
 - 3.5.2.3 Assessing the external auditor's independence and objectivity taking into account relevant professional and regulatory requirements and the extent of Council's relationship with the auditor, including the provision of any non-audit services;
 - 3.5.2.4 Satisfying itself that there are no relationships (such as family, employment, investment, financial or business) between the external auditor and the Council (other than in the ordinary course of business);
 - 3.5.2.5 Monitoring the external auditor's compliance with legislative requirements on the rotation of audit partners; and
 - 3.5.2.6 Assessing the external auditor's qualifications, expertise and resources and the effectiveness of the audit process (which shall include a report from the external auditor on the audit committee's own internal quality procedures);
- 3.5.3 Meet as needed with the external auditor. The Committee shall meet the external auditor at least once a year, without management being present; to discuss the external auditor's report and any issues arising from the audit;
- 3.5.4 Review and make recommendations on the annual audit plan, and in particular its consistency with the scope of the external audit engagement;

3.5.5 Review the findings of the audit with the external auditor. This shall include, but not be limited to, the following;

3.5.5.1 a discussion of any major issues which arose during the external audit;

3.5.5.2 any accounting and audit judgements; and

3.5.5.3 Levels of errors identified during the external audit. The committee shall also review the effectiveness of the external audit.

3.5.6 Review any representation letter(s) requested by the external auditor before they are signed by management;

3.5.7 Review the management letter and management's response to the external auditor's findings and recommendations.

3.6 Economy and Efficiency Audits

The Committee shall:

3.6.1 Propose and review the exercise of powers under Section 130A of the Act; to examine and report on any matter relating to financial management, or the efficiency and economy with which the council manages or uses its resources to achieve its objectives,

4. OTHER MATTERS

The Committee shall:

4.1 Have access to reasonable resources in order to carry out its duties, recognising the constraints within Council's Budget;

4.2 Be provided with appropriate and timely training, both in the form of an induction programme for new members and on an ongoing basis for all members;

4.3 Give due consideration to laws and regulations of the Act;

4.4 Make recommendations on co-ordination of the internal and external auditors;

4.5 Oversee any investigation of activities which are within its terms of reference;

4.6 Oversee action to follow up on matters raised by the external and internal auditors;

4.7 Invite Council's external auditors and internal auditors to attend meetings of the Committee, as considered appropriate; and

4.8 At least once in its term, review its own performance and terms of reference to ensure it is operating at maximum effectiveness and recommend changes it considers necessary to the Council for approval.

5. MEMBERSHIP

- 5.1 The Committee will comprise 5 members as follows:
 - 5.1.1 Three (3) Independent Members; and
 - 5.1.2 Two (2) Council Members
- 5.2 All members of the Committee will be appointed by the Council.
- 5.3 Independent Member(s) of the Committee shall have recent and relevant skills and experience in professions such as, but not limited to accounting, financial management, risk management, law, compliance, internal audit and governance.
- 5.4 It is desirable for the Council Members to be appointed to the Committee to have a sound understanding of financial management, risk management and governance.
- 5.5 In considering appointments to the Committee, Council should give consideration to the diversity of the membership.
- 5.6 Appointments to the Committee shall be for a period of up to three (3) years.
- 5.7 Members of the Committee are eligible for reappointment at the expiration of their term of office.
- 5.8 The terms of appointment of the Independent Members should be arranged to ensure the orderly rotation and continuity of membership despite changes to the composition of the Council.

6. SITTING FEES

- 6.1 The applicable Remuneration Tribunal (or its successor) Determination outlines the applicable allowance for Council Members on the Committee.
- 6.2 The Independent Members are to be paid a sitting fee as determined by Council for attendance at meetings and authorised training sessions. Council may determine a higher sitting fee for the presiding member.

7. PRESIDING MEMBER

- 7.1 The Council will appoint the Presiding Member of the Committee.
- 7.2 The Council authorises the Committee to determine if there will be a Deputy Presiding Member of the Committee and, if so, authorises the Committee to make the appointment to that position for a term determined by the Committee.
- 7.3 If the Presiding Member of the Committee is absent from a meeting the Deputy Presiding Member (if such position exists) will preside at that meeting. If there is no position of Deputy Presiding Member, or both the Presiding Member and the Deputy Presiding Member of the Committee are absent from a meeting of the Committee, then a member of the Committee chosen from those present will preside at the meeting until the Presiding Member (or Deputy Presiding Member, if relevant) is present.

7.4 The role of the Presiding Member includes:

- 7.4.1 overseeing and facilitating the conduct of meetings in accordance with Act and the *Local Government (Procedures at Meetings) Regulations 2013* (the Regulations); and
- 7.4.2 Ensuring all Committee members have an opportunity to participate in discussions in an open and encouraging manner.

8. REPORTING RESPONSIBILITIES

8.1 For the purposes of Section 41(8) of the Act, the Committee's reporting and accountability requirements are:

- 8.1.1 The minutes of each Committee meeting will be included in the agenda papers of the next ordinary meeting of the Council;
- 8.1.2 The Presiding Member will attend a meeting of the Council at least once per annum to present a report on the activities of the Committee;
- 8.1.3 The Committee shall make whatever recommendations to the Council it deems appropriate on any area within its terms of reference where in its view action or improvement is needed; and
- 8.1.4 The Presiding Member may attend a Council meeting at any time that the Presiding Member sees fit to discuss any issue or concern relating to the Committee's functions. Depending on the nature of the matter, this may be held in confidence in accordance with Section 90 of the Act and staff may be requested to withdraw from the meeting.

9. MEETING PROCEDURE

- 9.1 Meeting procedure for the Committee is as set out in the Act, Parts 1, 3 and 4 of the Regulations. Insofar as the Act, the Regulations, or these Terms of Reference do not prescribe the procedure to be observed in relation to the conduct of a meeting of the Committee, the Committee may determine its own procedure.
- 9.2 In accordance with Section 90(7a), one or more Committee members may participate in the meeting by telephone or other electronic means provided that members of the public can hear the discussion between all Committee members.
- 9.3 Only members of the Committee are entitled to vote in Committee meetings. Unless otherwise required by the Act not to vote, each member must vote on every matter that is before the Committee for decision.
- 9.4 Council Employees may attend any meeting as observers or be responsible for preparing papers for the committee.

10. SECRETARIAL RESOURCES

- 10.1 The Chief Executive Officer shall provide sufficient administrative resources to the Committee to enable it to adequately carry out its functions.

11. FREQUENCY OF MEETINGS

- 11.1 The Committee shall meet at least four times a year at appropriate times and places as determined by the Committee. A special meeting of the Committee may be called in accordance with the Act.
- 11.2 If after considering advice from the CEO or delegate, the Presiding Member of the Committee is authorised to cancel the respective Committee meeting, if it is clear that there is no business to transact for that designated meeting.

12. NOTICE OF MEETINGS

- 12.1 Notice of the meetings of the Committee will be given in accordance with Sections 87 and 88 of the Act. Accordingly, notice will be given:

- 12.1.1 To members of the Committee by email or as otherwise agreed by Committee members at least 3 clear days before the date of the meeting; and

- 12.1.2 To the public as soon as practicable after the time that notice of the meeting is given to members by causing a copy of the notice and agenda to be displayed at the Council's offices and on the Council's website.

12.2 PUBLIC ACCESS TO MEETINGS & DOCUMENTS

- 12.3 Members of the public are able to attend all meetings of the Committee, unless prohibited by resolution of the Committee under the confidentiality provisions of Section 90 of the Act.
- 12.4 Members of the public have access to all documents relating to the Committee unless prohibited by resolution of the Committee under the confidentiality provisions of Section 91 of the Act.

13. MINUTES OF MEETINGS

- 13.1 The Chief Executive Officer shall ensure that the proceedings and resolutions of all meetings of the Committee, including recording the names of those present and in attendance are minuted and that the minutes otherwise comply with the requirements of the Regulations.
- 13.2 Minutes of Committee meetings shall be circulated within five days after a meeting to all members of the Committee and will (in accordance with legislative requirements) be available to the public.

**ADELAIDE HILLS COUNCIL
SPECIAL COUNCIL MEETING
Tuesday 8 September 2020
AGENDA BUSINESS ITEM**

Item: 7.3

Originating Officer: Steven Watson
Governance & Risk Coordinator
Office of the CEO

Subject: Audit Committee Membership – approval to commence recruitment of Independent Members

For: Decision

SUMMARY

Council utilises its Council Committees to provide advice to Council which collectively contribute to the achievement of Council's goals and strategies and discharge of its legislative obligations.

Council has established three Council Committees being the Strategic Planning & Development Policy Committee (SPDPC), the Audit Committee and the Chief Executive Officer Performance Review Panel (CEOPRP).

This report addresses matters related to the Independent Membership of the Audit Committee, with the key matter being to establish a selection panel for recruitment of one (1) Independent Member.

The *Statutes Amendment (Local Government Review) Bill 2020* proposes a number of legislative changes that may impact on the functions of the Audit Committee however as it is only a Bill at this point in time, it does not impact on the required recruitment of an Independent Member.

RECOMMENDATION

Council resolves:

1. That the report be received and noted
 2. That in relation to the Audit Committee:
 - a. To undertake a recruitment process for the selection of one Independent Ordinary Member for the Audit Committee for a term commencing 1 November 2020 and concluding 30 April 2022 (inclusive).
 - b. To appoint _____, _____ and the CEO (or delegate) as members of the Audit Committee Independent Member Selection Panel.
-

1. GOVERNANCE

➤ Strategic Management Plan/Functional Strategy/Council Policy Alignment

Strategic Plan 2020-24 – A brighter future

Goal 5	A Progressive Organisation
Objective O4	We actively represent our community
Priority O4.3	Attract and develop a diverse and capable elected body that represents, promotes and reflects the composition of the community
Priority O4.3	Advocate to, and exert influence with, our stakeholders on behalf of our community to promote the needs and ambitions of the region
Objective O5	We are accountable, informed, and make decisions in the best interests of the whole community
Priority O5.1	Enhance governance structures and systems to prudently adapt to changing circumstances and meet our legislative obligations

➤ Legal Implications

Section 128 - Audit Committee of the Act prescribes that a council must have an audit committee to fulfil the functions set out in that section. Regulation 17(1)(b) of the *Local Government (Financial Management) Regulations 2011* requires that the audit committee must include at least one person who is not a member of the council and who is determined by the council to have financial experience relevant to the functions of an audit committee (i.e. an independent member).

Regulation 17 of the *Local Government (Financial Management) Regulations 2011* provides that the audit committee of a council:

- a) must have between 3 and 5 members (inclusive); and
- b) must include 1 person who is not a member of the council and who is determined by the council to have financial experience relevant to the functions of an audit committee; and
- c) must not include, as a member, the council's auditor under Section 128 of the Act.

Section 41 of the *Local Government Act 1999* (the Act) sets out the processes for the establishment of council committees. These committees may be formed to assist council in the performance of its functions; to enquire into matters; to provide advice to council and to exercise delegated powers functions and duties. The Audit Committee is a s41 Committee

Council's *Informal Council and Council Committee Gatherings and Discussions Policy* created under s90(8a) of the Act sets out the provisions for the conduct of a Designated Informal Gathering.

A key element of the Governance Strategy within the Strategic Plan is that Council 'is committed to open, participative and transparent decision making and administrative processes.' A suite of Council Committees with clear roles and functions and skilled membership facilitates the achievement of this commitment.

The *Statutes Amendment (Local Government Review) Bill 2020* is currently before Parliament. The Bill contains revised draft sections (s125A) regarding the internal audit function, (s126) the functions and membership of an ‘audit and risk committee’, and (s129) regarding the conduct of the audit which, if they are enacted, will impact on the role and functions of the Audit Committee. This will be the subject of a future report when required.

➤ **Risk Management Implications**

The Council’s consideration of the Independent Member membership of the Audit Committee will assist in mitigating the risk of:

Poor governance practices occur which lead to a loss of stakeholder (i.e. customer and regulator) confidence and/or legislative breaches.

Inherent Risk	Residual Risk	Target Risk
Extreme (5C)	Low (3E)	Low (3E)

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

➤ **Financial and Resource Implications**

The costs specifically associated with this report relate to advertising for Expressions of Interest for membership of the Council Committees and the payment of Independent Member sitting fees and Presiding Member allowances. The costs have been incorporated in the adopted budget.

The resource implications are predominately in relation to the conduct of the Independent Member selection process.

The sitting fees for Independent Members of the Audit Committee were considered by Council at the 23 April 2019 Ordinary Council Meeting and were resolved as follows:

2. That in relation to the Audit Committee:

- a. To determine the sitting fees for Members, effective immediately, as follows:
 - i. Independent Presiding Member - \$550 (excl GST) per attended meeting.
 - ii. Independent Ordinary Member - \$400 (excl GST) per attended meeting.
 - iii. Authorised Training - \$75 (excl GST) per hour of training attended excluding travel time but with a travel allowance being paid at the standard Council rate.
- b. That in the event that an Independent Ordinary Member is required to preside at a meeting in the absence of the Presiding Member, then that Member receives the \$550 (excl GST) sitting fee for that meeting.

A benchmarking exercise involving 14 metro and peri-urban councils was undertaken by the South Australian Local Government Internal Audit Network (SALGIAN) in July 2020. The Independent Member sitting fees ranged from \$300 - \$1,000 per meeting with the mean being \$506. As such, Council is below the mean but it is not proposed to effect a change to the sitting fees at this point in time.

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

There is a high expectation that Council has appropriate governance and accountability mechanisms in place in relation to its meeting structures and that Council Committee members are competent and understand the role and functions of the committee and their individual obligations with regard to conduct.

➤ **Sustainability Implications**

Not applicable.

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

Consultation on the development of this report was as follows:

Council Committees: Not Applicable

Council Members: Not Applicable

Advisory Groups: Not Applicable

Workshops: Not Applicable

Administration: Chief Executive Officer
Executive Manager Governance & Performance
Executive Assistant Mayor and CEO

External Agencies: South Australian Local Government Internal Audit Network (SALGIAN)

Community: There is no requirement for community consultation in relation to the appointment of Independent Members and Presiding Members to Council Committees.

2. **BACKGROUND**

Audit Committee Terms of Reference

The Audit Committee Terms of Reference (**Appendix 1**) is based on the aforementioned provisions of the Act and Regulations and good practice guidance from the Local Government Association.

In November 2018, the State Parliament passed the *Public Interest Disclosure Bill 2018* which commenced in mid-2019.

The preamble to the Act describes it as:

An Act to encourage and facilitate disclosures of certain information in the public interest by ensuring that proper procedures are in place for making and dealing with such disclosures and by providing protection for persons making such disclosures; and for other purposes.

At its 17 December 2019 meeting, Council reviewed the Audit Committee TOR and resolved as follows:

12.10 Audit Committee Terms of Reference

Moved Cr Malcolm Herrmann

S/- Cr Leith Mudge

320/19

Council resolves:

- 1. That the report be received and noted**
- 2. To adopt the draft Audit Committee Terms of Reference at Appendix 1.**

Carried Unanimously

Audit Committee Membership

The relevant elements of the Committee's TOR regarding membership and contained in clause 5, as follows:

- 5.1 The Committee will comprise 5 members as follows:
 - 5.1.1 Three (3) Independent Members; and
 - 5.1.2 Two (2) Council Members
- 5.2 All members of the Committee will be appointed by the Council.
- 5.3 Independent Member(s) of the Committee shall have recent and relevant skills and experience in professions such as, but not limited to accounting, financial management, risk management, law, compliance, internal audit and governance.
- 5.4 It is desirable for the Council Members to be appointed to the Committee to have a sound understanding of financial management, risk management and governance.
- 5.5 In considering appointments to the Committee, Council should give consideration to the diversity of the membership.
- 5.6 Appointments to the Committee shall be for a period of up to three (3) years.

Audit Committee Independent Membership

Council, at its 23 January 2018 meeting, in relation to the three Independent Member positions on the Audit Committee resolved as follows:

19.1.1. CEO Performance Review Committee and Audit Committee Independent Members Appointments – Confidential Item

RELEASED 1 FEBRUARY 2018

Moved Cr John Kemp
S/- Cr Malcolm Herrmann

22/18

Council resolves:

1. That the report be received and noted
2. To appoint Paula Davies to the CEO Performance Review Panel for a term to commence immediately until 30 November 2020 (inclusive)
3. That in relation to the Audit Committee Independent Membership:
 - a. To appoint Peter Brass to the position of Independent Member for a term to commence immediately until 30 November 2019 (inclusive)
 - b. To appoint Geoff Purdie to the position of Independent Member for a term to commence immediately until 30 November 2019 (inclusive)
 - c. To appoint Paula Davies to the position of Independent Member for a term to commence immediately until 30 November 2020 (inclusive).

Carried Unanimously

The terms of Peter Brass and Geoff Purdie were due to expire on 30 November 2019 and Council and, at its 26 November 2019 meeting following a recruitment process for two (2) of three (3) Independent Member positions on the Audit Committee, resolved as follows:

RELEASED 19 February 2020

19.1.1 Appointment of Audit Committee Independent Members – Confidential Item

Moved Cr Malcolm Herrmann
S/- Cr Leith Mudge

303/19

Council resolves:

1. That the report be received and noted
2. That in relation to the Audit Committee Independent Membership:
 - a. To appoint Peter Brass to the position of Audit Committee Independent Member for a term to commence from 1 December 2019 until 30 November 2021 (inclusive).
 - b. To appoint David Moffatt to the position of Audit Committee Independent Member for a term to commence from 1 December 2019 until 30 November 2021 (inclusive).

Carried Unanimously

The other Independent Member position held by Paula Davies on the Audit Committee is due to expire 30 November 2020. The Audit Committee therefore requires one (1) Independent Member appointment to commence from 1 December 2020.

The Administration is suggesting increasing the period of appointment to fall due at the 30 April period in order to move it away from Local Government Elections which fall due in November every four (4) years i.e. 2018, 2022, 2026 and so on.

Audit Committee Presiding Member

Clause 7.1 the current (post July 2017) TOR provides that the Council will appoint the Presiding Member of the Committee. Council has the flexibility to appoint the Presiding Member for a term of its choice within the bounds of the 3 year term as per clause 5.6.

The matter of Presiding Member will be contemplated in a report at the 27 October 2020 Ordinary meeting when the Independent Membership of the Audit Committee will also be resolved.

3. ANALYSIS

Audit Committee Terms of Reference

Clause 4.8 of the Audit Committee TOR provides that at least once in its term the Panel will review its own performance and terms of reference. The Committee conducts a regular review in October/November each year.

Unfortunately this review will likely precede any clarity arising from the proposed legislative reforms (see Legal Implications section) and a secondary review of the TOR may be required closer to the commencement of the new provisions.

In the interim as there do not appear to be any concerns with the current functioning of the Audit Committee and therefore no changes to the TOR are proposed at this point in time.

Audit Committee Independent Membership

The term of one (1) Independent Ordinary Members is set to conclude on the 30 November 2020. In order for the Audit Committee to continue its functions and duties it is prudent for Council to determine its intentions regarding this vacancy well prior to the conclusion date.

Specified Skills of Audit Committee Members

Clause 5.3 of the Audit Committee TOR requires members to have recent and relevant skills and experience in professions such as, but not limited to accounting, financial management, risk management, law, compliance, internal audit and governance.

The draft provisions [s126(2)(b)] of the Bill regarding the members of ‘audit and risk committees’ require members to have ‘skills, knowledge and experience relevant to the functions of the committee, including in financial management, risk management, governance and any other prescribed matter’.

While the final provisions of the legislation will not be known until well after the selection process is finalised, it is anticipated that the current TOR’s provisions will likely satisfy whatever ‘specified skills’ are prescribed, particularly as there is likely to be a transition period for Members appointed prior to the new legislative provisions.

Selection Panel

If Council determines to commence a recruitment process for the selection of one (1) Independent Member, it will also need to determine a Selection Panel. Historically the Selection Panel for Audit Committee Independent Members has consisted of the two Council Members currently appointed to the Audit Committee. It is proposed that the CEO (or delegate) also be appointed to the Selection Panel due to the expertise of Council Officers in the disciplines associated with the Audit Committee's functions.

If Council seeks to utilise a voting process for the determination of the Selection Panel members, the Appointments to Positions Process contained in Clause 4.7 Council's *Code of Practice for Code of Practice for Council Meeting Procedures* with modifications to suit the legislative requirements of the conflict of interest and informal gatherings provisions can be utilised. The Procedures are contained in other reports in the 8 September 2020 agenda.

The Selection Panel will need to complete its process and provide a recommendation to Council no later than the 24 November 2020 Ordinary meeting, although the 27 October 2020 meeting will be targeted.

4. OPTIONS

Council has the following options:

- I. To determine to commence the Audit Committee Independent Member selection process and appoint the Selection Panel Members **(recommended)**.
- II. To determine an alternative course of action **(not recommended)**.

5. APPENDIX

1. Audit Committee – Terms of Reference

Appendix 1

Audit Committee – Terms of Reference

ADELAIDE HILLS COUNCIL

Audit Committee



TERMS OF REFERENCE

1. ESTABLISHMENT

- 1.1 The Audit Committee (the Committee) of Council is established under Section 41 of the *Local Government Act 1999* (the Act), for the purposes of Section 126 of the Act and in compliance with regulation 17 of the *Local Government (Financial Management) Regulations 2011*.
- 1.2 The Audit Committee does not have executive powers or authority to implement actions in areas which management has responsibility and does not have any delegated financial responsibility. The Audit Committee does not have any management functions and is therefore independent from management.

2. ROLE

- 2.1 The overall role of the Audit Committee will be to assist Council to accomplish its objectives by monitoring and providing advice on the adequacy and effectiveness of the systems and processes regarding financial management and reporting, internal control and risk management, internal audit and governance functions through the following functions:

3. SPECIFIC FUNCTIONS

- 3.1 Financial Reporting and Prudential Requirements

The Committee shall:

- 3.1.1 Provide comment on the assumptions underpinning Council's Strategic Management Plans (Strategic Plan, Annual Business Plan and Budget and Long Term Financial Plan), the consistency between plans and the adequacy of Council's plans in the context of maintaining financial sustainability;
- 3.1.2 Review and provide advice to Council on the degree to which the annual financial statements present fairly the state of affairs of the Council;
- 3.1.3 Monitor the integrity of the financial statements of the Council, including its annual report, reviewing significant financial reporting issues and judgements which they contain.;
- 3.1.4 Review and challenge where necessary:
 - 3.1.4.1 The consistency of, and/or any changes to, accounting policies;
 - 3.1.4.2 The methods used to account for significant or unusual transactions where different approaches are possible;
 - 3.1.4.3 Whether the Council has followed appropriate accounting standards and made appropriate estimates and judgements, taking into account the views of the external auditor;

3.1.4.4 The clarity of disclosure in the Council's financial reports and the context in which statements are made; and

3.1.4.5 All material information presented with the financial statements, such as the operating and financial review and the corporate governance statement (insofar as it relates to the audit and risk management);

3.1.5 Review prudential reports prepared under Section 48(1) of the Act and provide advice to Council, upon request, on other prudential matters.

3.2 Internal Controls and Risk Management Systems

The Committee shall:

3.2.1 Ensure that appropriate policies, practices and procedures of internal control (and other financial and risk management systems) are implemented, reviewed and maintained in order to assist the Council to carry out its activities in an efficient and orderly manner to achieve its objectives;

3.2.2 Review Council's risk management framework and monitor the performance of Council's risk management program;

3.2.3 Monitor the corporate risk profile and significant risk exposures for the organisation to ensure that there are appropriate management plans to manage and mitigate this business risk; and

3.2.4 Ensure an appropriate legislative compliance framework exists to identify risks and controls over compliance with applicable legislation and regulations.

3.3 Public Interest Disclosures

The Committee shall:

3.3.1 Review annually the Council's Public Interest Disclosure arrangements and compliance with the requirements of the *Public Interest Disclosure Act 2018*.

3.3.2 Provide recommendations to Council regarding Public Interest Disclosure Policy and resourcing required to comply with legislative requirements

3.3.2.1 2013.

3.4 Internal Audit

The Committee shall:

3.4.1 Monitor and review the effectiveness of the Council's internal audit function in the context of the Council's overall risk management system;

3.4.2 Consider and make recommendation on the program of the internal audit function and the adequacy of its resources and access to information to enable it to perform its function effectively and in accordance with the relevant professional standards.

3.4.3 Review all reports on the Council's operations from the internal auditors;

- 3.4.4 Review and monitor management's responsiveness to the findings and recommendations of the internal auditor; and
- 3.4.5 Where appropriate, meet the "head" of internal audit (internal or outsourced) at least once a year, without management being present, to discuss any issues arising from the internal audits carried out. In addition, the head of internal audit shall be given the right of direct access to the Principal Member of the Council and to the Presiding Member of the committee.

3.5 External audit

The Committee shall:

- 3.5.1 Consider and make recommendations to the Council, in relation to the appointment, re-appointment and removal of the Council's external auditor. The Committee shall oversee the selection process for new auditors and if an auditor resigns the Committee shall investigate the issues leading to this and decide whether any action is required;
- 3.5.2 Oversee Council's relationship with the external auditor including, but not limited to:
 - 3.5.2.1 Recommending the approval of the external auditor's remuneration, whether fees for audit or non-audit services, and recommending whether the level of fees is appropriate to enable an adequate audit to be conducted;
 - 3.5.2.2 Recommending the approval of the external auditor's terms of engagement, including any engagement letter issued at the commencement of each audit and the scope of the audit;
 - 3.5.2.3 Assessing the external auditor's independence and objectivity taking into account relevant professional and regulatory requirements and the extent of Council's relationship with the auditor, including the provision of any non-audit services;
 - 3.5.2.4 Satisfying itself that there are no relationships (such as family, employment, investment, financial or business) between the external auditor and the Council (other than in the ordinary course of business);
 - 3.5.2.5 Monitoring the external auditor's compliance with legislative requirements on the rotation of audit partners; and
 - 3.5.2.6 Assessing the external auditor's qualifications, expertise and resources and the effectiveness of the audit process (which shall include a report from the external auditor on the audit committee's own internal quality procedures);
- 3.5.3 Meet as needed with the external auditor. The Committee shall meet the external auditor at least once a year, without management being present; to discuss the external auditor's report and any issues arising from the audit;
- 3.5.4 Review and make recommendations on the annual audit plan, and in particular its consistency with the scope of the external audit engagement;

3.5.5 Review the findings of the audit with the external auditor. This shall include, but not be limited to, the following;

3.5.5.1 a discussion of any major issues which arose during the external audit;

3.5.5.2 any accounting and audit judgements; and

3.5.5.3 Levels of errors identified during the external audit. The committee shall also review the effectiveness of the external audit.

3.5.6 Review any representation letter(s) requested by the external auditor before they are signed by management;

3.5.7 Review the management letter and management's response to the external auditor's findings and recommendations.

3.6 Economy and Efficiency Audits

The Committee shall:

3.6.1 Propose and review the exercise of powers under Section 130A of the Act; to examine and report on any matter relating to financial management, or the efficiency and economy with which the council manages or uses its resources to achieve its objectives,

4. OTHER MATTERS

The Committee shall:

4.1 Have access to reasonable resources in order to carry out its duties, recognising the constraints within Council's Budget;

4.2 Be provided with appropriate and timely training, both in the form of an induction programme for new members and on an ongoing basis for all members;

4.3 Give due consideration to laws and regulations of the Act;

4.4 Make recommendations on co-ordination of the internal and external auditors;

4.5 Oversee any investigation of activities which are within its terms of reference;

4.6 Oversee action to follow up on matters raised by the external and internal auditors;

4.7 Invite Council's external auditors and internal auditors to attend meetings of the Committee, as considered appropriate; and

4.8 At least once in its term, review its own performance and terms of reference to ensure it is operating at maximum effectiveness and recommend changes it considers necessary to the Council for approval.

5. MEMBERSHIP

- 5.1 The Committee will comprise 5 members as follows:
 - 5.1.1 Three (3) Independent Members; and
 - 5.1.2 Two (2) Council Members
- 5.2 All members of the Committee will be appointed by the Council.
- 5.3 Independent Member(s) of the Committee shall have recent and relevant skills and experience in professions such as, but not limited to accounting, financial management, risk management, law, compliance, internal audit and governance.
- 5.4 It is desirable for the Council Members to be appointed to the Committee to have a sound understanding of financial management, risk management and governance.
- 5.5 In considering appointments to the Committee, Council should give consideration to the diversity of the membership.
- 5.6 Appointments to the Committee shall be for a period of up to three (3) years.
- 5.7 Members of the Committee are eligible for reappointment at the expiration of their term of office.
- 5.8 The terms of appointment of the Independent Members should be arranged to ensure the orderly rotation and continuity of membership despite changes to the composition of the Council.

6. SITTING FEES

- 6.1 The applicable Remuneration Tribunal (or its successor) Determination outlines the applicable allowance for Council Members on the Committee.
- 6.2 The Independent Members are to be paid a sitting fee as determined by Council for attendance at meetings and authorised training sessions. Council may determine a higher sitting fee for the presiding member.

7. PRESIDING MEMBER

- 7.1 The Council will appoint the Presiding Member of the Committee.
- 7.2 The Council authorises the Committee to determine if there will be a Deputy Presiding Member of the Committee and, if so, authorises the Committee to make the appointment to that position for a term determined by the Committee.
- 7.3 If the Presiding Member of the Committee is absent from a meeting the Deputy Presiding Member (if such position exists) will preside at that meeting. If there is no position of Deputy Presiding Member, or both the Presiding Member and the Deputy Presiding Member of the Committee are absent from a meeting of the Committee, then a member of the Committee chosen from those present will preside at the meeting until the Presiding Member (or Deputy Presiding Member, if relevant) is present.

7.4 The role of the Presiding Member includes:

- 7.4.1 overseeing and facilitating the conduct of meetings in accordance with Act and the *Local Government (Procedures at Meetings) Regulations 2013* (the Regulations); and
- 7.4.2 Ensuring all Committee members have an opportunity to participate in discussions in an open and encouraging manner.

8. REPORTING RESPONSIBILITIES

8.1 For the purposes of Section 41(8) of the Act, the Committee's reporting and accountability requirements are:

- 8.1.1 The minutes of each Committee meeting will be included in the agenda papers of the next ordinary meeting of the Council;
- 8.1.2 The Presiding Member will attend a meeting of the Council at least once per annum to present a report on the activities of the Committee;
- 8.1.3 The Committee shall make whatever recommendations to the Council it deems appropriate on any area within its terms of reference where in its view action or improvement is needed; and
- 8.1.4 The Presiding Member may attend a Council meeting at any time that the Presiding Member sees fit to discuss any issue or concern relating to the Committee's functions. Depending on the nature of the matter, this may be held in confidence in accordance with Section 90 of the Act and staff may be requested to withdraw from the meeting.

9. MEETING PROCEDURE

- 9.1 Meeting procedure for the Committee is as set out in the Act, Parts 1, 3 and 4 of the Regulations. Insofar as the Act, the Regulations, or these Terms of Reference do not prescribe the procedure to be observed in relation to the conduct of a meeting of the Committee, the Committee may determine its own procedure.
- 9.2 In accordance with Section 90(7a), one or more Committee members may participate in the meeting by telephone or other electronic means provided that members of the public can hear the discussion between all Committee members.
- 9.3 Only members of the Committee are entitled to vote in Committee meetings. Unless otherwise required by the Act not to vote, each member must vote on every matter that is before the Committee for decision.
- 9.4 Council Employees may attend any meeting as observers or be responsible for preparing papers for the committee.

10. SECRETARIAL RESOURCES

- 10.1 The Chief Executive Officer shall provide sufficient administrative resources to the Committee to enable it to adequately carry out its functions.

11. FREQUENCY OF MEETINGS

- 11.1 The Committee shall meet at least four times a year at appropriate times and places as determined by the Committee. A special meeting of the Committee may be called in accordance with the Act.
- 11.2 If after considering advice from the CEO or delegate, the Presiding Member of the Committee is authorised to cancel the respective Committee meeting, if it is clear that there is no business to transact for that designated meeting.

12. NOTICE OF MEETINGS

- 12.1 Notice of the meetings of the Committee will be given in accordance with Sections 87 and 88 of the Act. Accordingly, notice will be given:

- 12.1.1 To members of the Committee by email or as otherwise agreed by Committee members at least 3 clear days before the date of the meeting; and

- 12.1.2 To the public as soon as practicable after the time that notice of the meeting is given to members by causing a copy of the notice and agenda to be displayed at the Council's offices and on the Council's website.

12.2 PUBLIC ACCESS TO MEETINGS & DOCUMENTS

- 12.3 Members of the public are able to attend all meetings of the Committee, unless prohibited by resolution of the Committee under the confidentiality provisions of Section 90 of the Act.
- 12.4 Members of the public have access to all documents relating to the Committee unless prohibited by resolution of the Committee under the confidentiality provisions of Section 91 of the Act.

13. MINUTES OF MEETINGS

- 13.1 The Chief Executive Officer shall ensure that the proceedings and resolutions of all meetings of the Committee, including recording the names of those present and in attendance are minuted and that the minutes otherwise comply with the requirements of the Regulations.
- 13.2 Minutes of Committee meetings shall be circulated within five days after a meeting to all members of the Committee and will (in accordance with legislative requirements) be available to the public.

**ADELAIDE HILLS COUNCIL
SPECIAL COUNCIL MEETING
Tuesday 8 September 2020
AGENDA BUSINESS ITEM**

Item:	7.4
Responsible Officer:	Steven Watson Governance & Risk Coordinator Office of the Chief Executive
Subject:	CEO Performance Review Panel Membership– Council Members
For:	Decision

SUMMARY

The Chief Executive Officer Performance Review Panel (the CEOPRP) is created under Section 41 of the *Local Government Act 1999* (the Act).

At its 22 October 2019 meeting, Council resolved to appoint Councillors Osterstock and Parkin as Council Member members of the CEOPRP for a period to conclude on 26 November 2020 and resolved to appoint Councillor Osterstock as the Presiding Member of the CEOPRP for a period to conclude on 26 November 2020.

As such, the CEOPRP membership terms of Councillors Osterstock and Parkin are due to expire on the 26 November 2020, and Cr Osterstock's Presiding Member role is also due to expire 26 November 2020. The CEOPRP requires Council Member appointment to commence from 27 November 2020.

The *Statutes Amendment (Local Government Review) Bill 2020* proposes a number of legislative changes that may impact on the functions of the CEOPRP however as it is only a Bill at this point in time, it does not impact on the required recruitment of Council Members.

The purpose of this report is to seek the Council's determination regarding the process for the election of the Council Member membership for a specified term. The matter of Presiding Member will be contemplated in a future report when the Independent Membership of the Panel will also be resolved.

RECOMMENDATION

Council resolves:

1. That the report be received and noted.
2. To determine that the method of selecting the Chief Executive Officer Performance Review Panel Members to be by an indicative vote to determine the preferred persons for the two Council Member positions utilising the process set out in this Agenda report.
3. To adjourn the Council meeting for the purposes of seeking nominations for and, if necessary, conducting an indicative vote to determine the preferred persons for the Chief Executive Officer Performance Review Panel Member roles and for the meeting to resume once the results of the indicative vote have been declared.
4. To appoint as members of the Chief Executive Officer Performance Review Panel for amonth term to commence 27 November 2020 and conclude on 26 November 20XX (inclusive) (or at the conclusion of the Council Term 2022).

1. GOVERNANCE

➤ Strategic Management Plan/Functional Strategy/Council Policy Alignment

Strategic Plan 2020-24 – A brighter future

Goal 5 A Progressive Organisation

Objective O4 We actively represent our community

Priority O4.3 Attract and develop a diverse and capable elected body that represents, promotes and reflects the composition of the community

Priority O4.3 Advocate to, and exert influence with, our stakeholders on behalf of our community to promote the needs and ambitions of the region

Objective O5 We are accountable, informed, and make decisions in the best interests of the whole community

Priority O5.1 Enhance governance structures and systems to prudently adapt to changing circumstances and meet our legislative obligations

➤ Legal Implications

Section 41 of the *Local Government Act 1999* (the Act) sets out the processes for the establishment of council committees. These committees may be formed to assist council in the performance of its functions; to enquire into matters; to provide advice to council and to exercise delegated powers functions and duties. The CEOPRP is a s41 Committee.

Sections 73 and 74 of the Act set out the provisions regarding Material Conflicts of Interest. Council Member membership of the CEOPRP in one of the two Council Member roles under the Panel's Terms of Reference (TOR), may possibly constitute a personal benefit under s73 of the Act.

Sections 75 and 75A of the Act set out the provisions regarding Actual and Perceived Conflicts of Interest. A Council Member seeking to be appointed to a Committee may in actuality, or could be perceived by an impartial person to, have a conflict between their personal interests and the public interest that might lead to a decision that is contrary to the public interest.

Therefore a Council Member seeking to be appointed to a Panel Member role could have a Material, Actual or Perceived Conflict of Interest and would need to consider declaring the interest and leave the Chamber prior to the discussion of the matter under s74(1) or s75A(2), as appropriate. However the Council Member may stay in the chamber and participate during an adjournment and informal gathering.

Council's *Informal Council and Council Committee Gatherings and Discussions Policy* created under s90(8a) of the Act sets out the provisions for the conduct of a Designated Informal Gathering.

While Part 1 – Chief Executive Officer of Chapter 7 – Staff of the Act contains provisions for the requirement for a CEO, vacancies in the Office of CEO, appointment procedures and the role of the CEO, there are no provisions for the review of the CEO's performance. As such, the CEOPRP is an entirely discretionary committee.

The *Statutes Amendment (Local Government Review) Bill 2020* is currently before Parliament. The Bill contains draft sections (99A) regarding the remuneration of the CEO and (102A) CEO performance review which, if they are enacted, will impact on the role and functions of the CEOPRP. This will be the subject of a future report when required.

➤ **Risk Management Implications**

The Council's consideration of membership of the CEOPRP will assist in mitigating the risk of:

Poor governance practices occur which lead to a loss of stakeholder (i.e. customer and regulator) confidence and/or legislative breaches.

Inherent Risk	Residual Risk	Target Risk
Extreme (5C)	Low (3E)	Low (3E)

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

➤ **Financial and Resource Implications**

An Independent Remuneration Tribunal has jurisdiction under section 76 of the Act to determine the allowances payable to council members. The Tribunal determines the annual allowance for councillors, principal members, deputy mayor, prescribed and non-prescribed committee presiding members and travel time allowances with the applicable determination of this term of council being *Determination 6 of 2018 – Allowances for Members of Local Government Councils*.

A prescribed committee is 'a committee that endures, irrespective of whether the council has assigned any particular work for the committee to perform and assist council or provides advice to the council.'

The Determination sets the annual allowance for a councillor who is a presiding member of one or more prescribed committees is equal to one and a quarter (1.25) times the annual allowance for councillors of that council. There is no allowance payment for councillors who are members of Council Committees.

This amount will be adjusted in accordance with the consumer price index at the next anniversary of the 2018 Local Government election in accordance with statutory requirements.

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

There is a high expectation that Council has appropriate governance and accountability mechanisms in place in relation to its meeting structures and that Council Committee members are competent and understand the role and functions of the committee and their individual obligations with regard to conduct.

➤ **Sustainability Implications**

Not applicable.

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

Consultation on the development of this report was as follows:

Council Committees: Not Applicable

Council Members: Not Applicable

Advisory Groups: Not Applicable

Workshops: Not Applicable

Administration: Chief Executive Officer
Executive Manager Governance & Performance
Executive Manager Organisational Development
Executive Assistant Mayor and CEO

External Agencies: Not Applicable

Community: There is no requirement for community consultation in relation to the appointment of Council Members to the CEOPRP.

2. BACKGROUND

CEOPRP Terms of Reference

At its 25 July 2017 meeting Council adopted a revised Terms of Reference (TOR) (**Appendix 1**) which came into effect on 1 September 2017.

At its 27 November 2018 meeting, in relation to the TOR, Council resolved (283/18) to retain the TOR as follows:

Cr Herrmann, with the consent of Cr Stratford, sought and was granted leave of the meeting to vary the motion as follows.

Council resolves:

1. That the report be received and noted
2. To retain the Chief Executive Officer Performance Review Panel for the term of the Council with the Terms of Reference in Appendix 1.
3. Council resolves to determine that the method of selecting the Chief Executive Officer Performance Review Panel Members to be by an indicative vote to determine the preferred persons for the two Council Member positions utilising the process set out in this Agenda report with an amendment to part (k) in that after all votes have been counted, the Returning Officer will formally declare the result of the election.
4. Council resolves 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 Chief Executive Officer Performance Review Panel Member roles and for the meeting to resume once the results of the indicative vote have been declared.

Carried Unanimously

CEOPRP Council Member Membership

The relevant elements of the Panel's TOR regarding membership and contained in clause 5, as follows:

- 5.1 The Panel will comprise five (5) members as follows:
 - 5.1.1 Mayor and Deputy Mayor;
 - 5.1.2 Two (2) Council Members ; and
 - 5.1.3 One (1) Independent Member.
- 5.2 All members of the Panel will be appointed by the Council.
- 5.3 The Independent Member of the Panel shall have recent and relevant skills and experience in fields related to the role and functions of the Panel.
- 5.4 It is desirable for the Council Members to be appointed to the Panel to have a sound understanding of the role and functions of the Panel.
- 5.5 In considering appointments to the Panel, Council should give consideration to the diversity of the membership.
- 5.6 Appointments to the Panel shall be for a period of up to three (3) years.

Council, at its 27 November 2018 meeting, in relation to the two Council Member positions on the CEOPRP resolved as follows:

12.5.1 Membership CEO Performance Review Panel – Appointment of Members

Moved Cr Ian Bailey
S/- Cr John Kemp

284/18

Council resolves to appoint Councillors Kirsty Parkin and Mark Osterstock as members of the Chief Executive Officer Performance Review Panel for a 12 month term to commence 27 November 2018 and conclude on 26 November 2019 (inclusive).

Carried Unanimously

As such, the membership terms of Councillors Osterstock and Parkin were due to expire on the 26 November 2019 and Council, at its 22 October 2019 meeting, in relation to the two Council Member positions on the CEOPRP resolved as follows:

12.9.1 Appointment CEO Performance Review Panel

Moved Cr Pauline Gill
S/- Cr John Kemp

255/19

That Council resolves:

1. To appoint Councillors Parkin & Osterstock as members of the Chief Executive Officer Performance Review Panel for a 12 month term to commence 27 November 2019 and conclude on 26 November 2020 (inclusive).
2. To determine that the method of selecting the Chief Executive Officer Performance Review Panel 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 Chief Executive Officer Performance Review Panel Presiding Member role and for the meeting to resume once the results of the indicative vote have been declared.

Carried Unanimously

As such, the membership terms of Councillors Osterstock and Parkin are due to expire on the 26 November 2020. The CEOPRP requires Council Member appointment to commence from 27 November 2020.

CEOPRP Independent Membership

In relation to the one Independent Member position on the CEOPRP, at its 23 January 2018 meeting, Council resolved as follows:

19.1.1. CEO Performance Review Committee and Audit Committee Independent Members Appointments – Confidential Item

RELEASED 1 FEBRUARY 2018

Moved Cr John Kemp
S/- Cr Malcolm Herrmann

22/18

Council resolves:

1. That the report be received and noted
2. To appoint Paula Davies to the CEO Performance Review Panel for a term to commence immediately until 30 November 2020 (inclusive)

At its 23 January 2018 meeting, in relation to the one Independent Member position and upon advice from Paula Davies of her intention to resign from the Panel, Council resolved as follows:

12.9 CEO PRP Independent Membership

Moved Cr John Kemp
S/- Cr Kirrilee Boyd

16/20

Council resolves:

1. That the report be received and noted
2. That in relation to the CEO Performance Review Panel:
 - a. To undertake a recruitment process for the selection of one Independent Ordinary Member for the CEO Performance Review Panel for a term of 24 months, indicatively commencing 1 March 2020.
 - b. To appoint Cr Mark Osterstock, Cr Kirsty Parkin and the Executive Manager Organisational Development as members of the CEO Performance Review Panel Independent Member Selection Panel.

Carried Unanimously

At its 28 April 2020 meeting, in relation to the one Independent Member position, Council resolved as follows:

12.9 CEO PRP Independent Member Deferral

Moved Cr Linda Green
S/- Cr John Kemp

75/20

Council resolves:

1. That the report be received and noted
2. To defer the recruitment of an Independent Ordinary Member until the social distancing restrictions associated with COVID-19 are sufficiently reduced/removed.

Carried Unanimously

The CEOPRP Independent Ordinary Member recruitment process has resumed and a report is expected at the 27 October 2020 Ordinary Council Meeting is detailing the outcomes.

As such the membership term of the Independent Member (Paula Davies) is current and, while it could be changed by resolution of the Council, this is not the subject of this report.

CEOPRP Presiding Member

Clause 7.1 the TOR provides that the Council will appoint the Presiding Member of the Panel. Council has the flexibility to appoint the Presiding Member for a term of its choice within the bounds of the 3 year term as per clause 5.6.

The matter of Presiding Member will be contemplated in a report at the 27 October 2020 Ordinary meeting when the Independent Membership of the Panel (as described above) will also be resolved.

3. ANALYSIS

CEOPRP Terms of Reference

Clause 4.5 of the TOR provides that, at least once in its term the Panel will review its own performance and terms of reference. This review would most appropriately be performed when the new legislative provisions (see Legal Implications section above) are known.

In the interim as there do not appear to be any concerns with the current functioning of the CEOPRP and therefore no changes to the TOR are proposed at this point in time.

CEOPRP Membership

As identified in the Background section above, the discretionary Council Member membership of the CEOPRP is limited to two (2) Council Members.

Clause 5.4 of the CEOPRP TOR provides that it is desirable for the Council Members to be appointed to the Panel to have a sound understanding of the role and functions of the Panel.

Given the limit of two positions, appointment to the Panel could be most effectively managed via the *Indicative Voting Process for Determining Council Appointed Positions* as detailed below.

Indicative Voting Process for Determining Council Appointed Positions

Due to the potential implications of the Material Conflict of Interest provisions under s73 (see Legal Implications above) regarding the appointment of Panel Members, it is proposed that the Council adjourn the meeting for the purposes of seeking nominations for and, if necessary, conducting an indicative vote (Indicative Voting Process) to determine the preferred person for the positions of Panel Member.

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 a Designated Informal Gathering for the purposes of s90 and the *Informal Council and Council Committee Gatherings and Discussions Policy* (the Policy). As a Designated Informal Gathering, 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 Code of Practice for Council Meeting Procedures* with modifications to suit the legislative requirements of the conflict of interest and informal gatherings provisions.

The proposed Indicative Voting Process is:

- a) Chief Executive Officer calls for self-nominations for the position of CEOPRP Members.
- b) If the number of nominees is equal to or less than the number of positions (i.e. two), no election will be required. If the number of nominees is greater, an election will be necessary.
- c) The CEO (or another Council staff member) will be appointed as the Returning Officer and may enlist other Council staff to assist with the conduct of the vote and the count.
- d) The method of voting will be by secret ballot utilising the preferential counting system
- e) Each Council Member (including the Mayor) shall have one vote.
- f) Ballot papers will be provided to each Council Member
- g) The nominee's names will be drawn to determine the order on the ballot paper.
- h) Each nominee will have two (2) minutes to speak to the Gathering in support of the candidacy. The speaking order will be as listed on the ballot paper.
- i) 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.
- j) 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.
- k) After all votes have been counted, the Returning Officer shall publicly announce the final votes cast for each candidate and formally declare the result of the election (i.e. the preferred person).
- l) The ballot papers will be shredded.

Proposed Chronology of Events

The mechanics are relatively complicated due to the legislative provisions regarding conflict of interest and informal gatherings.

The following chronology has been based on guidance from the LGA regarding the election of Council Members to Committee and Presiding Member positions:

- I. Council will then consider the process that it will use to choose the preferred persons for the two Council Member positions. Council would give effect to this by dealing with Recommendation 2 (or a variant) at this time.
- II. Having decided the method, Council will then have to adjourn the meeting to enable the process to be undertaken. Council would give effect to this by dealing with Recommendation 3 (or a variant) at this time.
- III. Once the Indicative Voting Process has been completed the Council meeting will resume in accordance with the previous resolution.

Upon resumption, the Council Members who nominated for the CEOPRP Member roles would be advised to consider their obligations to declare a Material, Actual or Perceived Conflict of Interest as appropriate.

- IV. Council can then resolve for the preferred persons to be appointed as the CEOPRP Members for an identified term. Council would give effect to this by dealing with Recommendation 4 (or a variant) at this time.

Once this matter is resolved, the Members who have declared Conflicts of Interest can return to the Chamber.

4. OPTIONS

The Council has the following options:

- I. To resolve to appoint the membership of the CEOPRP for a period and to undertake the processes as outlined in the report. This period may be more than one year (**Recommended**).
- II. To determine not to resolve the membership (**Not Recommended**). Doing so would effectively revert all CEO Performance Review processes to the full Council, which may be an inefficient use of Council time.

5. APPENDIX

- (1) Chief Executive Officer Performance Review Panel Terms of Reference

Appendix 1

*Chief Executive Officer Performance Review Panel
Terms of Reference*

ADELAIDE HILLS COUNCIL

CEO Performance Review Panel



TERMS OF REFERENCE

1. ESTABLISHMENT

- 1.1 The CEO Performance Review Panel (the Panel) of Council is established under Section 41 of the *Local Government Act 1999* (the Act).
- 1.2 The Panel does not have executive powers or authority to implement actions in areas which management has responsibility and does not have any delegated financial responsibility. The Panel does not have any management functions and is therefore independent from management.

2. ROLE

- 2.1 The Council is responsible for the selection, remuneration and management of the Chief Executive Officer (CEO). The overall role of the Panel is to provide advice to Council on matters relating to the performance and development of the CEO.

3. SPECIFIC FUNCTIONS

- 3.1 The function of the Panel is to provide advice to Council on the CEO's performance and development, including the following matters:
 - 3.1.1 Determining the Performance Targets for the forthcoming 12 month performance period;
 - 3.1.2 Monitoring the progress on the CEO's agreed Performance Targets for the current 12 month performance period;
 - 3.1.3 Reviewing the CEO's performance over the preceding 12 month performance period, in particular the performance against the agreed Performance Targets and position description requirements;
 - 3.1.4 Identifying development opportunities for the CEO; and
 - 3.1.5 Reviewing the remuneration and conditions of employment of the CEO.

4. OTHER MATTERS

The Panel shall:

- 4.1 Have access to reasonable resources in order to carry out its duties, recognising the constraints within Council's Budget;
- 4.2 Be provided with appropriate and timely training, both in the form of an induction programme for new members and on an ongoing basis for all members;

- 4.3 Give due consideration to laws and regulations of the Act;
- 4.4 Where the Panel is required to act jointly with or to obtain the concurrence of the CEO in the performance of its functions, the Council expects that both parties will negotiate and consult in good faith to achieve the necessary objectives; and
- 4.5 At least once in its term, review its own performance and terms of reference to ensure it is operating at maximum effectiveness and recommend changes it considers necessary to the Council for approval.

5. MEMBERSHIP

- 5.1 The Panel will comprise five (5) members as follows:
 - 5.1.1 Mayor and Deputy Mayor;
 - 5.1.2 Two (2) Council Members ; and
 - 5.1.3 One (1) Independent Member.
- 5.2 All members of the Panel will be appointed by the Council.
- 5.3 The Independent Member of the Panel shall have recent and relevant skills and experience in fields related to the role and functions of the Panel.
- 5.4 It is desirable for the Council Members to be appointed to the Panel to have a sound understanding of the role and functions of the Panel.
- 5.5 In considering appointments to the Panel, Council should give consideration to the diversity of the membership.
- 5.6 Appointments to the Panel shall be for a period of up to three (3) years.
- 5.7 Members of the Committee are eligible for reappointment at the expiration of their term of office.

6. SITTING FEES

- 6.1 The applicable Remuneration Tribunal (or its successor) Determination outlines the applicable allowance for Council Members on the Panel.
- 6.2 The Independent Member is to be paid a sitting fee as determined by Council for attendance at meetings and authorised training sessions. Council may determine a higher sitting fee for the presiding member.

7. PRESIDING MEMBER

- 7.1 The Council will appoint the Presiding Member of the Panel.
- 7.2 The Council authorises the Panel to determine if there will be a Deputy Presiding Member of the Committee and, if so, authorises the Panel to make the appointment to that position for a term determined by the Panel.
- 7.3 If the Presiding Member of the Panel is absent from a meeting the Deputy Presiding Member (if such position exists) will preside at that meeting. If there is no position of Deputy

Presiding Member, or both the Presiding Member and the Deputy Presiding Member of the Panel are absent from a meeting of the Panel, then a member of the Panel chosen from those present will preside at the meeting until the Presiding Member (or Deputy Presiding Member, if relevant) is present.

7.4 The role of the Presiding Member includes:

7.4.1 overseeing and facilitating the conduct of meetings in accordance with Act and the *Local Government (Procedures at Meetings) Regulations 2013* (the Regulations); and

7.4.2 Ensuring all Panel members have an opportunity to participate in discussions in an open and encouraging manner.

8. REPORTING RESPONSIBILITIES

8.1 For the purposes of Section 41(8) of the Act, the Panel's reporting and accountability requirements are:

8.1.1 The minutes of each Panel meeting will be included in the agenda papers of the next ordinary meeting of the Council;

8.1.2 The Presiding Member will attend a meeting of the Council at least once per annum to present a report on the activities of the Panel;

8.1.3 The panel shall make whatever recommendations to the Council it deems appropriate on any area within its terms of reference where in its view action or improvement is needed; and

8.1.4 The Presiding Member may attend a Council meeting at any time that the Presiding Member sees fit to discuss any issue or concern relating to the Panel's functions. Depending on the nature of the matter, this may be held in confidence in accordance with Section 90 of the Act and staff may be requested to withdraw from the meeting.

9. MEETING PROCEDURE

9.1 Meeting procedure for the Panel is as set out in the Act, Parts 1, 3 and 4 of the Regulations. Insofar as the Act, the Regulations, or these Terms of Reference do not prescribe the procedure to be observed in relation to the conduct of a meeting of the Panel, the Panel may determine its own procedure.

9.2 In accordance with Section 90(7a), one or more panel members may participate in the meeting by telephone or other electronic means provided that members of the public can hear the discussion between all Panel members.

9.3 Only members of the Panel are entitled to vote in Panel meetings. Unless otherwise required by the Act not to vote, each member must vote on every matter that is before the Panel for decision.

9.4 Council Employees may attend any meeting as observers or be responsible for preparing papers for the Panel.

10. SECRETARIAL RESOURCES

- 10.1 The Chief Executive Officer shall provide sufficient administrative resources to the Panel to enable it to adequately carry out its functions.

11. FREQUENCY OF MEETINGS

- 11.1 The Panel shall meet at appropriate times and places as determined by the Panel. A special meeting of the Committee may be called in accordance with the Act.
- 11.2 If after considering advice from the CEO or delegate, the Presiding Member of the Panel is authorised to cancel the respective Panel meeting, if it is clear that there is no business to transact for that designated meeting.

12. NOTICE OF MEETINGS

- 12.1 Notice of the meetings of the Panel will be given in accordance with Sections 87 and 88 of the Act. Accordingly, notice will be given:

12.1.1 To members of the Panel by email or as otherwise agreed by Panel members at least 3 clear days before the date of the meeting; and

12.1.2 To the public as soon as practicable after the time that notice of the meeting is given to members by causing a copy of the notice and agenda to be displayed at the Council's offices and on the Council's website.

12.2 PUBLIC ACCESS TO MEETINGS & DOCUMENTS

- 12.3 Members of the public are able to attend all meetings of the Panel, unless prohibited by resolution of the Panel under the confidentiality provisions of Section 90 of the Act.
- 12.4 Members of the public have access to all documents relating to the Panel unless prohibited by resolution of the Panel under the confidentiality provisions of Section 91 of the Act.

13. MINUTES OF MEETINGS

- 13.1 The Chief Executive Officer shall ensure that the proceedings and resolutions of all meetings of the Panel, including recording the names of those present and in attendance are minuted and that the minutes otherwise comply with the requirements of the Regulations.
- 13.2 Minutes of Panel meetings shall be circulated within five days after a meeting to all members of the Panel and will (in accordance with legislative requirements) be available to the public.

**ADELAIDE HILLS COUNCIL
SPECIAL COUNCIL MEETING
Tuesday 8 September 2020
AGENDA BUSINESS ITEM**

Item: 7.5

Responsible Officer: Lachlan Miller,
Executive Manager Governance & Performance
Office of the CEO

Subject: Section 43 Regional Subsidiary Membership

SUMMARY

Council is a constituent council to four regional subsidiaries being:

- Eastern Waste Management Authority (East Waste)
- Adelaide Hills Region Waste Management Authority (AHRWMA)
- Gawler River Floodplain Management Authority (GRFMA)
- Southern & Hills Local Government Association (SHLGA)

As such Council has board membership rights to each of the subsidiaries in accordance with their respective charters.

The purpose of this report is to seek Council's consideration of the membership rights of these regional subsidiaries and the process for the nomination and election to these board member positions.

RECOMMENDATION

That Council resolves:

1. That the report be received and noted.
2. To determine that the method of selecting the respective Regional Subsidiary Board Members to be by an indicative vote to determine the preferred persons for the relevant positions utilising the process set out in this Agenda report.
3. To adjourn the Council meeting for the purposes of seeking nominations for and, if necessary, conducting an indicative vote to determine the preferred persons for the respective Regional Subsidiary Board Member roles and for the meeting to resume once the results of the indicative voting for all of the Board Member roles have been declared.
4. That in relation to the Eastern Waste Management Authority Board:
 - a. To appoint to the Board Member position for a term to commence from 27 November 2020 and conclude at the end of the current Council term (inclusive)
 - b. To appoint to the Deputy Board Member position for a term to commence from 27 November 2020 and conclude at the end of the current Council term (inclusive)

5. That in relation to the Adelaide Hills Region Waste Management Authority Board:
 - a. To appoint to the Board Member (Council Member) position for a term to commence from 27 November 2020 and conclude at the end of the current Council term (inclusive)
 - b. To appoint to the Board Member (Council Officer) position for a term to commence from 27 November 2020 and conclude on 23 December 2022 (inclusive)
 - c. To appoint to the Deputy Board Member position for a term to commence from 27 November 2020 and conclude at the end of the current Council term (*or on 23 December 2022 if a Council Employee*) (inclusive)
 6. That in relation to the Gawler River Floodplain Management Authority Board:
 - a. To note that the Chief Executive Officer has nominated..... to the Board Member (Chief Executive Officer) position for a term to commence from 27 November 2020 and conclude on 23 December 2022 (inclusive)
 - b. To appoint as a Deputy Board Member to the Board Member (Chief Executive Officer) position for a term to commence from 27 November 2020 and conclude on 23 December 2022 (inclusive)
 - c. To appoint to the Board Member (Council Member) position for a term to commence from 27 November 2020 and conclude at the end of the current Council term (inclusive)
 - d. To appoint as a Deputy Board Member to the Board Member (Council Member) position for a term to commence from 27 November 2020 and conclude at the end of the current Council term (inclusive)
 7. That in relation to the Southern & Hills Local Government Association Board:
 - a. To appoint to the Board Member (Council Member) position for a term to commence from 27 November 2020 and conclude at the end of the current Council term (inclusive)
 - b. To appoint to the Board Member position for a term to commence from 27 November 2018 and conclude at the end of the current Council term (*or on 23 December 2022 if a Council Employee*) (inclusive)
 - c. To appoint to the Deputy Board Member position for a X year term to commence from 27 November 2018 and conclude at the end of the current Council term (*or on 23 December 2022 if a Council Employee*) (inclusive)
 8. To authorise the Chief Executive Officer to lodge all required documentation to give effect to Council's resolutions on Regional Subsidiary Membership.
-

1. GOVERNANCE

➤ Strategic Management Plan/Functional Strategy/Council Policy Alignment

Strategic Plan 2020-24 – A brighter future

Goal 5	A Progressive Organisation
Objective O4	We actively represent our community
Priority O4.2	Attract and develop a diverse and capable elected body that represents, promotes and reflects the composition of the community
Priority O4.3	Advocate to, and exert influence with, our stakeholders on behalf of our community to promote the needs and ambitions of the region
Objective O5	We are accountable, informed, and make decisions in the best interests of the whole community
Priority O5.1	Enhance governance structures and systems to prudently adapt to changing circumstances and meet our legislative obligations

The appointment of members to the regional subsidiaries 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.

Sections 73 and 74 of the Act set out the provisions regarding Material Conflicts of Interest. Council Member membership of a Regional Subsidiary Board in one of the limited Board Member roles under the respective Subsidiary's Charter, may possibly constitute a personal benefit under s73 of the Act (but not a pecuniary benefit as there are no sitting fees).

Sections 75 and 75A of the Act set out the provisions regarding Actual and Perceived Conflicts of Interest. A Council Member seeking to be appointed to a Committee may in actuality, or could be perceived by an impartial person to, have a conflict between their personal interests and the public interest that might lead to a decision that is contrary to the public interest.

Therefore a Council Member seeking to be appointed to a Board Member role could have a Material, Actual or Perceived Conflict of Interest and would need to consider declaring the interest and leave the Chamber prior to the discussion of the matter under s74(1) or s75A(2), as appropriate..

➤ **Risk Management Implications**

The establishment of appropriately and effectively constituted regional subsidiaries will assist in mitigating the risk of:

Poor governance practices occur which lead to a loss of stakeholder (i.e. customer and regulator) confidence and/or legislative breaches.

Inherent Risk	Residual Risk	Target Risk
Extreme (5C)	Low (3E)	Low (3E)

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

➤ **Financial and Resource Implications**

There are a number of financial implications in relation to the regional subsidiaries; however this report concerns the appointment of Council representatives to the board of Regional Subsidiaries rather than a discussion regarding the operations of each Subsidiary.

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

➤ **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**

Council Committees: Not Applicable

Council Workshops: Not Applicable

Advisory Groups: Not Applicable

Administration: Consultation occurred with the Executive Leadership Team and suggestions for Council Officers to be considered for roles are contained in the respective Subsidiary's section of the report.

External Agencies: There have been discussions with the Executive Officers/CEOs of the regional subsidiaries regarding the status of their charter reviews

Community: Not Applicable

➤ **BACKGROUND**

Eastern Waste Management Authority (East Waste)

East Waste is a regional subsidiary with the following constituent councils: Adelaide Hills Council, City of Burnside, City of Campbelltown, City of Norwood, Payneham and St Peters, City of Mitcham, City of Prospect, and Corporation of the Town of Walkerville.

The purpose of East Waste (see Charter at **Appendix 1**) is the collection and disposal 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 seven directors with one person appointed from 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 two 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 director if the director is unable to be present at a meeting of the Board.

Council, at its 27 November 2018 meeting, in relation to the East Waste Board Member and Deputy Board Member positions resolved as follows:

12.8.1 Section 43 Regional Subsidiary Membership – Eastern Waste Management Authority Board

Moved Cr Nathan Daniell
S/- Cr Kirsty Parkin

300/18

Council resolves that in relation to the Eastern Waste Management Authority Board:

- To appoint Cr Linda Green to the Board Member position for a two year term to commence from 27 November 2018 and conclude on 26 November 2020 (inclusive)**
- To appoint John McArthur, Manager Waste & Emergency Management, to the Deputy Board Member position for a two year term to commence from 27 November 2018 and conclude on 26 November 2020 (inclusive)**

Carried Unanimously

As such, the membership terms of Councillor Green and Mr McArthur will cease on 26 November 2020.

The East Waste Board meets 4th Thursday every two months, 5.30pm, City of Norwood, Payneham & St Peters. 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.

Adelaide Hills Region Waste Management Authority (AHRWMA)

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

AHRWMA is established (see Charter at **Appendix 2**) for the following objects and purposes:

- to facilitate and co-ordinate waste management including collection, treatment, disposal and recycling within the Region
- to develop and implement policies designed to improve waste management and recycling programmes and practices within the Region
- to regularly review the Region's waste management and recycling practices and policies
- to 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
- to develop further cooperation between the Constituent Councils in the collection, treatment, recycling and disposal of waste for which the Constituent Councils are or may become responsible
- to minimise the volume of waste collected in the areas of the Constituent Councils which is required to be disposed of by landfill
- to educate and motivate the community to achieve the practical reduction of waste through reuse and recycling initiatives
- to be financially self-sufficient

Clause 3.2 of the Charter provides that the Board will consist of eight members (appointed by the Constituent Councils) as follows:

- one Elected member appointed by each Constituent Council, and
- one employee appointed by each Constituent Council.

Each Constituent Council will also appoint a Deputy Board Member. The Deputy Board Member is entitled to act in place of a Board Member appointed by the same Constituent Council if the Board Member is unable for any reason to be present at a Board meeting.

The term of office for the board and deputy board member will be determined by the Constituent Council.

Council, at its 27 November 2018 meeting, in relation to the AHRWMA Board Member and Deputy Board Member positions resolved as follows:

12.8.2 Section 43 Regional Subsidiary Membership – Adelaide Hills Region Waste Management Authority Board

Moved Cr Nathan Daniell
S/- Cr Kirsty Parkin

301/18

Council resolves that in relation to the Adelaide Hills Region Waste Management Authority Board:

- a. To appoint Cr John Kemp to the Board Member (Council Member) position for a 2 year term to commence from 27 November 2018 and conclude on 26 November 2020 (inclusive).
- b. To appoint John McArthur, Manager Waste & Emergency Management, to the Board Member (Council Officer) position for a 2 year term to commence from 27 November 2018 and conclude on 26 November 2020 (inclusive).
- c. To appoint Cr Ian Bailey to the Deputy Board Member position for a 2 year term to commence from 27 November 2018 and conclude on 26 November 2020 (inclusive).

Carried Unanimously

As such, the membership terms of Councillor Kemp, Mr McArthur and Cr Bailey will cease on 26 November 2020.

The AHRWMA Board meets 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.

AHRWMA has developed a revised Charter and is currently consulting with Constituent Councils. AHC resolved (Res 103/20) to approve the draft Charter at its 23 June 2020 meeting. The revised Charter will not come into effect until all Constituent Councils have approved the Charter and it has been gazetted. When the revised Charter comes into effect (timing unknown), Council will need to reconsider its representation on AHRWMA.

Gawler River Floodplain Management Authority (GRFMA)

GRFMA is a regional subsidiary with the following constituent councils: City of Playford, Adelaide Plains Council, Town of Gawler, The Barossa Council, Light Regional Council and the Adelaide Hills Council.

GRFMA's Charter was revised early in 2020 and as such both the functions and Board Membership have changed since Council last appointed members to the GRFMA Board.

GRFMA (see Charter at **Appendix 3**) has been established for the purpose of coordinating the planning, construction, operation and maintenance of flood mitigation infrastructure for the Gawler River and for the following functions:

- to raise finance for the purpose of developing, managing and operating and maintaining works approved by the Board
- to provide a forum for the discussion and consideration of topics relating to the Constituent Council's obligations and responsibilities in relation to management of flood mitigation for the Gawler River

- to advocate on behalf of the Constituent Councils and their communities where required to State and Federal Governments for legislative policy changes on matters related to flood mitigation and management and associated land use planning with Gawler River flood mitigation
- to facilitate sustainable outcomes to ensure a proper balance between economic, social, environmental and cultural consideration, and
- to provide advice as appropriate to the Constituent Councils in relation to development applications relevant to the Authority's roles and functions.

Clause 4.2.1 of the Charter provides that the Board will consist of 13 members comprising:

- the Chief Executive Officers of each of the Constituent Councils (including any persons acting in those offices from time to time) or his or her nominee who shall be an employee of the same Constituent Council as the Chief Executive Officer nominating the employee, and
- one member of each Constituent Council appointed by each Constituent Council, and
- a Chairperson

Clause 4.2.6 requires that the Constituent Councils will endeavour as far as practicable to ensure the Board comprises a gender balance and Board Members with a range of expertise including:

- environmental management
- corporate financial management
- general management
- public sector governance
- public works engineering management

Clause 4.3 requires each Constituent Council to appoint a deputy for each Board member role.

Council, at its 27 November 2018 meeting, in relation to the GRFMA Board Member and Deputy Board Member positions, under the now superseded Charter, resolved as follows:

12.8.3 Section 43 Regional Subsidiary Membership – Gawler River Floodplain Management Authority Board

Moved Cr Nathan Daniell
S/- Cr Kirsty Parkin

302/18

Council resolves that in relation to the Gawler River Floodplain Management Authority Board:

- a. To note that the Chief Executive Officer has nominated Marc Salver to the Board Member (Chief Executive Officer) position for a 2 year term to commence from 27 November 2018 and conclude on 26 November 2020 (inclusive)
- b. To appoint Cr Malcolm Herrmann to the Board Member (Council Member) position for a 2 year term to commence from 27 November 2018 and conclude on 26 November 2020 (inclusive)
- c. To appoint Cr Pauline Gill to the Deputy Board Member position for a 2 year term to commence from 27 November 2018 and conclude on 26 November 2020 (inclusive)

Carried Unanimously

As such, the membership terms of Councillor Herrmann, Mr Salver and Councillor Gill will cease on 26 November 2020.

The GRFMA Board meets 2nd Thursday every 2 months, 9.45am at each constituent council in rotation. 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.

Southern & Hills Local Government Association (SHLGA)

SHLGA is a regional subsidiary with the following constituent councils: District Council of Mount Barker, City of Victor Harbor, District Council of Yankalilla, Adelaide Hills Council, Alexandrina Council, Kangaroo Island Council and The Barossa Council.

SHLGA (see Charter at **Appendix 4**) has been established for the following purposes:

- To work collaboratively with the LGA to achieve the aims and objectives of the LGA.
- To encourage, promote, protect and foster an efficient and effective autonomous, democratic system of local government elected by and responsible to local communities
- To identify available resources within the region and to co-ordinate or assist in co-ordinating the management of these resources for the betterment of their region's community
- To encourage, assist, seek out, determine, assess and respond to the needs and aspirations of the region's constituents
- To develop, encourage, promote, foster and maintain consultation and co-operation between local government authorities, State and Commonwealth Governments and their instrumentalities

- To develop, encourage, promote, foster and maintain the financial and economic well-being and advancement of the region and if desirable for such purpose to undertake, establish, acquire, conduct or dispose of any business, enterprise, undertaking or venture which in the opinion of S&HLGA is necessary, desirable or convenient
- To effectively liaise and work with the State and Commonwealth Governments and their instrumentalities on a regional basis for the general enhancement of the region

Clause 7.3 of the Charter provides that:

- Each of the Constituent Councils will appoint two persons to the Board. The Constituent Councils' appointees shall be not less than one elected member of the Constituent Council and the other appointee may be a Council Officer
- Each Constituent Council may appoint either an Elected Member or a Council Officer as Deputy Board Member who may attend Board Meetings in the place of a Council Board Member who is absent

The term of office for the board and deputy board member will be determined by the Constituent Council.

Council, at its 23 January 2018 meeting, in relation to one of the S&HLGA Board Member and Deputy Board Member positions resolved as follows:

12.8.4 Section 43 Regional Subsidiary Membership – Southern & Hills Local Government Association Board

Moved Cr Nathan Daniell
S/- Cr Kirsty Parkin

303/18

Council resolves that in relation to the Southern & Hills Local Government Association Board:

- To appoint Mayor Jan-Claire Wisdom to the Board Member (Council Member) position for a 2 year term to commence from 27 November 2018 and conclude on 26 November 2020 (inclusive)**
- To appoint Lachlan Miller, Executive Manager Governance & Performance, to the Deputy Board Member position for a 2 year term to commence from 27 November 2018 and conclude on 26 November 2020 (inclusive)**

Carried Unanimously

As such, the membership terms of Mayor Wisdom and Mr Miller will cease on 26 November 2020.

On 22 October 2019, Council resolved in relation to the other S&HLGA Board Member positions resolved as follows:

12.12 Southern & Hills Local Government Association Membership

Moved Cr Nathan Daniell
S/- Cr Pauline Gill

261/19

That Council resolves:

1. That the report be received and noted.
2. To appoint Andrew Aitken to the position of Southern & Hills Local Government Association Board Member to 30 November 2022.

Carried Unanimously

As such Mr Aitken's term will continue to just beyond the 2022 Council election.

The S&HLGA Board meets 2nd or 3rd Friday every two months, 10.00am at each constituent council in rotation. The meetings are of approximately two hours duration.

There are no sitting fees payable for Board Members or Deputy Board Members.

2. ANALYSIS

Board Membership Suitability

Council's membership on these regional subsidiaries is important given their ability to both provide services and financial returns and to incur risks and liabilities for Council.

While they are Subsidiaries 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.

A number of the Subsidiary Charters specifically identify Board Member positions for Council Officers whereas others provide flexibility for a Council Member, Council Officer or even an Independent Person to be appointed by the Constituent Council.

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

- 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).

By undertaking the selection of Board Members prior to the end of the current terms will allow the appointees to attend a meeting as an observer prior to taking their seat at the following Board meeting.

Council Officers on Regional Subsidiaries

The Chief Executive Officer has sought expressions of interest from senior Council Officers for appointment to those Board Member positions that provide for Council Officers.

As such, the Chief Executive Officer provides the following Council Officer suggestions for Council's consideration:

East Waste

- Board Member (can be a Member, Officer or Independent) – No nomination
- Deputy Board Member (can be a Member, Officer or Independent) – John McArthur

AHRWMA

- Board Member (Council Member) – a Council Officer cannot be nominated
- Board Member (must be an Officer) – Marc Salver
- Deputy Board Member (can be a Member or Officer) – No nomination

GRFMA

- Board Member (Council Member) – a Council Officer cannot be nominated
- Board Member (CEO or nominee) – Ashley Curtis
- Deputy Board Member (CEO Board Member position) – No nomination

S&HLGA

- Board Member (Council Member) – a Council Officer cannot be nominated.
- Board Member (can be a Member or Officer) – Note that the CEO is currently appointed to this position under 30 November 2022.
- Deputy Board Member (can be a Member or Officer) – Lachlan Miller, Executive Manager Governance & Performance

Indicative Voting Process for Determining Council Appointed Positions

If Council determines to recruit the services of an Independent Member to sit on a Regional Subsidiary, the following process will not be used and instead Council will need to resolve to commence a recruitment process.

Due to the potential implications of the Material Conflict of Interest provisions under s73 (see Legal Implications above) regarding the appointment of Board Members, 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 each of the Regional Subsidiary Board Member and Deputy Board Member 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 a Designated Informal Gathering for the purposes of s90 and the *Informal Council and Council Committee Gatherings and Discussions Policy* (the Policy). As a Designated Informal Gathering, 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 Code of Practice for Council Meeting Procedures* with modifications to suit the legislative requirements of the conflict of interest and informal gatherings provisions.

The proposed Indicative Voting Process is:

- a) Chief Executive Officer calls for self-nominations for the relevant position on the respective Subsidiary Boards.

Note that in relation to the Board Member positions that Council Officers are eligible, the relevant Council Officer as identified above, is also eligible to self-nominate.

- b) If the number of nominees is equal to or less than the number of positions, no election will be required. If the number of nominees is greater, an election will be necessary.
- c) The CEO will appoint a Returning Officer and may enlist other Council staff to assist with the conduct of the vote and the count.
- d) The method of voting will be by secret ballot utilising the preferential counting system
- e) Each Council Member (including the Mayor) shall have one vote.

Note that while the Council Officers are able to nominate for some Board Member roles, they will not have voting rights in this process.

- f) Ballot papers will be provided to each Council Member
- g) The nominee's names will be drawn to determine the order on the ballot paper.
- h) Each nominee will have two (2) minutes to speak to the Gathering in support of the candidacy. The speaking order will be as listed on the ballot paper.

- i) 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.
- j) 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.
- k) After all votes have been counted, the Returning Officer shall formally declare the result of the election (i.e. the preferred person).
- l) The ballot papers will be shredded.

Proposed Chronology of Events

The mechanics are relatively complicated due to the legislative provisions regarding conflict of interest and informal gatherings, as such the following chronology is suggested:

- I. Council will determine to receive the report. Council would give effect to this by dealing with Recommendation 1 (or a variant) at this time.
- II. Council will then consider the process that it will use to choose the preferred persons for the respective Regional Subsidiary Board Member positions. Council would give effect to this by dealing with Recommendation 2 (or a variant) at this time.
- III. Having decided the method, Council will then have to adjourn the meeting to enable the process to be undertaken. Unlike in the s41 Committee agenda items when it was necessary to appoint members before a presiding member could be determined, there are no prerequisites or dependencies other than the deputies for each Board. Therefore it is proposed that the voting on each position can occur sequentially as listed in the report without the need to come back to Council for resolution. Council would give effect to this by dealing with Recommendation 3 (or a variant) at this time.
- IV. Once the Indicative Voting Process has been completed the Council meeting will resume in accordance with the previous resolution.

Upon resumption, it is proposed the Council work through each Regional Subsidiary separately to manage quorum requirements throughout the process.

As Council moves to each Regional Subsidiary, the Council Members who nominated for the Board Member roles would be advised to consider their obligations to declare a Material, Actual or Perceived Conflict of Interest, as appropriate

- V. Council can then resolve for the preferred persons to be appointed to each Regional Subsidiary Board Member position for an identified term (only East Waste has a set term). Council would give effect to this by dealing with Recommendations 4 - 7 (or variants) separately.

Once each Regional Subsidiary is resolved, the Members who have declared Conflicts of Interest can return to the Chamber.

3. OPTIONS

The Council has the following options:

- I. To resolve to make appointments to the regional subsidiary positions as identified following the established process to fill each position or if Council determines to recruit an Independent Member, to approve a recruitment process and appoint a selection panel. (**Recommended**) or
- II. To decide not to make any or all of the appointments to regional subsidiary at this time. (**Not Recommended**). Doing so would mean that the respective regional Subsidiary Boards would not have a full complement of members which could affect their functioning.

4. APPENDICES

- (1) East Waste Charter
- (2) AHRWMA Charter
- (3) GRFMA Charter
- (4) SHLGA Charter

Appendix 1

East Waste Charter

LOCAL GOVERNMENT ACT 1999
EASTERN WASTE MANAGEMENT AUTHORITY
Charter
PART 1—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.

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, Corporation of the Town of Walkerville, City of Prospect.

Core Activity means collection, recycling and/or disposal of waste produced within the area of one or more of the Constituent Councils.

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 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;
 - 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 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 (successor to Zero Waste 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 eight 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 two 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 two 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 and chair 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 and this Committee will:
 - 29.11.1 advise and assist the Chief Executive Officer in operations matters;
 - 29.11.2 report to the Board via the Chief Executive Officer;
 - 29.11.3 meet at least four times in each calendar year;
 - 29.11.4 be chaired by the Chief Executive Officer; and
 - 29.11.5 have its terms of reference written by the Chief Executive Officer.

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 Board meeting by telephone or videoconference.
- 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 Notwithstanding the above, it is recognised and agreed that the Shares of the Constituent Councils immediately preceding the date of operation of this Charter are as follows:

City of Burnside	18.90%
City of Norwood Payneham and St. Peters	16.93%
Corporation of the Town of Walkerville	3.23%
City of Mitcham	26.24%
City of Campbelltown	19.83%
Adelaide Hills Council	14.87%

- 57.5 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 Shares 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.

SHANE RAYMOND, Manager, Corporate Services, East Waste

Appendix 2

AHRWMA Charter

LOCAL GOVERNMENT ACT 1999

ADELAIDE HILLS REGION WASTE MANAGEMENT AUTHORITY

Amendments to the Rules

1. INTRODUCTION

1.1 Definitions

‘the Act’ means the Local Government Act 1999;

‘administration costs’ means as defined by LGA Accounting Regulations and AAS27 accounting standards;

‘annual asset percentage’ means the percentage that the Council’s annual mass bears to the combined annual masses of all Constituent Councils;

‘annual mass’ means the mass of rubbish and waste collected or disposed of from the area of a Constituent Council in the 12 months preceding 1 July in each calendar year;

‘the Authority’ means the Adelaide Hills Region Waste Management Authority;

‘Constituent Council’ has the same meaning as in section 43 of the Act and more particular refers to the:

1.1.1 District Council of Mount Barker;

1.1.2 Adelaide Hills Council;

1.1.3 Rural City of Murray Bridge; and

1.1.4 Alexandrina Council,

‘the Board’, ‘Board Members’ or ‘Board of Management’ means those Members appointed in accordance with Clause 3.2.1 of this Charter and acting collectively or singularly as the context requires;

‘Financial Year’ means 1 July in each year to 30 June in the subsequent year;

‘Hartley Landfill’ means that land which is held under certificate of title volume 5500, folio 460, by Robin Angas Harvey, Darrell Drew Harvey and Ian Brownhill Harvey comprising the southern portion of Section 299, Hundred of Freeling in the area of the Alexandrina Council which land is subject to a licence agreement with the Authority for purposes of bulk waste disposal and backfill and also a licence agreement with the District Council of Mount Barker for mining purposes (the latter licence to the Council prevailing in the event of any conflict between the licences);

‘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 together with the net present value of the projected future cash inflows net of cash outflows of the remaining useable airspace over the Hartley Landfill as licensed by the Environment Protection Authority;

‘operating costs’ means expenses incurred in the delivery of the Authority’s services excluding administration costs;

‘Region’ means the collective areas of the Constituent Councils.

1.2 Establishment

The Authority is a regional subsidiary established under section 43 of the Act by the Constituent Councils and conducts its affairs in accordance with Schedule 2, Parts 2 and 3 of the Act except as modified by this Charter in a manner permitted by the Act.

1.3 National Competition Policy

The Authority does not undertake any commercial activities which constitute a significant business activity of the Authority to which the principles of competitive neutrality must be applied.

1.4 **Objects and Purposes**

The Authority is established for the following objects and purposes:

- 1.4.1 to facilitate and co-ordinate waste management including collection, treatment, disposal and recycling within the Region;
- 1.4.2 to develop and implement policies designed to improve waste management and recycling programmes and practices within the Region;
- 1.4.3 to regularly review the Region's waste management and recycling practices and policies;
- 1.4.4 to 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;
- 1.4.5 to 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;
- 1.4.6 to minimise the volume of waste collected in the areas of the Constituent Councils which is required to be disposed of by landfill;
- 1.4.7 to educate and motivate the community to achieve the practical reduction of waste through reuse and recycling initiatives;
- 1.4.8 to be financially self sufficient,

and in so doing will give due weight to economic, social and environmental considerations.

1.5 **Powers**

The powers, functions and duties of the Authority are to be exercised in the performance of the Authority's objects and purposes. The Authority shall have those powers, functions and duties delegated to it by the Constituent Councils from time to time which include but are not limited to the following:

- 1.5.1 to acquire, deal with and dispose of real and personal property (wherever situated) and rights in relation to real and personal property provided that it shall be a condition precedent that any such transaction may not incur a singular or a total liability of \$250 000 or more without the prior approval of all of the Constituent Councils;
- 1.5.2 to sue and be sued in its corporate name provided that any litigation is subject to an immediate urgent report to the Constituent Councils by the Executive Officer;
- 1.5.3 subject to Clauses 1.5.1, 1.5.12 and 1.6 of this Charter to enter into any kind of contract or arrangement;
- 1.5.4 to borrow funds and incur expenditure in accordance with Clauses 1.5.1, 1.5.2 and 1.6 of this Charter;
- 1.5.5 to establish a reserve fund or funds clearly identified for the upkeep and/or replacement of fixed assets of the Authority or for meeting any deferred liability of the Authority;
- 1.5.6 to invest any surplus funds of the Authority in any investment authorised by the Trustee Act 1936, or with the Local Government Finance Authority provided that:
 - 1.5.6.1 in exercising this power of investment the Authority must exercise the care, diligence and skill that a prudent person of business would exercise in managing the affairs of other persons; and
 - 1.5.6.2 the Authority must avoid investments that are speculative or hazardous in nature;
- 1.5.7 to distribute profit to the Constituent Councils and where this power of distribution is exercised to do so on a proportionate basis in accordance with the Schedule of Constituent Council's Interests in Net Assets as provided at Clause 7.2 of this Charter;

- 1.5.8 to enter into agreements with the Constituent Councils for the purpose of operating and managing sites for the treatment, recycling and disposal of waste;
- 1.5.9 to raise finance for all purposes relating to the collection, treatment, recycling and disposal of waste;
- 1.5.10 to determine the types of refuse and waste which will be received and the method of collection, treatment, recycling and disposal of the waste;
- 1.5.11 to enter into any kind of contract or arrangement to undertake projects and to undertake all manner of things relating to and incidental to the collection, treatment, recycling and disposal of waste, provided that any project with a value of \$500 000 or more requires the prior approval of all the Constituent Councils;
- 1.5.12 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 joint venture with the other body to give effect to the project provided that any project with a value of \$500 000 or more requires the prior approval of all of the Constituent Councils;
- 1.5.13 to employ, engage, remunerate, remove, suspend or dismiss the Executive Officer of the Authority;
- 1.5.14 to open and operate bank accounts;
- 1.5.15 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;
- 1.5.16 to charge whatever fees the Authority considers appropriate for services rendered to any person, body or Council (other than a Constituent Council) provided that such fees charged by the Authority shall be sufficient to cover the cost to the Authority of providing the service;
- 1.5.17 to charge the Constituent Councils fees for services that cover the cost to the Authority of providing the services;
- 1.5.18 to do anything else necessary or convenient for, or incidental to, the exercise, performance or discharge of its powers, functions or duties.

1.6 Borrowings and Expenditure

- 1.6.1 The Authority has the power to borrow and/or to incur expenditure in accordance with this Clause or Clauses 1.5.1 or 1.5.12 of this Charter or in accordance with its approved budget or otherwise as expressly authorised by resolutions (expressed in the same terms) passed by the Constituent Councils.
- 1.6.2 If the Authority intends to borrow money for the purposes of a project with expenditure of a capital nature in excess of \$500 000, the Authority must make a proposal in writing to all Constituent Councils outlining the amount of money proposed to be borrowed, the terms and conditions of the borrowing and the purpose to which the money will be put. The consent of all of the Constituent Councils is required for the Authority to proceed with the proposed borrowing.
- 1.6.3 For the purposes of Clause 1.6.2 such borrowings must:
 - 1.6.3.1 not be used for the purpose of funding operational costs;
 - 1.6.3.2 be from the Local Government Financial Authority or a registered bank or financial institution within Australia; and
 - 1.6.3.3 must be drawn down within a period of 24 months from the date of approval.
- 1.6.4 The Authority may operate an overdraft facility or facilities as required provided that it must not exceed \$100 000 in total without the approval of all of the Constituent Councils.

1.7 Property

- 1.7.1 All property held by the Authority is held by it on behalf of the Constituent Councils.
- 1.7.2 No person may sell, encumber or otherwise deal with any property of the Authority without the approval of the Board by way of a Board resolution.

1.8 Delegation by the Authority

The Board may by resolution delegate to the Executive Officer or to any officer of the Authority any of its powers, functions and duties under this Charter but may **not** delegate:

- 1.8.1 the power to impose charges;
- 1.8.2 the power to enter into transactions in excess of \$50 000;
- 1.8.3 the power to borrow money or obtain any other form of financial accommodation;
- 1.8.4 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;
- 1.8.5 the power to approve the reimbursement of expenses or payment of allowances to Members of the Board of Management;
- 1.8.6 the power to adopt budgets;
- 1.8.7 the power to adopt or revise financial estimates and reports; and
- 1.8.8 the power to make any application or recommendation to the Minister.

A delegation is revocable at will and does not prevent the Board from acting in a matter.

2. STRUCTURE

- 2.1 The Authority is a body corporate and is governed by its Board, which has the responsibility to manage the business and other affairs of the Authority ensuring that the Authority acts in accordance with this Charter.
- 2.2 All meetings of the Authority shall be meetings of the Board.
- 2.3 The Board will be entitled to make decisions in accordance with the powers and functions of the Authority established in this Charter.

3. THE BOARD OF MANAGEMENT

The Board shall have the responsibility to manage all of the activities of the Authority ensuring that the Authority acts in accordance with this Charter.

3.1 Functions of the Board

- 3.1.1 The formulation of strategic and business plans in accordance with Clause 5 of this Charter and the development of strategies aimed at improving the business of the Authority.
- 3.1.2 To provide policy direction to the Authority.
- 3.1.3 Monitoring, overseeing and measuring the performance of the Executive Officer of the Authority.
- 3.1.4 Subject to this Charter ensuring that the business of the Authority is undertaken in an open and transparent manner.
- 3.1.5 Ensuring that ethical behaviour and integrity is established and maintained by the Authority and its Board Members in all activities undertaken by the Authority.
- 3.1.6 Assisting in the development of strategic and business plans.
- 3.1.7 Exercising the care, diligence and skill that a prudent person of business would exercise in managing the affairs of other persons.
- 3.1.8 Developing and giving effect to policies that reflect the Authority's responsibilities under the National Competition Policy (if applicable) and the Trade Practices Act.

- 3.1.9 Ensuring that the Authority functions in accordance with its objects and purposes and within its approved budget.

3.2 Membership

- 3.2.1 The Board shall consist of eight Members (appointed by the Constituent Councils) as follows:
- (a) one elected Member appointed by each Constituent Council; and
 - (b) one employee appointed by each Constituent Council.
- 3.2.2 Each Constituent Council will also appoint a deputy Board Member. The deputy Board Member is entitled to act in place of a Board Member appointed by the same Constituent Council if the Board Member is unable for any reason to be present at a Board meeting.
- 3.2.3 In the absence of the Board Member, a deputy Board Member will be deemed to be the Board Member and can exercise all rights, privileges and obligations of the Board Member during the absence of that Board Member.
- 3.2.4 A certificate signed by the Chief Executive Officer of a Constituent Council will be sufficient evidence of the appointment of a Board Member and deputy Board Member of the Board of Management.
- 3.2.5 There will be a Chairperson and a Deputy Chairperson of the Board elected by ballot of the whole Board from those Board Members who are appointed under Clause 3.2.1 (a) of this Charter.
- 3.2.6 The term of office for the Chairperson and Deputy Chairperson will expire at the annual general meeting of the Authority. The outgoing Chairperson and Deputy Chairperson will be eligible for re-election as well as all Authority Members.
- 3.2.7 The Chairperson shall preside at all meetings of the Board and in the absence of the Chairperson, the Deputy Chairperson will act in the office of Chairperson. In the absence of the Chairperson and the Deputy Chairperson the Board will elect an Acting Chairperson from amongst those Board Members present who have been appointed under Clause 3.2.1 (a) of this Charter.
- 3.2.8 Board Members are not required to submit returns under Chapter 5, Part 4, Division 2 of the Act.

3.3 Term of Office

- 3.3.1 The term of office of each Board Member shall be for a term determined by the Constituent Council appointing the Board Member. At the conclusion of this term all Board Members are eligible for re-appointment.
- 3.3.2 The office of a Board Member will become vacant upon:
- 3.3.2.1 the death of the Board Member; or
 - 3.3.2.2 the appointing Constituent Council providing written notice of termination to the Board Member and the Board; or
 - 3.3.2.3 if the Board Member is an elected Member of a Constituent Council upon ceasing to be an elected Member; or
 - 3.3.2.4 if the Board Member is an officer of a Constituent Council, upon ceasing to be employed by the Council which appointed him/her; or
 - 3.3.2.5 upon the Board Member providing his/her resignation in writing to one or more of the Constituent Councils; or
 - 3.3.2.6 upon the happening of any other event through which the Board Member would be ineligible to remain as a Member of the Board; or
 - 3.3.2.7 upon the Board Member becoming a bankrupt or applying for the benefit of a law for the relief of insolvent debtors.

- 3.3.3 The Board may by a two-thirds majority vote of the Members present (excluding the Board Member subject to this Clause) make a recommendation to a Constituent Council requesting it to terminate the appointment of a Board Member appointed by it in the event of any behaviour which in the opinion of the Board amounts to:
- 3.3.3.1 impropriety;
 - 3.3.3.2 serious neglect of duty in attending to the responsibilities as a Member of the Board;
 - 3.3.3.3 breach of fiduciary duty to the Board or a Constituent Council;
 - 3.3.3.4 breach of the duty of confidentiality to the Board and/or the Constituent Councils; or
 - 3.3.3.5 any other behaviour which may discredit the Board.
- 3.3.4 Where, for any reason, the office of a Board Member becomes vacant the Constituent Council which appointed the Board Member will be responsible for appointing a replacement Board Member.

3.4 Proceedings of the Board

- 3.4.1 Subject only to the extent that they are modified by this Clause, the proceedings of the Board of Management will be those under Part 2 of the Local Government (Procedures at Meetings) Regulations 2000.
- 3.4.2 Subject only to the special provisions of this Clause, no meeting of the Board will commence until a quorum of Members is present and no meeting may continue if there is not a quorum of Members present. A quorum of Members will comprise one half of the Members in office, ignoring any fraction, plus one.
- 3.4.3 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 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/her presence to all other Board Members taking part in the meeting. A Board Member must not leave a telecommunications meeting by disconnecting his/her telephone, audio-visual or other communication equipment, unless that Board Member has previously notified the Chairperson of the meeting.
- 3.4.4 A proposed resolution in writing and given to all Board Members in accordance with proceedings 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 shall thereupon be as valid and effectual as if it had been passed at a meeting of the Board duly convened and held.
- 3.4.5 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. 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.
- 3.4.6 Where the Board has considered any information or a matter in confidence under Clause 3.4.5 it may subsequently resolve to keep minutes and/or documents considered during that part of the meeting confidential in accordance with section 91 of the Act.
- 3.4.7 All matters for decision at a meeting of the Board will be decided by a simple majority of the Members present and entitled to vote on the matter. All Members including the Chairperson present and entitled to vote on the matter are required to cast a vote. All Members including the Chairperson are entitled only to a deliberative vote.

- 3.4.8 In the case of an equality of votes, the Chairperson does not have a casting vote and the matter is deemed to have elapsed.
- 3.4.9 Ordinary meetings of the Board will be held at such time and such place as the Board decides subject only to the requirement that (disregarding the annual general meeting) there will be at least one ordinary meeting of the Board in every four months.
- 3.4.10 Special meetings of the Board may be held at any time and may be called at the request of the Chairperson or the written request of at least three Members of the Board. A request for a special meeting must be accompanied by the proposed agenda for the meeting or the request will be of no effect.
- 3.4.11 Notice of all meetings will be given in accordance with the requirements applicable to a Council meeting under the Act, which apply to the Board as if it were a Council.
- 3.4.12 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 and adoption. Where the Executive Officer is excluded from attendance at a meeting of the Board pursuant to Clause 3.4.5, the person presiding at the meeting shall cause the minutes to be kept.
- 3.4.13 All Members must keep confidential all documents and any information provided to them for their consideration prior to a meeting of the Board.

3.5 Propriety of Members of the Board

- 3.5.1 All provisions governing propriety of Members of a Council and public officers under the law of South Australia will be applicable to Board Members.
- 3.5.2 The provisions regarding conflict of interest prescribed in the Act apply to all Board Members as if they were elected Members of a Council.
- 3.5.3 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 Committees

- 3.6.1 The Board may from time to time as it sees fit establish committees for the purposes of assisting it in the performance of its functions. A committee established by the Board under this provision may be comprised of such persons that the Board determines.
- 3.6.2 Every committee shall operate in accordance with the general procedure applicable to the Board itself subject to any variation prescribed by the Board in establishing the committee.

3.7 Annual General Meeting

- 3.7.1 An annual general meeting of the Board shall be held prior to 30 June in each year at a place and time determined by a resolution of the Board.
- 3.7.2 The annual general meeting shall conduct business of a general nature aimed at reviewing the progress and direction of the Authority and shall include the following:
 - 3.7.2.1 Chairperson's report;
 - 3.7.2.2 election of the Chairperson until the next annual general meeting; and
 - 3.7.2.3 adoption of the annual budget for the ensuing financial year.

4. BUDGETS AND CONTRIBUTIONS

4.1 Annual Budget

- 4.1.1 The Authority shall, prepare and after 31 May of each year adopt an annual budget for the ensuing financial year in accordance with the Act.

4.1.2 The Authority must provide a copy of its annual budget to the Chief Executive Officer of each Constituent Council within five business days after adoption.

4.1.3 Reports summarising the financial position and performance of the Authority shall be prepared and presented to the Board at each ordinary meeting and copies provided to the Chief Executive Officer of each Constituent Council.

4.1.4 The Authority will reconsider the budget at least three times at intervals of not less than three months between 30 September and 31 May in the relevant financial year.

(See Clause 25, Part 2, Schedule 2 to the Act for the contents of the budget)

4.2 Financial Contributions

4.2.1 The Board will determine annually and will include within the budget submitted to the Constituent Councils for approval the funds required to enable the Authority to operate and to fulfil its objects and purposes.

4.2.2 The accounting and audit requirements of the Act and the Local Government (Financial Management) Regulations 1999, will apply to the Authority.

4.3 Administration Contributions

4.3.1 The Board will determine annually and will include within the budget submitted to the Constituent Councils for approval the administrative funds required by the Authority to enable it to function ('administration costs').

4.3.2 Each of the Constituent Councils will contribute equally to the administration costs required by the Authority as set out in the approved budget.

4.3.3 The annual administration costs will be paid by each Constituent Council in advance by monthly instalments.

4.3.4 The Board may during any Financial Year for purposes of genuine emergency or hardship determine that additional administration costs are required for the continuing function of the Authority.

4.3.5 Any additional administration costs will be paid in equal proportions by each Constituent Council in the manner and at the time determined by the Board.

4.4 Operating Contributions

4.4.1 The Board may from time to time fix all fees, charges, imposts and levies and prices payable for the collection, receipt or purchase of waste.

4.4.2 Each Constituent Council shall contribute contributions to the amount required in proportion to that Council's current annual asset percentage at the date the income requirement is approved by the Board. The Board will determine annually and will include within the budget submitted to the Constituent Councils for approval the operating contributions required by the Authority to enable it to function ('operating costs').

4.4.3 The Board may during any year for purposes of genuine emergency or hardship determine that additional operating costs contributions are required for the continuing function of the Authority.

4.4.4 Any contribution to operating costs shall be made by each Constituent Council within 60 days of notice in writing being given by the Board to the Chief Executive Officer of the Constituent Council, provided that if the Board so decides such payments may be made in advance by monthly instalments.

5. MANAGEMENT

5.1 Strategic Plans

The Authority shall:

5.1.1 prepare and adopt a ten year Strategic Plan for the conduct of its business which will identify its objectives over the period of the Plan and the principal activities that the Authority intends to undertake to achieve its objectives;

5.1.2 in consultation with the Constituent Councils review the Strategic Plan at any time but subject to a comprehensive review being undertaken at least once in every four years; and

5.1.3 submit the Strategic Plan to the Constituent Councils for their approval.

5.2 Business Plans

The Authority shall:

5.2.1 prepare a three year 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;

5.2.2 in consultation with the Constituent Councils review the Business Plan annually; and

5.2.3 submit the Business Plan to the Constituent Councils for their approval.

(See Clause 24, Part 2, Schedule 2 to the Act for the contents of the Business Plan)

5.3 Reporting

5.3.1 The Authority must submit to the Constituent Councils, by 30 September in each financial year a report on the work and operations of the Authority detailing achievement of the aims and objectives of its Business Plan and incorporating the audited Financial Statements of the Authority and any other information or reports as required by the Constituent Councils.

5.3.2 On or before the second Friday in September of each year the Board shall present to the Constituent Councils a balance sheet and full financial report in respect of the previous Financial Year.

6. ADMINISTRATIVE MATTERS

6.1 Executive Officer and Staff

6.1.1 The Board may appoint an Executive Officer and/or other staff of the Authority on terms and conditions to be determined by the Board.

6.1.2 The Board shall delegate responsibility for the day-to-day management of the Authority to the Executive Officer, who will ensure that sound business and human resource management practices are applied in the efficient and effective management of the operations of the Authority.

6.1.3 The Executive Officer will be responsible to the Board:

6.1.3.1 for the implementation of its decisions in a timely and efficient manner;

6.1.3.2 to carry out such duties as the Board may direct;

6.1.3.3 attending at all meetings of the Board unless excluded by resolution of the Board;

6.1.3.4 providing information to assist the Board to assess the Authority's performance against its Strategic and Business Plans;

6.1.3.5 appointing, managing, suspending and dismissing all other employees of the Authority;

6.1.3.6 determining the conditions of employment of all other employees of the Authority, within budgetary constraints set by the Board;

6.1.3.7 providing advice and reports to the Board on the exercise and performance of its powers and functions under this Charter or any Act;

6.1.3.8 ensuring that the assets and resources of the Authority are properly managed and maintained;

6.1.3.9 ensuring that records required under the Act or any other legislation are properly kept and maintained;

- 6.1.3.10 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, and performing other functions lawfully directed by the Board;
 - 6.1.3.11 achieving financial and other outcomes in accordance with adopted plans and budgets of the Authority; and
 - 6.1.3.12 for the efficient and effective management of the operations and affairs of the Authority.
- 6.1.4 In the absence of the Executive Officer for any period exceeding three weeks the Executive Officer can after consultation with the Board appoint a suitable person to act in the position of Executive Officer.
- 6.1.5 The 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 Executive Officer. Such delegation or sub-delegation may be subject to any conditions or limitations as determined by the Executive Officer.
- 6.1.6 Where a power or function is delegated to an employee, the employee is responsible to the Executive Officer for the efficient and effective exercise or performance of that power or function.
- 6.1.7 A written record of all delegations and sub-delegations must be kept by the Executive Officer at all times.
- 6.2 **Auditor and Other Professionals**
 - 6.2.1 The Board must annually appoint an Auditor in accordance with the Local Government (Financial Management) Regulations 1999.
 - 6.2.2 The Board may engage professional consultants and it may authorise the Executive Officer to so engage professional consultants 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 principals of personnel management prescribed by the Charter.
 - 6.2.3 The Authority is exempt from establishing an audit committee as required by Clause 30, Schedule 2 of the Act.
- 6.3 **Common Seal**
 - 6.3.1 There will be a common seal of the Authority which may be affixed to documents and must be attested by the Chairperson and the Executive Officer of the Authority.
 - 6.3.2 The common seal must not be affixed to a document except to give effect to a resolution of the Board. The Executive Officer will 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 the fixing of the seal and the date thereof.

7. FINANCE

7.1 Banking

- 7.1.1 The Board will establish and maintain a bank account with such banking facilities and at a bank to be determined by the Board. The Board will appoint no less than two Board Members as jointly authorised operators of the bank accounts at any one time.
- 7.1.2 All payments must be authorised by resolution of the Board or at least two persons delegated by a resolution of the Board.
- 7.1.3 The Executive Officer must act prudently in the handling of all financial transactions for the Board and must provide quarterly financial and corporate reports to the Board, and the Constituent Councils.

7.2 Schedule of Net Assets

- 7.2.1 The Board will at the end of every Financial Year prepare a schedule of assets and liabilities. In addition it will maintain a record to be known as the 'Schedule of Constituent Councils Interest in Net Assets'.
- 7.2.2 The 'Schedule of Constituent Councils Interest in Net Assets' will reflect the proportionate contribution each Constituent Council has made to the growth of the net assets of the Authority having regard to the proportion of contributions to the Authority's assets in proportion to each Constituent Council's asset percentage and subscriptions. The Schedule when updated at the end of each Financial Year will reflect the proportionate contribution of each Constituent Council since the commencement of the Authority and once accepted by the Board will be evidence of the agreed proportion of a Constituent Council's interest in the net asset percentage as at 30 June in that year. The Constituent Councils agree to be bound by the annual decision of the Board on this issue.

8. MISCELLANEOUS MATTERS

8.1 Alteration to Charter

- 8.1.1 Subject to the Act, this Charter may be amended at the request of a Constituent Council, a Board Member, or on the recommendation of the Executive Officer by the giving of not less than two month's notice of the proposed changes to the Constituent Councils and the Board.
- 8.1.2 Before the Constituent Councils vote on a proposal to alter the Charter they must take into account the recommendations of the Board.
- 8.1.3 This Charter can only be altered with the agreement of all of the Constituent Councils.

8.2 Withdrawal of a Constituent Council

- 8.2.1 Subject to Ministerial consent, a Constituent Council may withdraw from the Authority by giving not less than six months notice of its intention to do so to the Board and to the Executive Officer.
- 8.2.2 In any event, a withdrawal cannot become effective until 30 June following the expiry of the six months notice period. Until withdrawal becomes effective the Constituent Council proposing withdrawal from the Authority will remain liable for all financial contributions in the remaining period and through its Board Members and deputy Board Members retains responsibility of ensuring the continued proper conduct of the affairs of the Authority during that time.
- 8.2.3 Upon withdrawal taking effect and subject to Clause 8.2.4 a Constituent Council will be entitled at the discretion of the Board to be paid not more than 20% of the Constituent Council's interest in the net asset percentage of the Authority as determined and agreed in accordance with Clause 7.2.2. The withdrawing Constituent Council will be entitled to receive that sum by quarterly instalments to be paid over a period of two years with the first instalment being due on the 1st day of January following the actual date of withdrawal.
- 8.2.4 A Constituent Council will not be entitled to be paid any amount in respect of any reserve fund established under Clause 1.5.5 of this Charter.
- 8.2.5 The withdrawal of any Constituent Council does not extinguish the liability of that Constituent Council for the payment of its contribution towards any actual or contingent deficiency in the net assets of the Authority at the end of the Financial Year in which such withdrawal occurs.
- 8.2.6 The withdrawal of any Constituent Council does not extinguish the liability of that Constituent Council to contribute to any loss or liability incurred by the Authority at any time before or after such withdrawal in respect of any act or omission by the Authority prior to such withdrawal.

8.3 Addition of New Member

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.

8.4 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 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 then Constituent Councils on the basis of their current interest in the net assets of the Authority as agreed in accordance with Rule 7.2.2.
- 8.4.3 In the event of there being any unfunded liabilities of the Authority at the time of a winding up or otherwise the Constituent Councils acting in accordance with their obligations under the statutory guarantee will be responsible to meet those liabilities on the basis of their current interest in the net assets of the Authority as agreed in accordance with Rule 7.2.2.

8.5 Insurance and Superannuation Requirements

- 8.5.1 The Authority shall register with the Local Government Mutual Liability Scheme and the Local Government Workers Compensation Scheme and comply with the Rules of those Schemes.
- 8.5.2 The Authority shall advise the Local Government Risk Management Services of its insurance requirements relating to Local Government Special Risks including buildings, structures, vehicles and equipment under the management, care and control of the Authority.
- 8.5.3 The Authority shall register with the Local Government Superannuation Scheme and comply with the Rules of the Scheme (where applicable).

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 direct and control the Authority.
- 8.6.3 For the purpose of subclause 8.6.2, any direction given by the Constituent Councils must be given in writing to the Executive Officer of the Authority.

8.7 Review of Charter

- 8.7.1 This Charter will be reviewed by the Constituent Councils acting in concurrence at least once in every three years.
- 8.7.2 This Charter may be amended by a resolution passed by each of the Constituent Councils.
- 8.7.3 The Executive Officer must ensure that the amended Charter is published in the *Gazette* and a copy of the amended Charter provided to the Minister.
- 8.7.4 Before the Constituent Councils vote on a proposal to alter this Charter they must take into account any recommendation of the Board.

8.8 Disputes Between Constituent Councils

- 8.8.1 The Constituent Councils agree to work together in good faith to resolve any matter requiring their direction or resolution.
- 8.8.2 Where the Constituent Councils are unable to resolve a matter within 21 days of the matter being presented to them, the matter will be referred for arbitration by the President (or his/her nominee) of the Institute of Arbitrations and Mediators Australia.
- 8.8.3 Notwithstanding subclause 8.8.2 the Constituent Councils agree to be bound by the decision of the Arbitrator (except in relation to any decision relating to the acquisition or disposal of any real property) and will endeavour to work together in good faith in the implementation of that decision.
- 8.8.4 The costs of arbitration shall be borne equally by the Constituent Councils.

8.9 Circumstances Not Provided For

8.9.1 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.

8.9.2 The Chairperson shall report any such decision at the next ordinary meeting of the Authority.

Appendix 3
GRFMA Charter

GAWLER RIVER FLOODPLAIN MANAGEMENT AUTHORITY

CHARTER

28/1/2020

1. INTRODUCTION

1.1 Name

The name of the subsidiary is the Gawler River Floodplain Management Authority (referred to as 'the Authority' in this Charter).

1.2 Definitions

'AASB124' means Australian Accounting Standards Board's Accounting Standard AASB124 Related Party Disclosure;

'Act' means the Local Government Act 1999 and includes all regulations made thereunder;

'Annual Business Plan' means the business plan adopted by the Authority pursuant to Clause 12.2;

'Asset Management Plan' means the asset management plan adopted by the Authority and approved by the Constituent Councils in accordance with Clause 13.3;

'Board' means the Board of the Authority set out at Clause 4;

'Board Member' means a member of the Board appointed pursuant to Clause 4.2;

'Budget' means the annual budget adopted by the Authority pursuant to Clause 12.1;

'Chairperson' means the member of the Board appointed pursuant to Clause 4.4;

'Constituent Councils' means those councils identified at Clause 2.2.

'Council' means a council constituted under the Act;

'Council Member' means a member of a Council;

'Deputy Board Member' means a deputy member of the Board appointed pursuant to Clause 4.3;

‘Dispute’ means a difference between one or more Constituent Councils and the Authority concerning the operations or affairs of the Authority and includes where a Constituent Council fails or refuses to approve the draft asset management plan, budget, long term financial plan, or charter amendment as advised by the Authority;

‘Financial Statements’ has the same meaning as in the Act;

‘Financial Year’ means 1 July 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 pursuant to Clause 13.1;

‘Executive Officer’ means the person appointed pursuant to Clause 10.1 as the Executive Officer of the Authority;

‘Region’ means the collective geographical areas of the Constituent Councils;

‘Strategic Plan’ means the strategic plan adopted by the Authority pursuant to Clause 13.2.

1.2.1 In the calculation of ‘days’:

1.2.1.1 the day on which the notice, document, report, etc is given will not be taken into account; and

1.2.1.2 Saturdays, Sundays and public holidays will be taken into account.

1.3 Interpretation

In this Charter, unless the context otherwise requires:

1.3.1 the singular includes the plural and vice versa;

1.3.2 words importing a gender include other genders;

1.3.3 words importing natural persons include corporates;

1.3.4 reference to a section is to a section of the Act and includes any section that substantially replaces that section and deals with the same matter;

1.3.5 headings are for ease of reference only and do not affect the construction of this clause;

1.3.6 an unenforceable provision or part of a provision of this Charter may be severed and the remainder of this Charter continues in force, unless this would materially change the intended effect of this Charter.

1.4 **Local Government Act**

- 1.4.1 This Charter must be read in conjunction with Parts 2 and 3 of Schedule 2 to the Act.
- 1.4.2 The Authority shall conduct its affairs in accordance with and comply with Schedule 2 to the Act except as modified by this Charter in a manner permitted by Schedule 2.

2. **ESTABLISHMENT**

- 2.1 The Gawler River Floodplain Management Authority is established by the Constituent Councils as a regional subsidiary pursuant to Section 43 and Schedule 2 of the *Local Government Act 1999*.
- 2.2 The Authority is established by the Adelaide Hills Council, Adelaide Plains Council, The Barossa Council, Town of Gawler, the Light Regional Council and the City of Playford.
- 2.3 The Authority is subject to the joint direction of the Constituent Councils.

3. **PURPOSE AND FUNCTIONS**

- 3.1 The Authority has been established for the purpose of coordinating the planning, construction, operation and maintenance of flood mitigation infrastructure for the Gawler River, and for the following functions:
 - 3.1.1 to raise finance for the purpose of developing, managing and operating and maintaining works approved by the Board;
 - 3.1.2 to provide a forum for the discussion and consideration of topics relating to the Constituent Council's obligations and responsibilities in relation to management of flooding of the Gawler River;
 - 3.1.3 to advocate on behalf of the Constituent Councils and their communities where required to State and Federal Governments for legislative policy changes on matters related to flood mitigation and management and associated land use planning with Gawler River flood mitigation;
 - 3.1.4 to facilitate sustainable outcomes to ensure a proper balance between economic, social, environmental and cultural consideration; and
 - 3.1.5 to provide advice as appropriate to the Constituent Councils in relation to development applications relevant to the Authority's roles and functions.
- 3.2 One or more of the Constituent Councils may request the Authority to undertake a function set out in Clause 3.1 of this Charter for the Constituent Council(s), which function will be additional and separate to those undertaken by the Authority for all of the Constituent Councils.

- 3.3 Where one or more Constituent Councils makes a request provided for under Clause 3.2, the Constituent Council(s) and the Authority must enter into a written agreement which amongst other things provides for the Constituent Council(s) to pay to the Authority annual subscription amounts and/or equal percentages of classes of subscription to meet the costs of the Authority in undertaking the additional function(s) and which also provides, with the ownership and maintenance of any resultant infrastructure.
- 3.4 The Authority is not involved in a significant business activity as defined in the Clause 7 Statement prepared under the Competition Principles Agreement of the National Competition Policy.

4. THE BOARD OF MANAGEMENT

4.1 The Board

- 4.1.1 The Authority will be governed by a Board and all decisions of the Board constitute decisions of the Authority.
- 4.1.2 The Board is responsible for the administration of the affairs of the Authority. The Board must ensure insofar as it is practicable, that the Authority complies with all legislative obligations including this Charter, that information provided to the Constituent Councils is accurate and that the Constituent Councils are kept informed of the solvency of the Authority as well as any material developments which may affect the operating capacity and financial affairs of the Authority.

4.2 Board Members

- 4.2.1 The Board will consist of 13 Board Members comprising:
 - 4.2.1.1 the Chief Executive Officers of each of the Constituent Councils (including any persons acting in those offices from time to time) or his or her nominee who shall be an employee of the same Constituent Council as the Chief Executive Officer nominating the employee; and
 - 4.2.1.2 one member of each Constituent Council appointed by each Constituent Council;
 - 4.2.1.3 a Chairperson appointed pursuant to Clause 4.4.
- 4.2.2 A Board Member is at the expiry of his or her term of office eligible for reappointment.
- 4.2.3 Board Members (with the exception of the Chairperson) shall not be entitled to receive a sitting fee or other fee or remuneration for undertaking their role as a Board Member.
- 4.2.4 Written confirmation from the Chief Executive Officer of a Constituent Council will be sufficient evidence of that Constituent Council's appointment or revocation of the appointment of a Board Member.

- 4.2.5 In the event the office of a Board Member becomes vacant, the Constituent Council who appointed that Board Member will appoint another elected member to fill that vacancy:
- 4.2.5.1 if the Board Member whose office has become vacant was an elected member of a Constituent Council;
 - 4.2.5.2 if the Board Member whose office has become vacant was a person nominated by the Chief Executive Officer of a Constituent Council, the Chief Executive Officer of that Constituent Council will act as a Board Member or nominate a person to be a Board Member.
- 4.2.6 The Constituent Councils will endeavour as far as practicable to ensure the Board comprises a gender balance and Board Members with a range of expertise including:
- environmental management;
 - corporate financial management;
 - general management;
 - public sector governance;
 - public works engineering management.

4.3 **Deputy Board Member**

- 4.3.1 Each Constituent Council must appoint:
- 4.3.1.1 an employee of that Constituent Council as a deputy Board Member who may act in the place of the Board Member being the Chief Executive Officer (or his or her nominee) of that Constituent Council as provided for in Clause 4.2.1.1 if that Board Member is unable for whatever reason to attend a meeting of the Board or otherwise able to act as a Board Member whilst the Board Member is unable to attend a meeting of the Board or to act as a Board Member; and
 - 4.3.1.2 a member of that Constituent Council as a deputy Board Member who may act in the place of the Board Member appointed by that Constituent Council pursuant to Clause 4.2.1.2 if that Board Member is unable for whatever reason to attend a meeting of the Board or otherwise unable to act as a Board Member whilst the Board Member is unable to attend a meeting of the Board or act as a Board Member.
- 4.3.2 A deputy Board Member in attendance at a meeting of the Board may speak but is only entitled to vote on a matter to be decided by the Board if acting and in attendance at the meeting in accordance with Clauses 4.3.1.

4.4 **Chairperson**

- 4.4.1 A person who is neither an officer, employee or member of a Constituent Council will be appointed by the Constituent Councils as a Board Member and the Chairperson for a term of up to three years and on such other terms and conditions as determined by the Constituent Councils and who the Constituent Councils consider has expertise in one or more of the following areas:
- (a) environmental management;
 - (b) corporate financial management;
 - (c) general management;
 - (d) public sector governance.
- 4.4.2 In the event the Chairperson is absent or unable for whatever reason to act as Chairperson, the Board will elect a Board Member as the Acting Chairperson for the period the Chairperson is absent or unable to act as Chairperson.
- 4.4.3 The Chairperson is, at the expiry of his or her term of office, eligible for reappointment.
- 4.4.4 The Authority may at the expiry of the Chairperson's term of office as Chairperson appoint the Chairperson for a further term of up to three years and otherwise on the same terms and conditions as the Chairperson's original appointment.
- 4.4.5 The Authority may pay a sitting fee to the Chairperson in such amount as determined by the Authority.
- 4.4.6 The Chairperson will preside at all meetings of the Board and in the event the Chairperson is absent from a meeting, the Board must select a Board Member present to preside at that meeting only.
- 4.4.7 In the event there is a vacancy in the office of Chairperson, the Board will elect a Board Member to act as Chairperson for the balance of the original term or the appointment of a Chairperson, whichever occurs first.

5. **TERM OF OFFICE**

- 5.1 Subject to Clause 5.2, the term and other conditions of office of a Board Member, will be as determined by the Constituent Council appointing that Board Member.
- 5.2 The Constituent Councils will as far as practicable appoint Board Members, other than those Board Members who are the Chief Executive Officers of the Constituent Councils, following each periodic election of the Constituent Council until the next periodic election of the Constituent Council.

- 5.3 The Board may by a two-thirds majority vote of the Board Members present (excluding the member subject to this clause) make a recommendation to the Constituent Council that appointed the relevant Board Member, that the Constituent Council terminate the appointment of that Board Member in the event of:
- 5.3.1 any behaviour of the Board Member which in the opinion of the Authority amounts to impropriety;
 - 5.3.2 serious neglect of duty in attending to the responsibilities of a Board Member and/or Chairperson of the Board;
 - 5.3.3 breach of fiduciary duty to the Authority;
 - 5.3.4 breach of the duty of confidentiality to the Authority or the Constituent Councils;
 - 5.3.5 breach of the conflict of interest requirements applying to the Board Member; or
 - 5.3.6 any other behaviour which may discredit the Authority or a Constituent Council.
- 5.4 The Authority may by a two-thirds majority vote of the Board Members present at a Board meeting (excluding the Chairperson) make a recommendation to the Constituent Councils that the appointment of the Chairperson be terminated in the event of:
- 5.4.1 any behaviour of the Chairperson which in the opinion of the Authority amounts to impropriety;
 - 5.4.2 serious neglect of duty in attending to the responsibilities of a Board Member and/or Chairperson of the Board;
 - 5.4.3 breach of fiduciary duty to the Authority;
 - 5.4.4 breach of the duty of confidentiality to the Authority or the Constituent Councils;
 - 5.4.5 breach of the conflict of interest requirements applying to a Board Member; or
 - 5.4.6 any other behaviour which may discredit the Authority or a Constituent Council.
- 5.5 The Constituent Council which appointed the member whose term of office has become vacant will be responsible to appoint a Board Member to fill the vacancy.
- 5.6 A Board Member will cease to hold office and his or her office will become vacant:

- 5.6.1 if any of the grounds or circumstances in the Act as to when a Board Member's office becomes vacant arises;
- 5.6.2 if he or she is convicted of an indictable offence punishable by imprisonment;
- 5.6.3 if the Constituent Council which appointed the Board Member ceases to be a Constituent Council;
- 5.6.4 in relation to a Board Member who is the Chief Executive Officer (or his or her nominee) of a Constituent Council, if the Board Member ceases to be an employee of the Constituent Council that he or she was an employee of at the time he or she was appointed or the Constituent Council by which the Chief Executive Officer or his or her nominee is employed ceases to be a Constituent Council;
- 5.6.5 upon the happening of any other event through which the Board Member would be ineligible to remain as a Board Member; or
- 5.6.6 if a Constituent Council revokes the appointment of a Board Member appointed by that Constituent Council.

6. ROLE, FUNCTIONS AND PROCEEDINGS OF THE BOARD

6.1 Role of the Board

The Board is the Authority's governing body and has the responsibility for the administration of the affairs of the Authority ensuring that the Authority acts in accordance with this Charter and all relevant legislation including the Act.

6.2 Functions of the Board

In addition to the functions of the Board set out in the Act, the functions of the Board include:

- 6.2.1 the formulation of Strategic and Business Plans in accordance with Clause 13;
- 6.2.2 providing professional input and policy direction to the Authority;
- 6.2.3 ensuring strong accountability and stewardship of the Authority;
- 6.2.4 monitoring, overseeing and measuring the performance of the Executive Officer of the Authority;
- 6.2.5 ensuring that ethical behaviour and integrity is established and maintained by the Authority, the Board and Board Members in all activities undertaken by the Authority;
- 6.2.6 developing and adopting such policies and procedures as give effect to good governance and administrative practices;

- 6.2.7 exercising the care, diligence and skill that a prudent person of business would exercise in managing the affairs of other persons; and
- 6.2.8 avoiding investments that are speculative or hazardous by nature.

6.3 Proceedings of the Board

- 6.3.1 All meetings of the Authority shall be meetings of the Board.
- 6.3.2 Ordinary meetings of the Board will be held at such times and places as determined by the Board except that there must be at least one ordinary meeting of the Board every two months.
- 6.3.3 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.
- 6.3.4 For the purpose of this Clause 6.3, 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/her presence to all other Board Members taking part in the meeting. A Board Member must not leave a telecommunications meeting by disconnecting his/her telephone, audio-visual or other communication equipment, unless that Board Member has previously notified the Chairperson of the meeting.
- 6.3.5 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 and will constitute a valid decision of the Authority 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 deemed a resolution of the Board and will be as valid and effective as if it had been passed at a meeting of the Board duly convened and held.
- 6.3.6 Subject to Clause 6.3.7, meetings of the Board will be open to the public and Chapter 6 Part 3 extends to the Authority as if it were a Council and the Board Members were members of the Council.
- 6.3.7 Any Constituent Council, the Chairperson or three 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 must be accompanied by the agenda for the special meeting and if an agenda is not provided the request has no effect.

- 6.3.8 On receipt of a written request pursuant to Clause 6.3.7, the Executive Officer must give notice to all Board Members at least four hours prior to the commencement of the special meeting.
- 6.3.9 A meeting of the Board must not commence until a quorum of Board Members is present and a meeting must not 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.
- 6.3.10 The Board must adopt a Code of Practice for Meeting Procedures to apply to the proceedings at and conduct of meetings of the Board. The Code of Practice for Meeting Procedures must not be inconsistent with the Act or this Charter.
- 6.3.11 The Code of Practice for Meeting Procedures may be reviewed by the Board at any time and must be reviewed at least once every three years.
- 6.3.12 In the event of any inconsistency between this Charter and the Code of Practice for Meeting Procedures, this Charter shall prevail.

7. PROPRIETY OF MEMBERS OF THE BOARD

- 7.1 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 elected members of a Council and the Authority was a Council.
- 7.2 Board Members must comply with Division 2, Chapter 5 (Register of Interests) of the Act and to use all reasonable efforts to assist the Authority to comply with any obligations including regarding related party disclosures as set out in AASB124.
- 7.3 Board Members must act in accordance with their duties of confidence and other legal and fiduciary duties including honesty and the exercise of reasonable care and diligence to the Authority as required by Part 4, Division 1, Chapter 5 of the Act and Clause 23 of Schedule 2, Part 2 of the Act.
- 7.4 Subject to the express provisions of Schedule 2 to the Act and this Charter, all provisions governing the propriety and duties of members of a Council and public officers under the Act and other South Australian legislation apply to Board Members.

8. POWERS

- 8.1 The Authority is constituted as a body corporate under the Act and in all things acts through the Board.
- 8.2 The Authority has subject, where relevant to Clauses 8.3, 8.4 and 8.5:
 - 8.2.1 the power to acquire, deal with and dispose of real and personal property and rights in relation to real and personal property;

- 8.2.2 the power to compulsorily acquire land in accordance with the Land Acquisition Act 1969, provided that such acquisition is for the purposes of flood mitigation;
 - 8.2.3 the power to sue and be sued in its corporate name;
 - 8.2.4 the power to enter into any kind of contract or arrangement;
 - 8.2.5 the power to return surplus revenue to Constituent Councils in such proportions as the Board considers appropriate at the end of any financial year either by way of cash payment or reduction of annual contribution;
 - 8.2.6 the power to set aside surplus revenue for future capital expenditure;
 - 8.2.7 the power to invest funds and in doing so to take into account Part 4 of Chapter 9 of the Act;
 - 8.2.8 the power to establish committees, in accordance with Clause 9;
 - 8.2.9 the power to delegate any function or duty except for the power to compulsorily acquire land as set out in Clause 8.2.2 and any of the powers set out in section 44 of the Act, (where such powers are applicable to the Authority); and
 - 8.2.10 the power to do anything else necessary or convenient for, or incidental to, the exercise, performance or discharge of its powers, functions or duties.
- 8.3 The Authority has the power to incur expenditure as follows:
- 8.3.1 in accordance with a budget adopted by the Authority under Clause 12.1; or
 - 8.3.2 with the prior approval of the Constituent Councils; or
 - 8.3.3 in accordance with the Act, in respect of expenditure not contained in a budget adopted by the Authority for a purpose of genuine emergency or hardship.
- 8.4 Subject to Clause 8.5, the Authority has the power to borrow money as follows:
- 8.4.1 in accordance with a budget adopted by the Authority under Clause 12; or
 - 8.4.2 with the prior approval of the Constituent Councils.
- 8.5 Unless otherwise approved by the Constituent Councils, any and all borrowings (except overdraft facilities) taken out by the Authority:
- 8.5.1 must be from the Local Government Financial Authority or a registered bank or financial institution within Australia; and

- 8.5.2 the Authority shall not act outside of the areas of the Constituent Councils without their prior approval and that approval shall only be granted upon the basis that the Constituent Councils consider it necessary or expedient for the performance of their or the Authority's functions.
- 8.6 The Authority will have a common seal which may be affixed to documents requiring execution under common seal and must be witnessed by the Chairperson and one other Board Member.
- 8.7 The common seal must not be affixed to a document except to give effect to a resolution of the Board. The Executive Officer will 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 particulars of the persons who witnessed the fixing of the seal and the date.
- 8.8 The Board may by instrument under the seal authorise a person to execute documents on behalf of the Authority. The Executive Officer will maintain a register of such resolutions and details of any documents executed in this way, together with particulars of the person executing the document.

9. **ESTABLISHMENT OF COMMITTEES**

- 9.1 The Authority may establish committees.
- 9.2 A member of a committee holds office at the pleasure of the Board.
- 9.3 Without limiting the Board's power to establish additional committees, the following committee is established:
 - 9.3.1 Audit Committee.
- 9.4 **Audit Committee**
 - 9.4.1 The Audit Committee shall be composed of no more than three members of whom at least one shall be a person who is not a member of the Board ('Independent Member').
 - 9.4.2 Members of the Audit Committee will be appointed by the Board biennially and at the expiry of a term of appointment are eligible for reappointment.
 - 9.4.3 The Independent Member (or one of the Independent Members if there is more than one) shall be appointed by the Authority as the Chair of the Audit Committee. The Chair of the Audit Committee shall be paid such honorarium as the Authority determines.
 - 9.4.4 Members of the Audit Committee must as far as practicable have recent and relevant financial, risk management or internal audit experience relevant to the functions of the Audit Committee as determined by the Authority.

9.4.5 The functions of the Audit Committee include:

- 9.4.5.1 reviewing annual Financial Statements of the Authority to ensure they provide a timely and fair view of the state of affairs of the Board; and
- 9.4.5.2 liaising with the external auditors of the Authority; and
- 9.4.5.3 reviewing the adequacy of the accounting, internal auditing, reporting, internal control and other financial management systems and practices of the Authority on a regular basis;
- 9.4.5.4 Considering and advising the Authority on risk management.

10. ADMINISTRATIVE MATTERS

- 10.1 There will be an Executive Officer of the Authority appointed by the Authority on terms and conditions to be determined by the Authority.
- 10.2 The Executive Officer will be responsible to the Board:
 - 10.2.1 to ensure that the policies and lawful decisions of the Authority are implemented in a timely manner;
 - 10.2.2 for the efficient and effective management of the operations and affairs of the Authority;
 - 10.2.3 to provide advice and reports to the Board on the exercise and performance of the Authority's powers and functions; and
 - 10.2.4 to give effect to the principles of human resource management generally applicable within the local government industry.
- 10.3 The Executive Officer has such powers, functions and duties prescribed by this clause and as determined necessary by the Authority from time to time to ensure the efficient and effective management of the operations and affairs of the Authority.
- 10.4 The Authority may employ other officers and it may authorise the Executive Officer to employ such other officers on its behalf as are required for the efficient and effective management of the operations and affairs of the Authority.
- 10.5 The Authority may engage professional consultants and it may authorise the Executive Officer to engage professional consultants 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 personal management prescribed by this Charter.

11. FINANCIAL CONTRIBUTIONS TO THE AUTHORITY

- 11.1 The contributions of the Constituent Councils shall be based on the percentage shares for capital works, maintenance of assets of the Authority and operational costs of the Authority in accordance with Schedule 1.

Where the capital and/or maintenance cost exceeds \$1 Million in any given year, Clause 11.7 shall apply.

- 11.2 The Authority will be responsible to provide the Constituent Councils with sufficient information for each of them to ascertain the level of and understand the reasons behind the funding required each financial year. This will be achieved via the business plan and the annual budget.
- 11.3 The Authority will determine annually the funds required by the Authority to enable it to function. The Constituent Councils shall contribute the funds requested by the Authority, in the annual budget and approved by the Constituent Councils, and any additional funds that are required for the continuing function of the Authority and approved by the Constituent Council. The Authority must provide full details regarding the need for additional funds to the Constituent Councils.
- 11.4 The annual contribution will be paid by each Constituent Council in advance by six monthly instalments.
- 11.5 Additional contributions (of any) will be paid by each Constituent Council in the manner and at the time determined by the Authority.
- 11.6 The Authority is accountable to each Constituent Council to ensure that the Authority functions in accordance with its business plan and approved budgets.
- 11.7 The Authority may enter into separate funding arrangements with Constituent Councils and with any State or Federal Government or their agencies in respect of any project undertaken or to be undertaken by or on behalf of the Authority.
- 11.8 Where a Constituent Council or Constituent Councils enter into an agreement with the Authority under Clauses 3.2 and 3.3 of this Charter the subscriptions payable under that agreement shall be additional to the subscriptions payable under this Clause.

12. BUDGET AND ANNUAL BUSINESS PLAN

12.1 Budget

- 12.1.1 The Authority must prepare a budget for each financial year.

- 12.1.2 The Budget must:

- 12.1.2.1 deal with each principal activity of the Authority on a separate basis;

- 12.1.2.2 be consistent with and account for activities and circumstances referred to in the Authority's Annual Business Plan;
- 12.1.2.3 be submitted in draft form to each Constituent Council before 31 March for approval;
- 12.1.2.4 not be adopted by the Authority until after 31 May but before 30 September;
- 12.1.2.5 identify the amount of and the reasons for the financial contributions to be made by each Constituent Council to the Authority.
- 12.1.3 The Budget may only be adopted where two thirds of the Board Members present vote in favour of the Budget.
- 12.1.4 The Authority must provide a copy of the adopted Budget to each Constituent Council within five clear days after adoption.
- 12.1.5 The Authority must reconsider its Budget in accordance with Regulation 9 of the Local Government (Financial Management) Regulations 2011.
- 12.1.6 The Authority must submit to each Constituent Council for approval, any proposed amendment to the Budget.
- 12.1.7 Where a Constituent Council has failed to approve a draft budget, or an amended budget, and has not served a notice on the Authority in accordance with Clause 21 within two months of the receipt of the draft budget, or amended budget by the Constituent Council, then the approval of the Constituent Council to the draft budget, or amended budget, will be deemed to have been given.

12.2 **Annual Business Plan**

- 12.2.1 The Authority shall have an Annual Business Plan in respect of the ensuing 12 months.
- 12.2.2 The Annual Business Plan must:
 - 12.2.2.1 state the services to be provided by the Authority;
 - 12.2.2.2 identify how the Authority intends to manage service delivery;
 - 12.2.2.3 identify the performance targets which the Authority is to pursue;
 - 12.2.2.4 provide a statement of financial and other resources and internal processes that will be required to achieve the performance targets and objectives of the Authority; and

- 12.2.2.5 specify the performance measures that are to be used to monitor and assess performance against targets.

13. MANAGEMENT FRAMEWORK

13.1 Long Term Financial Plan

- 13.1.1 The Authority must develop and adopt in consultation with the Constituent Councils a Long Term Financial Plan covering a period of at least ten (10) years 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.
- 13.1.2 The Authority must review its Long Term Financial Plan in consultation with the Constituent Councils.
- 13.1.3 The Authority may at any time review the Long Term Financial Plan but must undertake 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.
- 13.1.4 In any event, the Authority must undertake a comprehensive review of its Long Term Financial Plan every four years.

13.2 Strategic Plan

- 13.2.1 The Authority must prepare and adopt in consultation with the Constituent Councils a 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.
- 13.2.2 The Authority must review its Strategic Plan in consultation with the Constituent Councils.
- 13.2.3 The Authority must undertake a comprehensive review of its Strategic Plan every four years.

13.3 Asset Management Plan

- 13.3.1 The Authority must prepare and adopt in consultation with the Constituent Councils an Asset Management Plan in a form and including such matters which, as relevant, is consistent with Section 122 of the Act as if the Authority were a council.
- 13.3.2 The Authority must review its Asset Management Plan in consultation with the Constituent Councils.
- 13.3.3 The Authority may at any time review its Asset Management Plan but must undertake a review of the Asset Management Plan as soon as

practicable after the annual review of its Business Plan and concurrently with any review of its Strategic Plan.

- 13.3.4 In any event, the Authority must undertake a comprehensive review of its Asset Management Plan every four years.

14. ACCOUNTING

- 14.1 The Authority must ensure that its accounting records, accounts and financial statements are prepared and maintained in accordance with all relevant Australian Accounting Standards and legislation including the Local Government (Financial Management) Regulations 2011.

15. AUDIT

- 15.1 The Authority must appoint an auditor.
- 15.2 The Audit Committee must approve the audit strategy submitted by the external auditor before submission to the Board.
- 15.3 The Authority must provide its audited financial statements to the Chief Executive Officer of each Constituent Council by 30 September.

16. FINANCE

- 16.1 The Authority may establish and maintain a bank account with such banking facilities and at a bank to be determined by the Authority.
- 16.2 All cheques to be authorised must be signed by two Board Members or one Board Member and the Executive Officer.
- 16.3 Any payments made by Electronic Funds Transfer must be made in accordance with procedures which have received the prior approval of the auditor and been adopted by the Authority.
- 16.4 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 Authority and if requested, the Constituent Councils.
- 16.5 The Authority will, at the end of each financial year prepare a schedule of assets and liabilities. In addition, the Authority must maintain a record to be known as the 'Schedule of Constituent Councils' Interests in Net Assets'.
- 16.6 The Schedule of Constituent Councils Interests in Net Assets will reflect the proportionate contribution each Constituent Council has made to capital, operations and maintenance costs incurred by the Authority having regard to the proportionate contribution by way of subscriptions for each function undertaken by the Authority. The Schedule when updated by the Authority at the end of each financial year will reflect the proportionate contribution of each Constituent Council since the establishment of the Authority and once accepted by each Constituent Council will be evidence of the agreed proportion of a Constituent Council's interests in the net assets as at 30 June in that year.

16.7 Where there is any dispute as to the Schedule, Clause 21 shall apply.

17. **REPORTS AND INFORMATION**

17.1 The Authority must submit an annual report on its work and operations including its audited financial statements, to each Constituent Council before 30 September.

17.2 The Authority shall report at any other time at the written request of a Constituent Council on matters being undertaken by the Authority. Any such report shall be provided to all Constituent Councils.

18. **ALTERATION TO THE CHARTER**

18.1 This charter may be amended by unanimous resolution of the Constituent Councils.

18.2 Before the Constituent Councils vote on a proposal to alter this Charter they must take into account any recommendations of the Authority.

19. **WITHDRAWAL OF A CONSTITUENT COUNCIL**

19.1 Subject to the approval of the Minister, a Constituent Council may withdraw from the Authority by giving not less than six months notice of its intention to do so to all other Constituent Councils and the Executive Officer.

19.2 In any event a withdrawal will not become effective until 30 June following the expiry of the six months notice as required by Clause 19.1 in the preceding sub-clause. Until a withdrawal becomes effective, the Constituent Council proposing withdrawal from the Authority will remain liable for all financial contributions whilst still a Constituent Council and will continue to be responsible for ensuring the proper conduct of the affairs of the Authority.

19.3 A withdrawing Constituent Council is not entitled to any refunds of any contributions made.

20. **ADDITION OF NEW MEMBER**

20.1 The Authority may consider the addition of a Council as a Constituent Council.

20.2 The Constituent Councils must resolve unanimously to approve the addition of a Council as a Constituent Council.

20.3 The Charter shall be amended in accordance with the provisions of this Charter to provide for a Council becoming a Constituent Council.

21. **DISPUTES**

21.1 In the event of any dispute or difference between the Constituent Councils or between one or more Constituent Councils and the Authority concerning this Charter or the Authority (**the Dispute**), a party may initiate the dispute process set out in this clause by serving a notice of dispute on all other Constituent

Councils with a contemporaneous copy being served on the Authority. The parties:

- 21.1.1 will attempt to settle the dispute or difference by negotiating in good faith;
- 21.1.2 if good faith negotiations do not settle the dispute within one month of the Dispute arising or such longer time as the parties to the Dispute may agree, then the Dispute shall be referred to an expert for determination. The expert shall be a person with the skills and expertise necessary to resolve the dispute and shall be nominated by the President of the Local Government Association of South Australia. The expert's determination shall be final and binding on the Constituent Councils. The costs of the expert will be apportioned and payable in accordance with the expert's determination;
- 21.1.3 if the Dispute is unable to be resolved by the expert within six months then any Constituent Council may request the Minister wind up the Authority; and
- 21.1.4 notwithstanding the existence of a Dispute, the Constituent Councils will continue to meet their obligations to the Authority.

22. LIMIT OF LIABILITY

- 22.1 Except insofar as Clause 3.2 applies the liability of a Constituent Council to the Authority is limited to those functions undertaken by the Authority and to which the Constituent Council has made a financial contribution. The liability of a Constituent Council is proportional to the interest of that Council in the net assets of the Authority as determined under Clause 16 of this Charter.
- 22.2 The liability of a Constituent Council to the Authority for any function undertaken by the Authority under Clause 3.2 is limited to the requesting Constituent Council or Constituent Councils and as reflected in the agreement entered into with the Authority for those purposes.

23. DISSOLUTION OF THE AUTHORITY

- 23.1 The Authority may be dissolved by the Minister in the circumstances envisaged by Clause 33, Part 2 of Schedule 2 of the Act.
- 23.2 In the event of there being net assets upon the dissolution and after realisation of all assets and meeting all liabilities, the net assets will be distributed to the then Constituent Councils on the basis of their current interest in the net assets of the Authority as determined by Clause 16.
- 23.3 In the event of there being an insolvency of the Authority at the time of dissolution, the then Constituent Councils will be responsible jointly and severally to pay the liabilities of the Authority and between themselves in the proportion of their interest in the net assets last determined under Clause 16.

24. NON-DEROGATION AND DIRECTION BY CONSTITUENT COUNCILS

- 24.1 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.
- 24.2 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.
- 24.3 Where the Authority is required pursuant to the Act or this Charter to obtain the approval of one or more of the Constituent Councils, that approval must only be granted and must be evidenced by a resolution passed by either or each of the Constituent Councils granting such approval.
- 24.4 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 or approval of both the Constituent Councils expressed in the same or similar terms.
- 24.5 For the purpose of this Clause 24, any direction given by the Constituent Councils must be communicated by notice in writing provided to the Executive Officer of the Authority together with a copy of the relevant resolutions of the Constituent Councils.

SCHEDULE 1 – FINANCIAL CONTRIBUTIONS

Constituent Council	Capital Works Percentage Share %	Maintenance of Assets Percentage Share %	Operational Costs Percentage Share %
Adelaide Hills Council	1.73	1.73	16.66
Adelaide Plains Council	28.91	28.91	16.66
The Barossa Council	8.67	8.67	16.66
Town of Gawler	17.34	17.34	16.66
Light Regional Council	8.67	8.67	16.66
City of Playford	34.68	34.68	16.66
Total	100%	100%	100%

Capital Works are defined as building and engineering works that create an asset and the renewal of existing assets that has reached the end of its useful life.

Maintenance is defined as recurrent expenditure to ensure that existing assets function as designed and are kept in good condition.

Operational Costs are defined as recurrent expenditure incurred to ensure that the Authority can conduct day to day functions. Depreciation falls within the scope of the Authority's operational costs.

Appendix 4

SHLGA Charter

LOCAL GOVERNMENT ACT 1999**SOUTHERN & HILLS LOCAL GOVERNMENT ASSOCIATION***Notice of Alteration to the Charter*

PURSUANT to Clause 21 of the Charter and Clause 19, Part 2, Schedule 2 of the Local Government Act 1999, the Charter published in the *Gazette* on 10 May 2007 at pages 1909 to 1915 was amended by unanimous resolution of the District Council of Mount Barker on 16 May 2011, City of Victor Harbor on 23 May 2011, District Council of Yankalilla on 19 May 2011, Adelaide Hills Council on 24 May 2011, Alexandrina Council on 1 August 2011, Kangaroo Island Council on 8 June 2011 and The Barossa Council on 17 May 2011.

The Charter, as amended, of the Southern & Hills Local Government Association is set out below:

1. INTERPRETATION

‘absolute majority’ means a majority of the whole number of the members.

‘Act’ means the Local Government Act 1999.

‘Association’ means the Southern & Hills Local Government Association.

‘Council’ means a Council as constituted under the Local Government Act 1999.

‘LGA’ means the Local Government Association of South Australia.

‘S&HLGA’ means the Southern & Hills Local Government Association.

2. ESTABLISHMENT

The S&HLGA is established by the Constituent Councils as a regional subsidiary pursuant to Section 43 and Schedule 2 (‘the Schedule’) of the Local Government Act 1999 (‘the Act’).

This Charter governs the affairs of the S&HLGA.

3. CONSTITUENT COUNCILS

The Authority is established by the District Council of Mount Barker, City of Victor Harbor, District Council of Yankalilla, Adelaide Hills Council, Alexandrina Council, Kangaroo Island Council and The Barossa Council (‘the Constituent Councils’).

The Authority is subject to the joint direction of the Constituent Councils.

4. PURPOSE OF THE ASSOCIATION

4.1 To work collaboratively with the LGA to achieve the aims and objectives of the LGA.

4.2 To encourage, promote, protect and foster an efficient and effective autonomous, democratic system of local government elected by and responsible to local communities.

4.3 To identify available resources within the region and to co-ordinate or assist in co-ordinating the management of these resources for the betterment of their region’s community.

4.4 To encourage, assist, seek out, determine, assess and respond to the needs and aspirations of the region’s constituents.

4.5 To develop, encourage, promote, foster and maintain consultation and co-operation between local government authorities, State and Commonwealth Governments and their instrumentalities.

4.6 To develop, encourage, promote, foster and maintain the financial and economic well-being and advancement of the region and if desirable for such purpose to undertake, establish, acquire, conduct or dispose of any business, enterprise, undertaking or venture which in the opinion of S&HLGA is necessary, desirable or convenient.

4.7 To effectively liaise and work with the State and Commonwealth Governments and their instrumentalities on a regional basis for the general enhancement of the region.

5. POWERS

S&HLGA will have the following powers (in addition to and without prejudice to any other powers herein expressed or implied or by virtue of any other legislation applicable):

5.1 To subscribe to, become a member of and/or co-operate with any other association or organisation whose objects are altogether or in part similar or complementary to those of S&HLGA and on such terms as S&HLGA deems appropriate.

5.2 To enter into any arrangements with any Government or authority that are incidental or conducive to the attainment of the objects and the exercise of the powers of S&HLGA.

5.3 To raise revenue through subscriptions or levies from Constituent Councils. To apply for grants from Government Agencies and to seek sponsorship from business enterprise.

5.4 To print or publish any newspapers, periodicals, books, leaflets, treatise, or other writing that S&HLGA may think desirable for the promotion of its objects.

- 5.5 To acquire, deal with and dispose of real and personal property (wherever situated) and rights in relation to real and personal property.
- 5.6 To enter into any kind of contract or arrangement.
- 5.7 To invest funds and in doing so to take into account Part 4 of Chapter 9 of the Act.
- 5.8 To establish committees for the following purposes:
 - 5.8.1 inquiring into and reporting on any matter within the terms of reference determined by the Board;
 - 5.8.2 exercising, performing and discharging delegated powers, functions or duties;
 - 5.8.3 investigating opportunities for resource sharing within the region and implementing strategies to take advantage of any such opportunities;
 - 5.8.4 a member of a committee established in accordance with Clause 10.8 holds office at the pleasure of the Board;
 - 5.8.5 the President of the S&HLGA shall be an *ex officio* member of all committees.
- 5.9 To delegate any function or duty except for any of the powers set out in Section 44 of the Local Government Act 1999, (where such powers are applicable to a Subsidiary).
- 5.10 To do anything else necessary or convenient for, or incidental to, the exercise, performance or discharge of its powers, functions or duties.

6. SOURCES OF REVENUE

The sources of revenue of the S&HLGA may include:

- 6.1 Subscriptions to be applied equally from Constituent Councils under such terms and conditions determined by the Board.
- 6.2 Service charges for services to Constituent Councils under such terms and conditions determined by the Board.
- 6.3 Grants from Government Agencies and the LGA.
- 6.4 Sponsorship from business enterprise.
- 6.5 Loan funds or overdraft, on such conditions as the S&HLGA sees fit for the purpose of the S&HLGA:
 - 6.5.1 A proposal for borrowing by the S&HLGA must be provided to each Constituent Council.
 - 6.5.2 The proposal to borrow must be approved by an absolute majority of the Constituent Councils in writing before it can be considered by the Board.
 - 6.5.3 An Order to Borrow must be approved an absolute majority of the Board.
- 6.6 Interest from the investment of funds.

7. THE BOARD—ROLE AND MEMBERSHIP

- 7.1 The S&HLGA will be governed by a Board.
- 7.2 The Board is responsible for the administration of the affairs of the S&HLGA. The Board must ensure insofar as it is practicable, that the Authority observes the objectives set out in this Charter, that information provided to the Constituent Councils is accurate and that Constituent Councils are kept informed of the solvency of the S&HLGA as well as any material developments which may affect the operating capacity and financial affairs of the S&HLGA.
- 7.3—
 - 7.3.1 Each of the Constituent Councils will appoint two persons to the Board. The Constituent Councils' appointees shall be not less than one elected member of the Constituent Council and the other appointee may be a Council Officer.
 - 7.3.2 Each Constituent Council may appoint either an Elected Member or a Council Officer as Deputy Board Member who may attend Board Meetings in the place of a Council Board Member who is absent.
 - 7.3.3 The Board may appoint observers to the Board. Such appointees will not be entitled to vote at meetings.
 - 7.3.4 Board members shall not be entitled to receive a sitting fee.
- 7.4 A certificate signed by the Chief Executive Officer of the appointing Constituent Council will be sufficient evidence of appointment.
- 7.5 The President shall preside over all meetings of the Board.
- 7.6 In the absence of the President, the Deputy President will preside over meetings of the Board.

- 7.7 In the absence of the President and Deputy President, the Board will elect a temporary Acting Chairperson from amongst their members.

8. TERM OF OFFICE—THE BOARD

- 8.1 Subject only to the following subclauses, the term of office of each member of the Board will be as determined by the Constituent Council responsible for the appointment of the member.
- 8.2 The Board may by a two-thirds majority vote of the members present (excluding the member subject to this Clause):
- 8.2.1 make a recommendation to the Constituent Council responsible for the appointment of the relevant member, seeking the appointing body's approval to terminate the appointment of the member.
- 8.3 The Constituent Council which appointed the member whose term of office has become vacant will be responsible to appoint the replacement member.

9. PROCEEDINGS OF THE BOARD

- 9.1 Subject only to the extent that they are modified by this Clause, the proceedings of the Board will be the same as those for committees of Council as defined in Part 2 of Chapter 6 of the Act and in accordance with the Regulations for 'Other Committees' comprised in Parts 1, 3 and 4 of the Local Government (Proceedings at Meetings) Regulations 2000.

References in Part 2 of Chapter 6 of the Act to 'the Chief Executive Officer' shall be read as if they were references to the Executive Officer of the Authority and references to 'the Council' or 'the committee' shall be read as if they were references to the Authority.

To the extent that this Charter and the Act and its associated Regulations are silent, the Board may determine its own meeting procedures.

- 9.2 Subject only to the special provisions of this Clause, no meeting of the Board will commence until a quorum of members is present and no meeting may continue unless there is a quorum of members present. A quorum of members will comprise half the members plus one. A time limit of 30 minutes shall apply from the advertised time of the meeting in which to reach a quorum. Failure to reach a quorum within this time limit shall result in a failed meeting.
- 9.3 At the commencement of a telecommunications meeting, each Board member must announce his/her presence to all other Board members taking part in the meeting. A Board member must not leave a telecommunication meeting by disconnecting his/her, audio-visual or other communication equipment, unless that Board member has previously notified the Chairperson of the meeting.
- 9.4 In the event that there is not a quorum present at two consecutive meetings of the Board, then an extraordinary meeting of the Board may be convened in the same manner as for a special meeting (see Clause 6.1), at which the business which was on the agendas for the two previous but failed meetings may be transacted at the extraordinary meeting of the Board where the requirement for a quorum is that there be at least one member representing each of the Constituent Councils in attendance. Decisions made at such a meeting will be binding on the subsidiary and all members of the Board and the Constituent Councils.
- 9.5 Subject only to any specific requirement of this Charter, all matters for decision at a meeting of the Board will be decided by a simple majority of the members present and entitled to vote on the matter. Both members from each Constituent Council present are entitled to vote on a matter. Voting members are entitled only to a deliberative vote. Board members may not vote by proxy.
- 9.6 In the event of equality of votes, the Chairperson will not have a casting vote and the matter will be deemed to have lapsed and may at some later time be reconsidered.
- 9.7 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 meeting in every two calendar months.
- 9.8 A special meeting of the Board may be held at any time and may be called at the request of the Chairperson or at the written request of eight members of the Board representing all of the Constituent Councils.
- 9.9 Notice of all meetings will be given in accordance with the provisions applicable to a committee meeting under Part 2 of Chapter 6 of the Act and the associated Regulations.
- 9.10 Meetings of the Board will be open to the public unless the Board so resolves to exclude the public pursuant to section 90 of the Act.
- 9.11 All members must keep confidential all documents and any information provided to them in confidence for their consideration prior to a meeting of the Board.
- 9.12 The Board must ensure that accurate written minutes of its proceedings are kept and are produced for verification at the subsequent meeting of the Board.

10. OFFICES OF THE BOARD

- 10.1 The Board shall elect, from the elected member Board members of different Constituent Councils, at the February meeting following the Local Government periodical elections and then every two years thereafter, the following offices for a period of two years:
 - 10.1.1 President, who shall be the Chairperson of the Board;
 - 10.1.2 Deputy President, who shall be the Deputy Chairperson of the Board.
- 10.3 A Board member cannot be elected to the same office for more than two consecutive terms.

11. PROPRIETY OF MEMBERS OF THE BOARD

- 11.1 The principles regarding conflict of interest prescribed in the Act will apply to all members of the Board as if they were elected members of a Council.
- 11.2 The members of the Board will not be required to comply with Division 2, Chapter 5 (Register of Interests) of the Act.
- 11.3 The members of the Board 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 Board as required by Part 4, Division 1, Chapter 5 of the Act and Clause 23 of Part 2 of Schedule 2.

12. ADMINISTRATIVE MATTERS

- 12.1 There will be an Executive Officer of the S&HLGA appointed by the Board on terms and conditions to be determined by the Board.
- 12.2 The Executive Officer will be responsible to the Board:
 - 12.2.1 to ensure that the policies and lawful decisions of the S&HLGA are implemented in a timely manner;
 - 12.2.2 for the efficient and effective management of the operations and affairs of the S&HLGA;
 - 12.2.3 to provide advice and reports to the Board on the exercise and performance of the S&HLGA powers and functions; and
 - 12.2.4 to give effect to the principles of human resource management generally applicable within the local government industry.
- 12.3 The Executive Officer has such powers, functions and duties prescribed by this Clause and as determined necessary by the Board from time to time to ensure the efficient and effective management of the operations and affairs of the S&HLGA.
- 12.4 The Board may employ other officers and it may authorise the Executive Officer to employ such other officers on its behalf as are required for the efficient and effective management of the operations and affairs of the Authority.
- 12.5 The Board may engage professional consultants and it may authorise the Executive Officer to engage professional consultants to provide services to the S&HLGA to ensure the proper execution of its decisions, the efficient and effective management of the operations and affairs of the S&HLGA and for giving effect to the general management objectives and principles of personal management prescribed by this Charter.

13. BUSINESS PLAN

- 13.1 The S&HLGA shall have a rolling Business Plan in respect of the ensuing four years.
- 13.2 The Business Plan must:
 - 13.2.1 state the services to be provided by the S&HLGA;
 - 13.2.2 identify how the S&HLGA intends to manage service delivery;
 - 13.2.3 identify the performance targets which the S&HLGA is to pursue;
 - 13.2.4 provide a statement of financial and other resources and internal processes that will be required to achieve the performance targets and objectives of the S&HLGA; and
 - 13.2.5 specify the performance measures that are to be used to monitor and assess performance against targets.
- 13.3 Prior to setting the draft budget each year the S&HLGA must review the Business Plan in conjunction with the Constituent Councils.

14. BUDGET

- 14.1 The S&HLGA must prepare a budget for the forthcoming financial year.
- 14.2 The budget must:
 - 14.2.1 deal with each principal activity of the S&HLGA on a separate basis;

- 14.2.2 be consistent with and account for activities and circumstances referred to in the S&HLGA's business plan;
- 14.2.3 identify the amount of surplus (deficit) brought forward from the previous year;
- 14.2.4 identify the amount of subscription to be made by each Constituent Council;
- 14.2.5 be submitted in draft form to each Constituent Council before 30 April for information of its proposed contribution for the ensuing year; and
- 14.2.6 not be adopted by the Authority until after 31 May but before 30 September.
- 14.3 The adoption of the budget requires a two-thirds majority of the Board members present.
- 14.4 The S&HLGA must provide a copy of its budget to each Constituent Council within five business days after adoption.
- 14.5 The S&HLGA must reconsider its budget in accordance with Regulation 7 of the Local Government (Financial Management) Regulations 1999.
- 14.6 The S&HLGA must submit to each Constituent Council for approval, any proposed amendment to the budget that provides for an additional financial contribution by the Constituent Councils.

15. ACCOUNTING

The S&HLGA must ensure that its accounting records, accounts and financial statements are prepared and maintained in accordance with all relevant Australian Accounting Standards. See Regulations 8 and 9, Local Government (Financial Management) Regulations 1999, in relation to particular accounting practices.

16. FINANCIAL MANAGEMENT

- 16.1 The S&HLGA shall maintain an operations bank account and such other accounts as it may determine from time to time. The operators of all bank accounts shall be the President and Executive Officer and not less than two members appointed at the AGM where any two of the bank operators are required to operate the accounts.
- 16.2 The Executive Officer shall cause adequate and proper books of account to be kept in relation to all affairs of the S&HLGA.
- 16.3 The Executive Officer shall prepare a draft Operations Manual for the Executive Committee and following any amendment, shall adopt the Operations Manual and make recommendations on the implementation of the manual.
- 16.4 The S&HLGA shall give due regard to Chapter 9, Part 4 of the Act when investing funds.
- 16.5 The financial year for the S&HLGA is from 1 July to 30 June.

17. AUDIT

- 17.1 The S&HLGA must appoint an Auditor.
- 17.2 The S&HLGA must provide its audited financial statements to the Chief Executive Officer of each Constituent Council by 30 September. See Part 5, Local Government (Financial Management) Regulations 1999, in relation to the S&HLGA's audit responsibilities.

18. REPORTS AND INFORMATION

- 18.1 The S&HLGA must submit its annual report on its work and operations including its audited financial statements, to each Constituent Council before 30 September.
- 18.2 Within two weeks following each ordinary meeting of the Board the Constituent Councils shall be provided with a Key Outcomes Summary of the meeting that shall include the Achievements Against the Business Plan Report for those meetings that it is received by the Board.
- 18.3 The Board shall report at any other time at the written request of a Constituent Council on matters being undertaken by the S&HLGA. Any such report shall be provided to all Constituent Councils.

19. THE SEAL

- 19.1 The S&HLGA will have a common seal which may be affixed to documents requiring execution under common seal and must be witnessed by the Chairperson of the Board and one other Board member present at the meeting.
- 19.2 The common seal must not be affixed to a document except to give effect to a resolution of the Board. The Executive Officer will 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 particulars of the persons who witnessed the fixing of the seal and the date.
- 19.3 The Board may by instrument under seal authorise a person to execute documents on behalf of the S&HLGA. The Executive Officer will maintain a register of such resolutions and details of any documents executed in this way, together with particulars of the person executing the document.

20. DISPUTES

- 20.1 In the event of any dispute or difference between one or more Constituent Councils and the S&HLGA concerning the operations or affairs of the Authority, the dispute process shall be initiated by a Constituent Council serving a notice of dispute on the S&HLGA with a contemporaneous copy being served on all other Constituent Councils. The Constituent Councils:
- 20.1.1 will attempt to settle the dispute or difference by negotiating in good faith;
 - 20.1.2 if good faith negotiations do not settle the dispute or difference within one month of the dispute arising then the dispute shall be referred to an expert for determination. The expert shall be a person with the skills and expertise necessary to resolve the dispute and shall be nominated by the President of the Local Government Association of South Australia. The expert is an expert and not an arbitrator. The expert's determination shall be final and binding on the Constituent Councils. The costs of the expert will be apportioned and payable in accordance with the expert's determination;
 - 20.1.3 if the dispute is unable to be resolved by the expert within six months then any Constituent Council may request the Minister to dissolve the S&HLGA; and
 - 20.1.4 notwithstanding the existence of a dispute or difference, the Constituent Councils will continue to meet their obligations to the S&HLGA.

21. ALTERATION TO THE CHARTER

- 21.1 This Charter may be amended by unanimous resolution of the Constituent Councils.
- 21.2 The Executive Officer of the S&HLGA must ensure that the amended Charter is published in the *Gazette*.
- 21.3 Before the Constituent Councils vote on a proposal to alter this Charter they must take into account any recommendations of the Board.

22. ADDITION OF NEW MEMBER

- 22.1 The Board may consider the addition of a new member to the S&HLGA.
- 22.2 The Constituent Councils must resolve unanimously to approve the addition of a new member to the S&HLGA and must obtain Ministerial approval.
- 22.3 The Charter shall be amended in accordance with the provisions of this Charter to address any new addition.

23. WITHDRAWAL OF A CONSTITUENT COUNCIL

- 23.1 Subject to the approval of the Minister, a Constituent Council may withdraw from the S&HLGA by giving not less than six months notice of its intention to do so to all other Constituent Councils and the Executive Officer.
- 23.2 In any event a withdrawal cannot become effective until 30 June following the expiry of the six months in the preceding subclause. Until withdrawal becomes effective, the Constituent Council proposing withdrawal from the Authority will remain liable for all financial contributions in the remaining period and through its members on the Board, the responsibility of ensuring the continued proper conduct of the affairs of the Authority.
- 23.3 A withdrawing Constituent Council is not entitled to any refunds of any contributions made.

24. CIRCUMSTANCES NOT PROVIDED FOR

- 24.1 If any circumstances arise to which this Charter is silent, incapable of taking effect or being implemented according to its strict provisions, S&HLGA will have the power to determine what action may be taken to ensure the effective administration and objectives of S&HLGA provided that such action will be determined at a meeting of S&HLGA.

25. WINDING UP

- 25.1 In addition to the provisions of Clause 33 of Schedule 2 of the Act, the S&HLGA may be wound up by the Constituent Councils.
- 25.2 In the event of dissolution and after payment of all expenses any surplus assets shall be returned to Constituent Councils in proportion to the subscription paid in the financial year prior to the passing of the resolution to dissolve.
- 25.3 In the event of dissolution where there are insufficient funds to pay all expenses due by S&HLGA a levy shall be struck to cover the deficiency, such levy being in proportion to the subscription payable in the financial year prior to dissolution.

26. INSOLVENCY

In the event of the insolvency of the S&HLGA each Constituent Council shall be responsible for the liabilities of the Association in proportion to the subscription payable in the financial year prior to its insolvency.

F. PEDLER, Executive Officer

**ADELAIDE HILLS COUNCIL
SPECIAL COUNCIL MEETING
Tuesday 8 September 2020
AGENDA BUSINESS ITEM**

Item: 7.6

Responsible Officer: Lachlan Miller,
Executive Manager Governance & Performance
Office of the CEO

Subject: Advisory Group Membership – Council Members

For: Decision

SUMMARY

Advisory Groups are created to provide advice to the Administration on specific matters, generally in areas in which the Council Administration requires additional expertise or community perspectives.

At its 18 December 2018 Ordinary Meeting, Council finalised its Review of Advisory Groups which involved retaining and restructuring a number of existing Groups and ceasing a number of Groups that were no longer required.

With the settling of the Advisory Group structure, Council appointed a number of Council Members to each of those Groups for a two (2) year term which will expire in December 2020.

With the adoption of the Council's *Strategic Plan 2020-24 – A brighter future* the strategic links in each of the Group's Terms of Reference (TOR) have been superseded and revised TORs are proposed.

The purpose of this report is seek Council's approval of revised TORs and its determination regarding the appointment of Council Members to the various Advisory Groups. The membership terms of the Independent Members appointed to Advisory Groups generally have another six (6) months to run and are not the subject of this report.

RECOMMENDATION

Council resolves:

- 1. That the report be received and noted**
- 2. With an effective date of 18 December 2020 to revoke the respective Terms of Reference for the following Advisory Groups and to adopt the revised Terms of Reference:**
 - a. Bushfire Advisory Group (Appendix 2)**
 - b. Biodiversity Advisory Group (Appendix 3)**
 - c. Cemetery Advisory Group (Appendix 4)**

- d. **Property Advisory Group (Appendix 5)**
 - e. **Rural Land Management Advisory Group (Appendix 6)**
 - f. **Sustainability Advisory Group (Appendix 7)**
3. To determine that the method of selecting the Advisory Group Members to be by an indicative vote to determine the preferred persons for the various positions utilising the process set out in this Agenda report.
 4. To adjourn the Council meeting for the purposes of seeking nominations for and, if necessary, conducting an indicative vote to determine the preferred persons for the Advisory Group Council Member roles and for the meeting to resume once the results of the indicative vote have been declared.
 5. To appoint the following Council Member as members of the respective Advisory Groups to commence the terms on 18 December 2020 and conclude at the end of the current Council term (inclusive).
 - a. Bushfire Advisory Group – (up to 2 Council Members) – Crs &
 - b. Biodiversity Advisory Group – (3 Council Members) – Crs, &
 - c. Cemetery Advisory Group - (up to 4 Council Members) – Crs,, &
 - d. Property Advisory Group - (up to 4 Council Members) – Crs,, &
 - e. Rural Land Management Advisory Group - (up to 4 Council Members) – Crs,, &
 - f. Sustainability Advisory Group - (up to 4 Council Members) – Crs,, &

1. GOVERNANCE

➤ Strategic Management Plan/Council Policy

Strategic Plan 2020-24 – A brighter future

Goal 5	A Progressive Organisation
Objective O4	We actively represent our community
Priority O4.3	Attract and develop a diverse and capable elected body that represents, promotes and reflects the composition of the community
Priority O4.3	Advocate to, and exert influence with, our stakeholders on behalf of our community to promote the needs and ambitions of the region
Objective O5	We are accountable, informed, and make decisions in the best interests of the whole community
Priority O5.1	Enhance governance structures and systems to prudently adapt to changing circumstances and meet our legislative obligations

While Advisory Groups do not have a legal structure and do not make decisions for or on behalf of Council, it is important that the governance arrangements relating to these Advisory Groups are clearly documented and understood.

Council has adopted an *Advisory Group Operation and Conduct Policy (Appendix 1)* to provide guidance on matters relating to membership, appointments, terms of office, status of members, meetings, agendas & minutes, conduct of members

Due to the nature of Advisory Group meetings and the Council Member membership of these Groups, Council's *Informal Council and Council Committee Gatherings and Discussions Policy* applies to these meetings.

➤ **Legal Implications**

Advisory Groups are a creation of the Council for the purpose of accessing the 'experience and specialist knowledge that exists in the Adelaide Hills community and is committed to seeking opportunities to access this expertise for use in developing Council strategies, policies and initiatives.'

The Groups do not have a legal foundation under the *Local Government Act 1999* (the Act), as opposed to Section 41 Council Committees but under the provisions of the Act are considered to be informal gatherings.

Section 90(8) of the Act is very specific that informal gatherings cannot deal with matters that would ordinarily form part of an agenda for a council or council committee meeting in such a way as to obtain, or effectively obtain, a decision on the matter outside a formally constituted meeting of the council or council committee. Council's *Informal Council and Council Committee Gatherings and Discussions Policy* created under s90(8a) of the Act sets out the provisions for the conduct of a Designated Informal Gathering.

Sections 73 and 74 of the Act set out the provisions regarding Material Conflicts of Interest. Council Member membership of an Advisory Group may possibly constitute a personal benefit under s73 of the Act. As there are no allowance or fees payable it is unlikely that a Member would receive a pecuniary benefit under s73.

Sections 75 and 75A of the Act set out the provisions regarding Actual and Perceived Conflicts of Interest. A Council Member seeking to be appointed to an Advisory Group may in actuality, or could be perceived by an impartial person to, have a conflict between their personal interests and the public interest that might lead to a decision that is contrary to the public interest.

Therefore a Council Member seeking to be appointed to an Advisory Group could have a Material, Actual or Perceived Conflict of Interest and would need to consider declaring the interest and leave the Chamber prior to the discussion of the matter under s74(1) or s75A(2), as appropriate.

➤ **Risk Management Implications**

The adoption of practical and legislatively compliant Advisory Group arrangements will assist in mitigating the risk of:

Poor governance practices occur which lead to a loss of stakeholder (i.e. customer and regulator) confidence and/or legislative breaches.

Inherent Risk	Residual Risk	Target Risk
Extreme (5C)	Low (3E)	Low (3E)

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

➤ **Financial and Resource Implications**

Council's current budget contains provisions for the costs associated with Advisory Groups.

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

It is reasonable to assume that the community could expect Council to have mechanisms to provide advice and consideration of matters to assist the Council to discharge its responsibilities and achieve its strategic intent.

➤ **Sustainability Implications**

Not specifically applicable in relation to this report however a number of the Groups are directly concerned with sustainability matters.

➤ **Engagement/Consultation conducted with Council Committee, Regional Subsidiary, Advisory Group, the Administration and Community**

Consultation in the preparation of this report has included:

Council Committees: Not Applicable

Council Workshops: Not Applicable

Advisory Groups: Not Applicable

Administration: All Advisory Group Executive Officers have been consulted regarding potential changes to the strategic alignment of the TORs and these are reflected in this report.

External Agencies: Not Applicable

Community: Not Applicable

2. BACKGROUND

Advisory Group Review

Council has used Advisory Groups (in various forms) over many years to provide advice to staff and, ultimately, to the Council in relation to a variety of subject matters.

A review of the Advisory Groups was undertaken in 2018 involving consultation with all Group members and a number of Council workshops. Council received a report at its 23 October 2018 meeting, providing the outcome of these review activities and proposed the retention of a number of the Advisory Groups and the cessation of a number of other Groups that had become defunct due to changed circumstances and/or Council decisions.

Given the proximity of the end of its term (2014-2018) the (then) Council resolved to recommend to the incoming Council the continuation of a number of Groups and the discontinuation of others.

At its 18 December 2018 meeting, the Council resolved as follows (extract only of full resolution):

Moved Cr Linda Green
S/- Cr Pauline Gill

326/18

Council resolves:

- 1. That the report be received and noted.**
- 2. To cease the following Advisory Groups:**
 - a. Adelaide Hills Business & Tourism Centre Advisory Group**
 - b. Australia Day Awards Panel**
 - c. Social Planning Advisory Group**
 - d. Sport & Recreation Advisory Group**
 - e. Youth Advisory Committee**
- 3. To retain the following Advisory Groups and adopt the revised Terms of Reference for each respective Group:**
 - a. Bushfire Advisory Group as contained in Appendix 3**
 - b. Biodiversity Advisory Group as contained in Appendix 4**
 - c. Cemetery Advisory Group as contained in Appendix 5**
 - d. Property Advisory Group as contained in Appendix 6**
 - e. Rural Land Management Advisory Group as contained in Appendix 7**
 - f. Sustainability Advisory Group as contained in Appendix 8**

At the same meeting Council resolved the following Council Member membership of the Advisory Groups:

12.3.1 Appointments to AHC Advisory Groups

Moved Cr Malcolm Herrmann
S/- Cr Kirsty Parkin

328/18

- 1. That in relation to each Advisory Group listed below to appoint the Council Members identified against the relevant Group for a 24 month term to commence 18 December 2018 and conclude on 17 December 2020 (inclusive).**
 - a. Bushfire Advisory Group – Cr Chris Grant, Cr Pauline Gill**
 - b. Biodiversity Advisory Group – Cr Chris Grant, Cr John Kemp, Cr Nathan Daniell**
 - c. Cemetery Advisory Group – Cr Pauline Gill, Cr Malcolm Herrmann, Cr Ian Bailey**
 - d. Property Advisory Group - Cr Malcolm Herrmann, Cr Kirsty Parkin, Cr Ian Bailey, Cr John Kemp**
 - e. Rural Land Management Advisory Group – Cr Pauline Gill, Cr Chris Grant, Cr Ian Bailey, Cr John Kemp**
 - f. Sustainability Advisory Group – Cr Chris Grant, Cr Ian Bailey, Cr Leith Mudge, Cr Nathan Daniell**

As such, the membership terms of Council Members on Advisory Groups will cease on 18 December 2020.

Each of the Advisory Groups meet on a schedule determined by their membership within the overall requirement contained in the *Advisory Group Operation and Conduct Policy* that they meet at least four times per year (although this has been affected in 2020 by COVID-19).

The indicative schedule of meetings is:

- Bushfire Advisory Group – more frequently leading up to and during bushfire season – evenings, CFS Uraidla
- Biodiversity Advisory Group – quarterly, 3rd Monday, evenings, Stirling
- Cemetery Advisory Group – quarterly, evenings, Woodside
- Property Advisory Group - quarterly, 3rd Monday, mornings, Stirling
- Rural Land Management Advisory Group – quarterly, Wednesday, mornings, Stirling
- Sustainability Advisory Group – quarterly, Thursday, evenings, Stirling

Clause 7.2 of the *Advisory Group Operation and Conduct Policy* provides that the Mayor is an ex-officio member of all Advisory Groups and clause 7.3 confirms that Council members can attend meetings of all Advisory Groups.

Independent Membership of Advisory Groups

Following the above resolutions, Council then resolved to commence recruitment for Independent Members of each Advisory Group (where applicable). At its 23 April 2019 meeting, Council appointed Independent Members to each Advisory Group for a two year term. As such the terms of the Independent Members are due to expire in April 2021 and a separate report will be brought to Council in early 2021 to commence recruitment of Independent Members.

3. ANALYSIS

Revised Terms of Reference

In April 2020, Council adopt the *Strategic Plan 2020-24 – A brighter future* which contains a series of goals, objectives and priorities. To facilitate the appropriate alignment of the Advisory Groups to the achievement of the Strategic Plan, each of the TORs has been revised. Please note that no other elements of the TORs have been revised given the recency of the last holistic review.

Indicative Voting Process for Determining Council Appointed Positions

Due to the potential implications of the Material Conflict of Interest provisions under s73 and the Actual and Perceived Conflicts of Interest under s75 (see Legal Implications above) regarding the appointment of Council Members, it is proposed that the Council adjourn the meeting for the purposes of seeking nominations for and, if necessary, conducting an indicative vote (Indicative Voting Process) to determine the preferred person(s) for the positions of Advisory Group member.

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 a Designated Informal Gathering for the purposes of s90 and the *Informal Council and Council Committee Gatherings and Discussions Policy* (the Policy). As a Designated Informal Gathering, 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 Code of Practice for Council Meeting Procedures* with modifications to suit the legislative requirements of the conflict of interest and informal gatherings provisions.

The proposed Indicative Voting Process is:

- a) Chief Executive Officer calls for self-nominations for the available positions of Advisory Group membership for each Advisory Group in turn.
- b) If the number of nominees is equal to or less than the number of positions, no election will be required. If the number of nominees is greater, an election will be necessary.
- c) The CEO (or another Council staff member) will be appointed as the Returning Officer and may enlist other Council staff to assist with the conduct of the vote and the count.
- d) The method of voting will be by secret ballot utilising the preferential counting system.
- e) Each Council Member (including the Mayor) shall have one vote.
- f) Ballot papers will be provided to each Council Member.
- g) The nominee's names will be drawn to determine the order on the ballot paper.
- h) Each nominee will have two (2) minutes to speak to the Gathering in support of the candidacy. The speaking order will be as listed on the ballot paper.
- i) 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.
- j) 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.
- k) After all votes have been counted, the Returning Officer shall formally declare the result of each election (i.e. the preferred person).
- l) The ballot papers will be shredded.

Proposed Chronology of Events

The mechanics are relatively complicated due to the legislative provisions regarding conflict of interest and informal gatherings.

The following chronology has been based on guidance from the LGA regarding the election of Council Members to Committee and Presiding Member positions:

- I. Council consider the revised Terms of Reference and resolve their adoption. Council would give effect to this by dealing with Recommendation 2 (or a variant) at this time.
- II. Council will then consider the process that it will use to choose the preferred persons for the respective Advisory Group positions. Council would give effect to this by dealing with Recommendation 3 (or a variant) at this time.
- III. Having decided the method, Council will then have to adjourn the meeting to enable the process to be undertaken. Council would give effect to this by dealing with Recommendation 4 (or a variant) at this time.
- IV. Once the Indicative Voting Process has been completed the Council meeting will resume in accordance with the previous resolution.

Upon resumption, the Council Members who nominated for the Advisory Group roles would be advised to consider their obligations to declare a Material, Actual or Perceived Conflict of Interest as appropriate.

- V. Council can then resolve for the preferred persons to be appointed as the respective Advisory Group members for an identified term (the proposed *Advisory Group Operation and Conduct Policy* provides for 24 months terms, effectively the end of the Council term). Council would give effect to this by dealing with Recommendation 5 (or a variant) at this time.

Once this matter is resolved, the Members who have declared Conflicts of Interest and left the Chamber can return to the Chamber.

4. OPTIONS

The Council has the following options:

- I. To resolve in general accordance with the recommendations proposed in this report. Doing so would enable the Advisory Groups to be renewed and the membership refreshed (**Recommended**)
- II. To determine not to progress in accordance with this report (**Not Recommended**). Doing so may leave the Advisory Group regime in a continued state of uncertainty.

5. APPENDICES

- (1) Advisory Group Operation and Conduct Policy
- (2) Bushfire Advisory Group (BAG) – Revised Terms of Reference
- (3) Biodiversity Advisory Group (BioAG) – Revised Terms of Reference
- (4) Cemetery Advisory Group (CAG) – Revised Terms of Reference
- (5) Property Advisory Group (PAG) – Revised Terms of Reference
- (6) Rural Land Management Advisory Group (RLMAG) – Revised Terms of Reference
- (7) Sustainability Advisory Group (SAG) – Revised Terms of Reference

Appendix 1


Advisory Group Operation and Conduct Policy

Council Policy

Advisory Group Operation and Conduct



COUNCIL POLICY

 Adelaide Hills COUNCIL	ADVISORY GROUP OPERATION AND CONDUCT
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Policy Number:	GOV-15
Responsible Department(s):	Governance & Performance
Other Relevant Policies:	<i>Council Member Conduct Informal Council and Committee Gatherings and Discussions Volunteer Engagement</i>
Relevant Procedure(s):	Nil
Relevant Legislation:	<i>Local Government Act 1999 Local Government (General) Regulations 2013</i>
Policies and Procedures Superseded by this policy on its Adoption:	<i>Procedures for Advisory Groups, v1.0, 13 December 2013</i>
Adoption Authority:	Council
Date of Adoption:	18 December 2018
Effective From:	2 January 2019
Minute Reference for Adoption:	Item 12.3, 326/18
Next Review:	No later than December 2021 or as required by legislation or changed circumstances

ADVISORY GROUP OPERATION AND CONDUCT POLICY

1. INTRODUCTION

- 1.1 Council has used Advisory Groups (in various forms) over many years to provide advice to the Administration (i.e. Council Officers) and, ultimately, to the Council in relation to a variety of subject matters.
- 1.2 While the specific composition arrangements of each Advisory Group vary, they provide the means by which the Administration can access technical and/or community advice to inform the development of Council strategies, policies and initiatives.
- 1.3 In contrast to the more formal meeting structures such as Council and Council Committees (created under s41 of the *Local Government Act 1999*), Advisory Groups do not have any legal standing but, due to the membership containing Council Members, are required to comply with the informal gatherings legislative provisions.

2. OBJECTIVES

- 2.1 The objectives of this policy are:
- To provide clear guidance to Council Members, Officers and Independent Members on the operational arrangements and conduct expectations of Advisory Groups; and
 - To ensure that Advisory Groups are conducted in accordance with the applicable obligations contained in legislation.

3. DEFINITIONS

- 3.1 “**Executive Officer**” means the Council Officer appointed by the Chief Executive Officer to coordinate and conduct the respective Advisory Group
- 3.2 “**Designated informal gathering or discussion**” is an event organised and conducted by or on behalf of the Council or Chief Executive Officer (CEO) to which Members of the Council or Council Committee (as the case may be) have been invited and that 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. (Regulation 8AB(2), *Local Government (General) Regulations 2013*)

4. SCOPE

- 4.1 This policy applies to all Council Members, Officers and Independent/Community Members appointed to Advisory Groups.

5. POLICY STATEMENT

- 5.1 Council values the experience and specialist knowledge that exists in the Adelaide Hills community and is committed to seeking opportunities to access this expertise for use in developing Council strategies, policies and initiatives.

6. ROLE AND FUNCTIONS

- 6.1 An Advisory Group is a group formed by Council to provide advice to its Executive Officer on specific matters. For clarity, it is not a committee formed pursuant to Section 41 of the *Local Government Act 1999* which would provide advice direct to Council.
- 6.2 Each Advisory Group has a Terms of Reference adopted by Council and the Group is expected to stay within these terms.
- 6.3 Advisory Groups will not commission work on their own initiative or have any decision making powers delegated by Council, but rather provide advice to their Executive Officer.
- 6.4 Given that Advisory Groups provide advice to their Executive Officer, it is appropriate that only the Mayor, Council's CEO and where delegated, the Executive Officer, be the media spokespersons on behalf of the Group.

7. MEMBERSHIP

- 7.1 The membership of each Advisory Group is set out in the respective Terms of Reference.
- 7.2 The Mayor is an ex-officio member of all Advisory Groups.
- 7.3 Council Members can attend meetings of all Advisory Groups.

8. APPOINTMENTS

- 8.1 Appointments to Advisory Groups shall be at the Council's sole discretion and be based upon the skills, knowledge and experience of appointees relevant to the Advisory Group.
- 8.2 In the general course of events, the selection process for Advisory Groups will begin with an advertising campaign calling for nominations. Advertising will be through Council's website, newspapers, council service centres and libraries. Interested parties will be requested to submit a written application which will identify responses to the selection criteria.
- 8.3 For a small number of Advisory Groups, the Terms of Reference will identify an alternative process for appointing the Independent Members (i.e. as representatives of other organisations).
- 8.4 The selection process for independent members will be conducted by a panel comprising two (2) Council Members (preferably those familiar with the business of the Advisory Group) appointed by the Council, Council's Chief Executive Officer (or delegate), and the Executive Officer.
- 8.5 Recommendations for independent membership of Advisory Groups will be made to Council and appointment will be made by resolution.

- 8.6 Council Members will be appointed to Advisory Groups by resolution of the Council.

9. TERM OF OFFICE

- 9.1 The term of office for Independent Members on an Advisory Group will be two (2) years or such other time as resolved by Council at the time of appointment.
- 9.2 The term of office for Council Members will be two (2) years or such other time as resolved by Council.
- 9.3 Casual vacancies may be filled using the selection process with any appointment(s) made by resolution of Council. Where a vacancy occurs less than six (6) months before the expiry of the term of office, the vacancy may remain unfilled.

10. STATUS OF OFFICE OF MEMBERS

- 10.1 Independent Members of Advisory Groups have status as volunteers of the Council and are insured in accordance with the Volunteer Insurance Policy that is part of the Council's membership of the Mutual Liability Scheme.
- 10.2 Independent Members are not indemnified by the Council against any liability arising as a result of their actions or omissions related to their involvement with the Advisory Group or undertaken in connection with their role as a member of an Advisory Group.
- 10.3 Council Members' involvement with an Advisory Group constitutes the exercise of official functions and duties of office of an elected member under the *Local Government Act 1999*. Council Members are, therefore, protected from civil liability in their role as Advisory Group members pursuant to section 39 of the *Local Government Act 1999*.

11. MEETINGS

- 11.1 An Advisory Group shall meet at least four times per year, or more frequently if determined by the Executive Officer in consultation with the Group Members.
- 11.2 The Executive Officer will determine the meeting schedule in consultation with Advisory Group Members.
- 11.3 A special meeting may be convened to consider a matter of urgency by the Executive Officer with at least five calendar days' notice. If such a special meeting is at the request of a member of an Advisory Group, then such a request shall have the support of the majority of the members before it can be convened.
- 11.4 While Advisory Groups do not make formal decisions, there is no specific requirement for a quorum. If however the Executive Officer determines that the likely number of attendees will be insufficient to generate the required advice, the meeting will be cancelled and alternative communication methods used.
- 11.5 In accordance with the *Informal Council and Committee Gatherings and Discussions Policy*, meetings will be advertised on Council's website, and held in venues open to the public unless the meeting has been declared by the Chief Executive Officer to be a 'confidential informal discussion'.

12. PRESIDING MEMBER

- 12.1 The Executive Officer (or their delegate) will be the Presiding Member of the Advisory Group.
- 12.2 The role of the Presiding Member includes:
- Overseeing and facilitating the conduct of meetings in accordance with *Local Government Act 1999*, the *Local Government (General) Regulations 2013* and the *Informal Council and Committee Gatherings and Discussions Policy* ; and
 - Ensuring all Group Members have an opportunity to participate in discussions in an open and encouraging manner

13. AGENDAS

- 13.1 The Executive Officer will determine the matters to be discussed at the Advisory Group meeting on the basis of the advice required.
- 13.2 In accordance with the *Informal Council and Committee Gatherings and Discussions Policy*, only matters listed on the published Agenda will be discussed during the Advisory Group meeting.
- 13.3 The Agenda will be distributed to Members by email no later than five (5) days prior to the next meeting date.
- 13.4 The Agenda will be distributed to Members no later than five (5) days prior to the next meeting date.

14. MINUTES

- 14.1 As an Advisory Group is not a formal meeting of Council, the minutes will reflect this lack of formality but will (as minimum) record:
- The place, date and time at which the designated informal gathering or discussion was held;
 - The meeting attendees and apologies;
 - The topics discussed; and
 - Recommendations arising from the discussion and advice provided to the Executive Officer (see Recommendations section below).

15. RECOMMENDATIONS OF ADVISORY GROUPS

- 15.1 Advisory Groups provide advice to their Executive Officer which may be in the form of recommendations.
- 15.2 These recommendations will be made by consensus. Consensus decision-making is a group decision making process that seeks the consent of all participants. Consensus may be defined as an acceptable resolution, one that can be supported, even if not the "favourite" of each individual.

- 15.3 The minutes will record if consensus on a matter was not able to be achieved
- 15.4 An Advisory Group may make recommendations on changes to these Terms of Reference to its Executive Officer to enhance achievement of the Advisory Group's purpose and role.

16. CONDUCT OF ADVISORY GROUP MEMBERS

- 16.1 Council Members and Council Officers have conduct standards set by both legislation and policy and are required to comply with these in the context of Advisory Group meetings.
- 16.2 Independent/Community Members will be expected to:
- a) Comply with Council's policies in relation to volunteers;
 - b) Be honest and fair when dealing with all persons present at meetings;
 - c) Deal with information received in their capacity as a member in a responsible manner;
 - d) Be aware of any conflicts (real or perceived) between their role as a Group Member and their private interests and disclose these conflicts either prior to the relevant matter being discussed or as soon as the conflict becomes apparent;
 - e) Endeavour to provide accurate information to the Group and to the public at all times; and
 - f) Endeavour to establish and maintain respectful relationships with all Group members and Council staff, regardless of difference of views and opinions.
- 16.3 Matters presented to an Advisory Group as confidential shall be dealt with and remain in confidence until such time as confidentiality is withdrawn as advised by the Executive Officer.
- 16.4 A Member of an Advisory Group may be removed from office on the grounds that:
- He or she was absent, without leave from the Advisory Group, from two or more consecutive meetings; or
 - Has made public statements that may be detrimental to the effective functioning of the Advisory Group; or
 - Has, or is, behaving in a way which is detrimental to the smooth, efficient and effective workings of the Advisory Group.
- 16.5 The determination as to whether a Member's conduct constitutes grounds for removal from office will be made by a Reference Panel comprising the Mayor, Chief Executive Officer (or delegate) and the Executive Officer. The Reference Panel will observe the principles of natural justice in making any decision to remove a member from office. That is, the member will be given an opportunity to comment in relation to any adverse allegations against him/her and in relation to any proposal that he/she be removed from office. Any comments made by the member will be taken into account by the Reference Panel before a decision is made.

17. DELEGATION

17.1 The Chief Executive Officer has the delegation to:

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

18. AVAILABILITY OF THE POLICY

18.1 This Policy will be available for inspection at the Council's Offices during ordinary business hours and via the Council's website www.ahc.sa.gov.au. Copies will also be provided to the public upon request, and upon payment of a fee in accordance with the Council's Schedule of Fees and Charges.

Appendix 2

*Bushfire Advisory Group (BAG) –
Revised Terms of Reference*



BUSHFIRE ADVISORY GROUP

TERMS OF REFERENCE Draft - September 2020

These Terms of Reference are to read in conjunction with Council's Advisory Group Operation and Conduct Policy

BACKGROUND

The Adelaide Hills Council area contains extensive areas of high bushfire risk. The Council recognises the extent of the threat to lives and property that is created by that Bushfire risk.

Over many years Council has undertaken works on its land to reduce the bushfire threat to the assets on that land and the adjoining community. It has also worked with government agencies and the community to manage the overall bushfire threat in the Adelaide Hills Council area.

In the past a key component of the coordination of these activities has been via the District Bushfire Prevention Committee. This committee was made up of Council staff, CFS brigade representatives, representatives from government agencies and was formed pursuant to powers in the *Fire & Emergency Services Act 2005*.

The Act was amended in 2010 and the requirement to convene these committees was removed. Since that time the groups that made up that committee have continued to meet to discuss bushfire mitigation issues.

Council recognises the expertise and knowledge that lies within such a committee and has decided to maintain a Bushfire Advisory Group to assist it with its bushfire mitigation responsibilities.

ROLE

The Bushfire Advisory Group provides advice to the Executive Officer on bushfire mitigation issues. This will include issues such as local bushfire risks, threat assessment and knowledge of other organisations' bushfire mitigation plans.

The Bushfire Advisory Group will provide links to other member organisations' bushfire knowledge and skills and will be consulted by staff during the preparation and implementation of Council's bushfire mitigation programs and activities.

STRATEGIC LINKS

Strategic Plan 2020-24 – A brighter future

Goal 1 – A functional BUILT ENVIRONMENT

<i>Objective B3 - Consider external influences in our long term asset management and adaptation planning</i>
Priority B3.4 - Proactively adapt our built environment to changes in social and environmental factors to minimise the impact from natural hazards such as fire and flood
Goal 2 – COMMUNITY Wellbeing
<i>Objective C4 - An active, healthy, thriving and resilient community</i>
Priority C4.5 - Take an all hazards approach to emergency management so we can support the emergency services and the community before, during and after disaster events.
Goal 4 – A valued NATURAL ENVIRONMENT
<i>Objective N2 - Recognise the benefits of ecosystem services and improve environmental resilience by reducing environmental impacts</i>
Priority N2.3 - Mitigate bushfire risks across the landscape by undertaking fuel reduction activities including woody weed control, maintenance of asset protection zones and educate & enforcement to reduce fuels on private property

FUNCTIONS

The Bushfire Advisory Group provides advice to the Executive Officer on:

- Bushfire mitigation issues on Council land and roads.
- Potential bushfire hazards on private or public land.
- Fire mitigation activities being undertaken on government land.
- Opportunities for coordination of bushfire mitigation activities.
- Preparation and implementation of Council's bushfire mitigation programs and activities
- Networking opportunities so that Council maintains links with experts, community groups, organisations and skilled individuals in the areas of bushfire mitigation.

MEMBERSHIP

The Bushfire Advisory Group shall comprise up to two (2) Council Members and up to eleven (11) independent representatives.

The eleven (11) independent members shall be organisation representatives nominated by the following:

- Up to two representatives each from CFS Groups:
 - Onkaparinga Group
 - Gumeracha Group
 - East Torrens Group
 - Mt Lofty Group
- One representative from a Bushfire Region
- One representative from DEWNR
- One representative from SA Water

The following Council Officers shall also attend:

- One AHC Fire Prevention Officer

The Team Leader Regulatory Services or other officer appointed by the Chief Executive Officer shall act as Executive Officer for the Bushfire Advisory Group.

Nominations for organisation representatives will be sought from member organisations in writing not less than two (2) months prior to the expiry of members' terms of office.

Where a representative of an agency or department or stakeholder group is able to designate a proxy, the details of that proxy shall be forwarded to the Council at the time of appointment of the substantive representative.

Appendix 3

*Biodiversity Advisory Group (BioAG) –
Revised Terms of Reference*



BIODIVERSITY ADVISORY GROUP

TERMS OF REFERENCE Draft – September 2020

These Terms of Reference are to be read in conjunction with Council's Advisory Group Operation and Conduct Policy.

BACKGROUND

In November 2013, Adelaide Hills Council adopted a *Biodiversity Strategy* (the Strategy) to guide how Council manages land under its care and control in order to achieve regional biodiversity outcomes.

The Strategy outlines a number of short, medium, and long term objectives, strategies and actions. It was recognised that the development of an advisory group whose focus was to provide advice and direction to Council for the district as a whole, would be the most efficient and effective way to achieve a number of these objectives, strategies and actions.

These Terms of Reference set out the operating framework, roles and responsibilities of the Biodiversity Advisory Group ('the Group') and its members.

ROLE

The role of the Advisory Group shall be to provide specialist advice to the Executive Officer in the implementation of Council's Biodiversity Strategy and provide feedback and information from and to other interested community groups and community members.

The Advisory Group shall provide Council staff with access to external expertise, networks and links to other organisations, community groups and the wider community with regard to biodiversity issues.

STRATEGIC LINKS

Strategic Plan 2020-24 – A brighter future

Goal 1 – A functional BUILT ENVIRONMENT

Goal 2 – COMMUNITY Wellbeing

Objective C2 - A connected, engaged and supported community

Priority C2.1 - Work with community to provide a range of programs and opportunities to connect and engage around shared interests

Priority C2.4 - Increase participation from the broadest range of our community and engage with them to shape policies, places and decisions that affect them

Goal 4 – A valued NATURAL ENVIRONMENT

<i>Objective N2 - Recognise the benefits of ecosystem services and improve environmental resilience by reducing environmental impacts</i>
Priority N2.1 - Monitor and manage areas of high biodiversity or habitat value on Council reserves and Native Vegetation Marker Scheme (NVMS) sites using best practice methodologies
Priority N2.2 - Explore opportunities and take appropriate actions to monitor current and emerging threats to biodiversity including feral cats and Phytophthora
Priority N2.3 - Mitigate bushfire risks across the landscape by undertaking fuel reduction activities including woody weed control, maintenance of asset protection zones and educate & enforcement to reduce fuels on private property
Priority N2.4 - Work with supporting organisations and agencies to foster the restoration of native flora and fauna habitat following the 2019-20 bushfire
<i>Objective N3 - Nurture valuable partnerships and collaborations and engage the local community in the management of our natural environment</i>
Priority N3.1 - Increase knowledge and environmental awareness within the community through engagement and education
Priority N3.3 - Continue to work in partnership with the Resilient Hills and Coasts region to build Council and community resilience to the impacts of climate change
Goal 5 – A Progressive ORGANISATION
<i>Objective O4 - We actively represent our community</i>
Priority O4.1 - Optimise opportunities for the community to access and provide input into the decision-making processes
Priority O4.3 - Advocate to, and exert influence with, our stakeholders on behalf of our community to promote the needs and ambitions of the region

FUNCTIONS

The advice the Biodiversity Advisory Group will provide to Council is based on achieving (but not limited to) the following objectives and actions outlined in the Biodiversity Strategy:

- Identify policy options to better address issues between native vegetation and surrounding incompatible activities.
- Plan for connectivity linkages between habitats to increase range and enable adaptability of native flora and fauna.
- Undertake a proactive, strategic and practical program to balance bushfire management with biodiversity outcomes.
- Maintain road safety while supporting biodiversity value (within the Blue Marker Sites).
- Keep a register of council areas where known populations of threatened or declining indigenous species are extant and prioritise management.
- Generate community interest and facilitate new community involvement in conservation activities.
- Build community capacity to deliver biodiversity outcomes.
- Facilitate and engage in liaison between experienced land management groups to learn from each other.
- Improve, expand on and develop new partnerships that assist in biodiversity planning, management and funding opportunities within the region.

MEMBERSHIP

The Biodiversity Advisory Group shall comprise of up to nine (9) members;

- Three (3) of whom shall be Council Members.
- Three (3) from partnering conservation organisations, assessed against selection criteria below

- Three (3) members shall be community representatives, assessed against selection criteria listed below

The Manager Open Space or other officer appointed by the Chief Executive Officer shall act as Executive Officer for the Biodiversity Advisory Group.

SELECTION CRITERIA

A partnering conservation organisation is an organisation that has a focus on biodiversity and meets one or more of the following criteria,

- provide programs within the district.
- have entered into a formal Agreement with Council
- are closely linked to Council in delivery of biodiversity projects
- provide or gain financial support to or from Council for biodiversity projects within the district

Organisations that meet the criteria to be a partnering conservation organisation shall then be eligible to be selected on the basis of the criteria outlined below.

Community representatives and partnering conservation organisations shall be selected on the basis of their skills, knowledge and experience in one or more of the following:

- natural resource management;
- native flora and fauna conservation;
- active participation in regional biodiversity projects;
- community education and development;
- managing fire risk in high conservation/biodiversity areas
- Grant processes (Government or otherwise);
- Links to relevant networks, community groups, and wider community;
- any other areas of relevance.

Appointments shall be to persons and not representatives of particular interest groups (with the exception of the 3 members from partnering conservation organisations), organisations or partisan interests.

Appointees shall be appointed to represent all stakeholders. This does not preclude members of particular interest groups or those aligned with particular stakeholder interests from being appointed to the Group.

It shall be a pre-requisite that community representatives live, work or have an active interest in the Adelaide Hills Council area.

Appendix 4

*Cemetery Advisory Group (CAG) –
Revised Terms of Reference*



CEMETERY ADVISORY GROUP

TERMS OF REFERENCE Draft – September 2020

These Terms of Reference are to read in conjunction with Council's Advisory Group Operation and Conduct Policy.

BACKGROUND

Adelaide Hills Council operates 17 cemeteries across the Council area.

ROLE

The Cemetery Advisory Group (the Group) provides advice to the Executive Officer on issues and strategies for the cemeteries operated by Council.

STRATEGIC LINKS

Strategic Plan 2020-24 – A brighter future

Goal 1 – A functional BUILT ENVIRONMENT

Objective B4 - Sustainable management of our built assets ensures a safe, functional and well serviced community

Priority B4.1 - Ensure the long term management of the built form and public spaces occurs in consideration of the relevant financial, social and environmental management matters.

Priority B4.3 - Ensure Council owned or managed assets, including staff accommodation, are functional and adaptive to meet service requirements. Also, where appropriate and endorsed by Council, equitably assist community owned site (halls and recreation sites) to ensure their facilities are functional and meet service standards.

Goal 2 – COMMUNITY Wellbeing

Objective C1 - A community for everyone - that is inclusive, welcoming and accessible

Priority C1.1 - Provide welcoming spaces and places for the community through our libraries, community centres, and Council

Objective C4 - An active, healthy, thriving and resilient community

FUNCTION

The Cemetery Advisory Group provides advice to the Executive Officer on:

- formulating and overseeing the implementation of Strategic and Business/Operating Plans for the Cemeteries
- making recommendations for the improvement and development of the Cemeteries to enhance their social and financial sustainability
- other matters requiring advice as determined by staff

MEMBERSHIP

The Group shall comprise up to four (4) Council Members and up to four (4) independent members.

The independent members shall include as a minimum:

- One (1) person from a local historical society
- One (1) person from the funeral industry
- One (1) person from the community

The Manager Property Services (or his/her delegate) or other officer appointed by the Chief Executive Officer, shall act as Executive Officer for the Cemetery Advisory Group.

The Advisory Group shall be supported by the Community Development Officer – Retirement Villages & Cemeteries who shall be responsible for administrative duties such as agendas, minutes, correspondence and reports and other matters that may arise from time to time.

SELECTION CRITERIA

Independent members shall be selected on the basis of their skills, knowledge and experience in one or more of the following:

- Knowledge of industry trends
- Knowledge of industry services
- Involvement in local historical societies
- Involvement in management of cemeteries
- Knowledge of Social Trends

It shall be a pre-requisite that the local historical society representative be a member of an historical society whose interests include the Adelaide Hills Council area.

Appendix 5

*Property Advisory Group (PAG) –
Revised Terms of Reference*



PROPERTY ADVISORY GROUP

TERMS OF REFERENCE Draft – September 2020

These Terms of Reference are to be read in conjunction with Council's Advisory Group Operation and Conduct Policy.

BACKGROUND

Council owns and has care and control over a large portfolio of property, buildings and land. This is comprised of reserves, parks, roads (both made and unmade), community land such as halls and sporting facilities and buildings ranging from council offices and community halls, to commercially leased heritage buildings. Council also maintains a community land register.

ROLE

The Property Advisory Group provides advice to the Executive Officer on matters relating to the operations, maintenance, improvement and rationalisation of Council's building and property portfolio.

STRATEGIC LINKS

Strategic Plan 2020-24 – A brighter future

Goal 1 – A functional BUILT ENVIRONMENT

Objective B4 - Sustainable management of our built assets ensures a safe, functional and well serviced community

Priority B4.1 - Ensure the long term management of the built form and public spaces occurs in consideration of the relevant financial, social and environmental management matters.

Priority B4.3 - Ensure Council owned or managed assets, including staff accommodation, are functional and adaptive to meet service requirements. Also, where appropriate and endorsed by Council, equitably assist community owned site (halls and recreation sites) to ensure their facilities are functional and meet service standards.

Goal 2 – COMMUNITY Wellbeing

Objective C1 - A community for everyone - that is inclusive, welcoming and accessible

Priority C1.1 - Provide welcoming spaces and places for the community through our libraries, community centres, and Council

Objective C4 - An active, healthy, thriving and resilient community

Priority C4.2 - Support the provision of formal and informal sport, recreation and play spaces for the community to enjoy

Priority C4.3 - Recognise that trails are a destination in their own right and support both commuter and recreational trail opportunities

Priority C4.4 - Support clubs and groups to continue to provide sport and recreation activities to the community
<i>Objective C6 - Celebrate our community's unique culture through arts, heritage and events</i>
Priority C6.1 - Develop Fabrik as a vibrant cultural hub for the Adelaide Hills, fostering community connections and creativity and presenting the significant history of the Woollen Mill site
Priority C6.2 - Develop, support or bring events to our district that have social, cultural, environmental or economic benefits
Goal 3 – A prosperous ECONOMY
<i>Objective E2 - Provide local infrastructure to drive growth and productivity</i>
Priority E2.4 - Manage and maintain Council assets to maximise their utilisation and benefit to the community
<i>Objective E3 - Encourage, attract and retain a creative, talented and skilled workforce in our region</i>
Priority E3.3 - Work with our local communities and businesses to create active, attractive and vibrant places
Goal 4 – A valued NATURAL ENVIRONMENT
<i>Objective N1 - Conserve and enhance the regional natural landscape character and amenity values of our region</i>
Priority N1.2 - Manage reserves and open space to support the community, whilst balancing biodiversity conservation, resource use and environmental impacts

FUNCTIONS

The Property Advisory Group provides advice to the Executive Officer on:

- Matters relating to the operations, maintenance, improvement and rationalisation of Adelaide Hills Council's building and property portfolio;
- Progress of rationalisation, management and key transactions as resolved by Council;
- Specific property transactions, leases or other issues related to property and building matters; and
- Road closures, widenings, encroachments and rents

MEMBERSHIP

The Property Advisory Group shall comprise up to four (4) Council Members.

The Manager Property Services (or nominee) or other officer as appointed by the Chief Executive Officer shall act as Executive Officer for the Property Advisory Group.

Appendix 6

*Rural Land Management Advisory Group (RLMAG) –
Revised Terms of Reference*



RURAL LAND MANAGEMENT ADVISORY GROUP

TERMS OF REFERENCE

Draft - September 2020

These Terms of Reference are to be read in conjunction with Council's Advisory Group Operation and Conduct Policy.

BACKGROUND

The Rural Land Management Advisory Group (hereafter referred to as the "Advisory Group") was established by Council shortly after amalgamation to provide advice on rural land management matters and issues affecting primary producers generally.

ROLE

The role of the Advisory Group is to provide advice to the Executive Officer on:

- The achievement of objectives for the primary production component of the Strategic Plan;
- The development of policies and strategies for the retention of and optimum utilisation of rural land;
- Initiatives to ensure protection of the rural landscape qualities of the district;
- Communication strategies and information sharing between rural land users and Council; and
- Matters impacting on the primary production sector where Council has jurisdiction in the matter.

STRATEGIC LINKS

Strategic Plan 2020-24 – A brighter future

Goal 1 – A functional BUILT ENVIRONMENT

Objective B1 - Our district is easily accessible for community, our businesses and visitors

Priority B1.4 - Ensure that the key road network is accessible for heavy vehicles used by the primary production, tourism and construction sectors through engagement with industry and Government

Goal 3 – A prosperous ECONOMY

Objective E1 - Support and grow our region's existing and emerging industries

Priority E1.2 - Take advantage of the full potential of our region's primary production and associated value adding activities

Priority E1.4 – Promote, support and encourage our existing and emerging businesses to respond to economic changes by being creative, innovative, productive and resilient to unexpected impacts

<i>Objective E2 - Provide local infrastructure to drive growth and productivity</i>
Priority E2.1 - Work with all levels of Government to ensure the region's infrastructure needs are understood and prioritised
Priority E2.2 - Explore and advocate for the opportunities that new technologies could bring to our region
Priority E2.3 - Support changes to planning and development that leverages and encourages sustainable economic development
<i>Objective E4 - Cultivate a clear, unique and consistent regional identity that can be leveraged to attract national and international attention</i>
Priority E4.1 - Work with key stakeholders to develop a realistic, yet inspiring, collective vision to connect the region and its industries
Priority E1.5 - Engage and assist our region's key business and industry groups to be resilient, proactive and successful
Goal 4 – A valued NATURAL ENVIRONMENT
<i>Objective N2 - Recognise the benefits of ecosystem services and improve environmental resilience by reducing environmental impacts</i>
Priority N2.2 - Explore opportunities and take appropriate actions to monitor current and emerging threats to biodiversity including feral cats and Phytophthora

FUNCTIONS

The Rural Land Management Advisory Group provides advice to Executive Officer on:

- Land use
- Land use conflicts
- Biosecurity issues
- Water resources
- Demographic & social impacts
- The relationship between primary production and the environment
- Sustainable and viable primary industry
- Education and Public Relations
- Performance criteria – industry/community best practice
- Supporting infrastructure
- Best practices
- Trends affecting use of rural land and primary production
- Rural land management issues, eg fire
- Natural resources management
- Climate Change

MEMBERSHIP

The Rural Land Management Advisory Group shall comprise up to three (3) Council Members.

The Advisory Group shall also include rural landholders who are involved in primary production activities in the district and who have expertise in one or more of the criteria listed below.

Membership of the Advisory Group shall be limited to a maximum of twelve (12) members (including Council Members).

The Advisory Group will be supported by such Technical Reference Groups or specific working parties as are required. A Technical Reference Group could include representatives of:

- Conservation Council
- Country Fire Service
- Department of Environment, Water and Natural Resources
- Department of Planning, Transport and Infrastructure
- Forestry SA
- Native Vegetation Council
- Primary Producers SA
- SA Water

Where a representative of an agency or department or stakeholder group is able to designate a proxy, the details of that proxy shall be forwarded to the Council at the time of appointment of the substantive representative.

SELECTION CRITERIA

Membership of the Advisory Group shall comprise representatives from the following areas of expertise or organisations:

- Viticulture
- Horticulture
- Horse Keeping
- Grazing/Broad acre
- Strawberry/Berry
- Primary Production Industry representative
- Natural Resources Adelaide & Mt Lofty Ranges (NRAML) Representative (staff representative)
- NRAML Representative (Board/Group representative)
- Dept. of Primary Industry and Regions SA (PIRSA)

Any independent members of the Advisory Group shall be rural landholders who are actively involved in primary production activities in the district and who have expertise in one or more of the areas outlined above.

It shall be a pre-requisite that community representatives live, work or have an active interest in the Council area.

Agency representatives will be nominated by the respective agency.

Appendix 7

*Sustainability Advisory Group (SAG) –
Revised Terms of Reference*



SUSTAINABILITY ADVISORY GROUP

TERMS OF REFERENCE December 2018

These Terms of Reference are to be read in conjunction with Council's Advisory Group Operation and Conduct Policy.

BACKGROUND

Adelaide Hills Council (the Council) recognises that responding to key issues such as sustainability, biodiversity, climate change, greenhouse gas reduction, energy management, water and waste management are important for achieving a sound future for both the Adelaide Hills area and the planet as a whole.

The Council has initiated steps to reduce its environmental footprint by undertaking a range of sustainable actions. A Council resolution dated 14 August 2012 adopted the *Adelaide Hills Environmental Sustainability Framework* which sets out a strategic direction aimed at achieving sustainability through reductions in greenhouse gas emissions, energy usage, overall water usage, solid waste to landfill and for the management of biodiversity.

The Council also recognises the vast wealth of knowledge and expertise residing in community members and external organisations therefore Council has resolved to establish a Sustainability Advisory Group (Group) comprising members of the public who will give their time voluntarily to advise the Council Administration and support Council in its sustainability agenda.

ROLE

The Sustainability Advisory Group provides advice to the Executive Officer on sustainability matters including climate change, energy management, water management, waste reduction, environment, resilient communities and resource recovery.

The Sustainability Advisory Group shall provide the Council Administration with access to external expertise, networks and links to other organisations with regard to sustainability issues including climate change, energy management, water management, waste reduction and environment.

STRATEGIC LINKS

Strategic Plan 2020-24 – A brighter future

Goal 1 – A functional BUILT ENVIRONMENT

Objective B2 - Preserve and enhance the unique character of the Hills for current and future generations

Priority B2.2 - Incorporate Water Sensitive Urban Design principles within Council developments and projects and advocate for other developments within the region to do the same
Objective B3 - Consider external influences in our long term asset management and adaptation planning
Priority B3.1 - Improve water security by maximising water reuse opportunities, reducing reliance on ground water and improving water efficiencies for open space irrigation and building facilities
Priority B3.2 - Aim to achieve 100% renewable energy use for our corporate operations and strive towards carbon neutrality
Priority B3.3 - Investigate and source recyclable materials for asset renewal projects wherever practical and in doing so promote the circular economy
Priority B3.4 - Proactively adapt our built environment to changes in social and environmental factors to minimise the impact from natural hazards such as fire and flood
Objective B4 - Sustainable management of our built assets ensures a safe, functional and well serviced community
Priority B4.5 - Explore and provide the infrastructure to support Electric Vehicles (EV) and investigate infrastructure requirements for emerging technological transport such as Connected and Automated Vehicles (CAV)
Goal 2 – COMMUNITY Wellbeing
Objective C4 - An active, healthy, thriving and resilient community
Priority C4.5 - Take an all hazards approach to emergency management so we can support the emergency services and the community before, during and after disaster events.
Objective C6 - Celebrate our community's unique culture through arts, heritage and events
Priority C6.1 - Develop Fabrik as a vibrant cultural hub for the Adelaide Hills, fostering community connections and creativity and presenting the significant history of the Woollen Mill site
Priority C6.2 - Develop, support or bring events to our district that have social, cultural, environmental or economic benefits
Goal 4 – A valued NATURAL ENVIRONMENT
Objective N3 - Nurture valuable partnerships and collaborations and engage the local community in the management of our natural environment
Priority N3.3 - Continue to work in partnership with the Resilient Hills and Coasts region to build Council and community resilience to the impacts of climate change
Objective N4 - Reduce the impact of waste to landfill by maintaining a robust waste and resource management framework
Priority N4.1 - We will work with partners to analyse the benefits and feasibility of introducing a fee incentive to property owners to produce less waste in relation to the kerbside bin service
Priority N4.2 - We will explore more Green Organics options to achieve improved environmental and financial outcomes
Priority N4.3 - We will provide specific education to the community to increase their level of food scrap recycling
Priority N4.4 - Implement new or improved waste service opportunities whilst continuing to provide ongoing resource recovery and waste service to our community
Objective N5 - Assist our community to reduce the impact of waste to landfill on the environment
Priority N5.1 - Encourage and educate the community to help minimise the generation of household waste by advocating the principles of the Waste Management Hierarchy to avoid, reduce and reuse
Priority N5.2 - Support and assist the community to prevent valuable resources going to landfill and reduce contamination in kerbside recycling bins

FUNCTIONS

The Sustainability Advisory Group will provide advice to the Executive Officer on:

- Climate change issues including scientific findings, current knowledge and the implications of predicted climate change;
- Likely impacts of climate change and appropriate methods of adapting to its potential effects and the building of resilient communities;
- Appropriate actions, methods and/or technology to reduce greenhouse gas emissions, reduce energy use, reduce water use, reduce waste production and promote resource recovery;
- Opportunities for grant and other project funding;
- Networking opportunities so Council may develop links with experts, community groups, organisations and skilled individuals in the areas of climate change, climate adaptation, water, energy and waste minimisation, and resource recovery;
- Achieving the Strategic Goals of Council that relate to sustainability; and
- Linkage of Council's Strategic Goals, Policy and objectives with those of State and Federal Governments within the domain of sustainability.

MEMBERSHIP

The Sustainability Advisory Group shall comprise up to four (4) Council Members and up to five (5) independent representatives.

The five (5) independent members shall be community representatives selected on the basis of skills, knowledge and experience based on selection criteria listed below.

The Manager Sustainability, Waste & Emergency Management or other officer appointed by the Chief Executive Officer shall act as Executive Officer for the Sustainability Advisory Group.

SELECTION CRITERIA

Independent members shall be selected on the basis of their skills, knowledge and experience in one or more of the following:

- Environmental sustainability, climate change, climate adaptation or similar
- Energy, water and/or waste reduction strategies, resource recovery and/or technology
- Government grants process particularly as related to climate change, energy, water and waste reduction
- Advisory committees and/or community consultation
- Links to networks and/or groups with expertise in environment, sustainability, and climate change and/or climate adaptation.

It shall be a pre-requisite that community representatives live, work or have an active interest in the Council area.

**ADELAIDE HILLS COUNCIL
SPECIAL COUNCIL MEETING
Tuesday 8 September 2020
AGENDA BUSINESS ITEM**

Item: 7.7

Responsible Officer: Lachlan Miller
Executive Manager Governance & Performance
Office of the Chief Executive

Subject: Reconciliation Working Group Membership - Council Member

For: Decision

SUMMARY

At its meeting held on 28 August 2018 Council endorsed the establishment of an Adelaide Hills Region Reconciliation Working Group in partnership with Mount Barker District Council.

On 25 February 2019, Cr Kirrilee Boyd was appointed to the Reconciliation Working Group for a period of two years, expiring on 17 December 2020.

The purpose of this report is to seek the appointment of a Council Member to the Reconciliation Working Group from 17 December 2020.

RECOMMENDATION

Council resolves:

1. That the report be received and noted.
 2. To determine that the method of selecting a Council Member for the Reconciliation Working Group 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(s) for the Reconciliation Working Group role and for the meeting to resume once the results of the indicative vote have been declared.
 4. That _____ be appointed to the Reconciliation Working Group for the term of Council, expiring November 2022.
-

1. GOVERNANCE

➤ Strategic Management Plan/Functional Strategy/Council Policy Alignment

Strategic Plan 2020-24 – A Brighter Future

Goal 2	Community Wellbeing
Objective C5	Respect for Aboriginal Culture and values
Priority C5.2	Celebrate and recognise Aboriginal culture and heritage through participation in and the delivery of programs and activities that engage our community in cultural experience and learning
Goal 5	A Progressive Organisation
Objective O4	We actively represent our community
Priority O4.3	Attract and develop a diverse and capable elected body that represents, promotes and reflects the composition of the community
Priority O4.3	Advocate to, and exert influence with, our stakeholders on behalf of our community to promote the needs and ambitions of the region
Objective O5	We are accountable, informed, and make decisions in the best interests of the whole community
Priority O5.1	Enhance governance structures and systems to prudently adapt to changing circumstances and meet our legislative obligations

Reflect Reconciliation Action Plan 2016

Action	Establish a RAP Working Group
Deliverable	A RAP Working Group is formed and operational to support the development of our RAP, comprising of Aboriginal people, Council Members and local residents.
Action	Identify, develop and expand partnerships with agencies supporting Aboriginal people and communities across the Hills.
Deliverable	A partnership with Mount Barker District Council is established to jointly recognise shared Aboriginal culture and heritage.

➤ Legal Implications

Sections 73 and 74 of the Act set out the provisions regarding Material Conflicts of Interest. Council Member membership of the Working Group may possibly constitute a personal benefit under s73 of the Act. As there are no allowance or sitting fees payable it is unlikely that a Member would receive a pecuniary benefit under s73.

Sections 75 and 75A of the Act set out the provisions regarding Actual and Perceived Conflicts of Interest. A Council Member seeking to be appointed to the Working Group may in actuality, or could be perceived by an impartial person to, have a conflict between their personal interests and the public interest that might lead to a decision that is contrary to the public interest.

Therefore, a Council Member seeking to be appointed to the Working Group could have a Material, Actual or Perceived Conflict of Interest and would need to consider declaring the interest and leave the Chamber prior to the discussion of the matter under s74(1) or s75A(2), as appropriate.

Section 90(8) of the Act is very specific that informal gatherings cannot deal with matters that would ordinarily form part of an agenda for a council or council committee meeting in such a way as to obtain, or effectively obtain, a decision on the matter outside a formally constituted meeting of the council or council committee. Council's *Informal Council and Council Committee Gatherings and Discussions Policy* created under s90(8a) of the Act sets out the provisions for the conduct of a Designated Informal Gathering.

The Terms of Reference for the Reconciliation Working Group (RWG) prescribe the membership of the group as follows:

The RWG shall comprise of an Elected Member from each Council, who will alternate the role of Chairperson and up to eight (8) community members.

➤ **Risk Management Implications**

Appointing an Elected Member to the RWG will assist in mitigating the risk of:

Not meeting the Terms of Reference requirement to have a Council Member on the Reconciliation Working Group, leading to damage of the Council's reputation within the Aboriginal and broader community and relationship with Mount Barker District council.

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

➤ **Financial and Resource Implications**

Not Applicable.

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

Appropriate recognition of and engagement with the Aboriginal community and other key stakeholders is essential to the success of Council's RAP.

The RWG offers the opportunity to build and strengthen relationships with Peramangk and Kaurna traditional custodians, those with Aboriginal or Torres Strait Islander heritage who live, work or have a strong connection with the Adelaide Hills and non-Aboriginal stakeholders with expertise in reconciliation.

A collaborative approach with Mount Barker District Council recognises that, culturally, the Aboriginal community relate to the Adelaide Hills as a region.

The participation of an Elected Member from each Council will strengthen the collaborative relationship and add value to this forum.

➤ **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

Administration: Community & Cultural Development Officer

Community: Not Applicable

2. BACKGROUND

At the Council meeting of 28 August 2018, Council considered the proposed Terms of Reference and the appointment of a Council Member to the Group. Following consideration of the matter, the Council resolved as follows:

Moved Cr Linda Green
S/- Cr Nathan Daniell

199/18

Council resolves:

1. That the report be received and noted.
2. To endorse a regional approach to the establishment of a Reconciliation Action Plan Working Group in partnership with Mount Barker District Council.
3. Subject to a commitment to the same effect by the Mount Barker District Council, adopt the draft Terms of Reference as contained in *Appendix 1*.
4. To authorise the Chief Executive Officer to make any minor alterations to the Terms of Reference as may be required.
5. To appoint Cr Ian Bailey to the Reconciliation Action Plan Working Group for the remainder of the current term of Council.

Carried Unanimously

On 26 February 2019, Council resolved to appoint Cr Kirrilee Boyd until 17 December 2020.

Moved Cr Ian Bailey
S/- Cr Linda Green

55/19

Council resolves:

1. That the report be received and noted.
2. That Cr Kirrilee Boyd be appointed to the Reconciliation Working Group for a period of two years, expiring 17 December 2020.

The Terms of Reference for the RWG prescribe the membership of the group as follows:

The RWG shall comprise of an Elected Member from each Council, who will alternate the role of Chairperson and up to eight (8) community members.

3. ANALYSIS

Council has endorsed the establishment of a Reconciliation Working Group in partnership with Mount Barker District Council. Council has also endorsed the Terms of Reference for this Group (**Appendix 1**) that includes a requirement for membership to include a Council Member for each Council.

It is recommended that Council's appointment to the Working Group be for a period of approximately two (2) years to the end of this term of Council. This is long enough to provide some value in continuity of membership. This also aligns with the Terms of Reference which determine that the term of office for community members will be for two (2) years.

Indicative Voting Process for Determining Council Appointed Positions

Due to the potential implications of the Material Conflict of Interest provisions under s73 and the Actual and Perceived Conflicts of Interest under s75 (see Legal Implications above) regarding the appointment of Council Members, it is proposed that the Council adjourn the meeting for the purposes of seeking nominations for and, if necessary, conducting an indicative vote (Indicative Voting Process) to determine the preferred person(s) for the position of Working Group member.

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 a Designated Informal Gathering for the purposes of s90 and the *Informal Council and Council Committee Gatherings and Discussions Policy* (the Policy). As a Designated Informal Gathering, 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 informal gatherings provisions.

The proposed Indicative Voting Process is:

- a) Chief Executive Officer calls for self-nominations for the Working Group position.
- b) If the number of nominees is equal to or less than the number of positions (i.e. one), no election will be required. If the number of nominees is greater, an election will be necessary.
- c) The CEO (or another Council staff member) will be appointed as the Returning Officer and may enlist other Council staff to assist with the conduct of the vote and the count.
- d) The method of voting will be by secret ballot utilising the preferential counting system.
- e) Each Council Member (including the Mayor) shall have one vote.
- f) Ballot papers will be provided to each Council Member.
- g) The nominee's names will be drawn to determine the order on the ballot paper.

- h) Each nominee will have two (2) minutes to speak to the Gathering in support of the candidacy. The speaking order will be as listed on the ballot paper.
- i) 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.
- j) 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.
- k) After all votes have been counted, the Returning Officer shall formally declare the result of the election (i.e. the preferred person).
- l) The ballot papers will be shredded.

Proposed Chronology of Events for Appointing Council Member to Working Group

The mechanics are relatively complicated due to the legislative provisions regarding conflict of interest and informal gatherings.

The following chronology has been based on guidance from the LGA regarding the election of Council Members to Committee and Presiding Member positions:

- I. Council will then consider the process that it will use to choose the preferred person for the Working Group position. Council would give effect to this by dealing with Recommendation 2 (or a variant) at this time.
- II. Having decided the method, Council will then have to adjourn the meeting to enable the process to be undertaken. Council would give effect to this by dealing with Recommendation 3 (or a variant) at this time.
- III. Once the Indicative Voting Process has been completed the Council meeting will resume in accordance with the previous resolution.

Upon resumption, the Council Members who nominated for the Working Group role would be advised to consider their obligations to declare a Material, Actual or Perceived Conflict of Interest as appropriate.

- IV. Council can then resolve for the preferred person to be appointed as the Working Group members for an identified term. Council would give effect to this by dealing with Recommendation 4 (or a variant) at this time.

Once this matter is resolved, the Members who have declared Conflicts of Interest and left the Chamber can return to the Chamber.

4. OPTIONS

Council has the following options:

- I. That Council appoint a Council Member to the Reconciliation Working Group (Recommended)
- II. That Council does not have Council Member representation on the Reconciliation Working Group (Not Recommended)

5. APPENDIX

- (1) Reconciliation Working Group Terms of Reference.

Appendix 1

Reconciliation Working Group Terms of Reference



MOUNT BARKER
DISTRICT COUNCIL

Adelaide Hills Region Reconciliation Working Group

Terms of Reference

BACKGROUND

At its meeting held on 23 August 2016, Adelaide Hills Council (AHC) formalised its commitment to Reconciliation and adopted a Reflect Reconciliation Action Plan (RAP). Mount Barker District Council (MBDC) is currently developing a Reflect RAP. Both Councils are committed to working in collaboration with Aboriginal and Torres Strait Islander members of our community to further progress this process.

Forming a Working Group to advise on reconciliation at a regional level encompassing both Adelaide Hills Council (AHC) and Mount Barker District Council (MBDC) areas is deemed appropriate for the following reasons:

- The Adelaide Hills is recognised as a region
- This approach fosters a sharing of learnings, initiatives and resources for the region

ROLE

The role of the Reconciliation Working Group (RWG) is to:

- assist AHC and MBDC with the implementation of current RAPs
- assist AHC and MBDC with the development of next level RAPs
- advise Council staff on matters that impact the local Aboriginal and Torres Strait Islander Community

FUNCTION

The RWG functions as an advice giving body, with individuals able to provide advice freely and as requested. Advice may be sought through meetings or by other means.

The RWG has no decision making power or authority to act in its own right. For advice on specific matters a consensus will be sought, however, the views of all individual members will be taken into consideration.

The RWG will be guided by a Code of Conduct to be established by the group as a first action.

STRUCTURE

The RWG will run for a 2year (24month) period in the first instance, this may be extended to reflect the RAP process. The Group will meet a minimum of quarterly.

MEMBERSHIP

The RWG shall comprise of an Elected Member from each Council, who will alternate the role of Chairperson and up to eight (8) community members.

The RWG will be supported by the AHC Community and Cultural Development Officer, MBDC Senior Community Development Officer and other Council staff as needed.

SELECTION

Nomination for the RWG will be by Expression of Interest. Advertisements will be placed in the Weekender Herald, Courier and also the Koori Mail and Adelaide Advertiser.

Whilst appointment will be at the discretion of the Chief Executive Officers of AHC and MBDC a high priority will be given to people who:

- are Peramangk or Kurna as traditional custodians of the Adelaide Hills Region
- have Aboriginal or Torres Strait Islander heritage and identify as such and live, work or have a strong connection to the Adelaide Hills Region
- are not Aboriginal or Torres Strait Islander but have experience or expertise deemed beneficial to the role and function of the group.

The selection process for community members will be conducted by a panel comprising two representatives of each Council being staff and / or Elected Members. Recommendations for community membership of the RWG will be made to each Council and appointment will be made upon both Councils endorsing each applicant by resolution. The term of office for community members on the RWG will be two (2) years or such other time as resolved by Council at the time of appointment.

An Elected Member from each Council will be appointed to the RWG by resolution of the respective Council. The term of office for Elected Members will as resolved by the respective Council.

STATUS OF MEMBERS

Community members of the RWG have status as volunteers of the Councils and are insured in accordance with the Volunteer Insurance Policy (s) that are part of each Council's membership of the Mutual Liability Scheme.

Community members are not indemnified by the Councils against any liability arising as a result of their actions or omissions related to their involvement with the RWG or undertaken in connection with their role as a member of the RWG.

Elected Members' involvement with the RWG constitutes the exercise of official functions and duties of office of an elected member under the *Local Government Act 1999*. Elected Members are, therefore, protected from civil liability in their role as RRG members pursuant to section 39 of the *Local Government Act 1999*.

MEETINGS

The Chairperson will preside over meetings of the RWG. If the Chairperson is not present at a meeting, the other Elected Member will chair the meeting. If neither is present, the RWG will appoint one of its members as the acting presiding member.

Meeting procedure will be as determined by the Chairperson in consultation with the RWG.

Topics for the agenda should be forwarded to the designated member seven (7) days prior to the scheduled meeting date.

The Agenda will be distributed to members no later than five (5) days prior to the next meeting date.

Members of the RWG will receive minutes and agendas by email unless other arrangements are agreed.

Minutes of meetings will be circulated to members no later than 5 working days following a meeting.

REIMBURSEMENT OF EXPENSES

Community members will be paid a travel allowance for the use of their private vehicle to travel to and from RWG meetings with the said allowance being equal to the per kilometre rate prescribed for the purposes of calculating deductions for car expenses issued from time to time by the Australian Tax Office. Reimbursable journeys should be by the shortest or most practicable route from the place of residence or workplace.

Costs incurred by RWG community members for travel to and from RWG meetings on public transport will also be reimbursed. Costs incurred by RWG community members for travel to and from RWG meetings by taxi or other form of paid travel may be reimbursed subject to the travel by these means being pre-approved by AHC & DCMB staff prior to those costs being incurred.

If RWG community members incur out of pocket expenses as a result of their attendance at meetings, these costs may be reimbursed subject to these costs being pre-approved by AHC & DCMB staff prior to those costs being incurred.

Costs incurred without pre-approval by AHC & DCMB staff may not be reimbursed.
