



ORDINARY COUNCIL MEETING

NOTICE OF MEETING

To: Mayor Jan-Claire Wisdom

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

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

Tuesday 11 July 2023
6.30pm
63 Mt Barker Road Stirling

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

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

A handwritten signature in blue ink, appearing to read 'David Waters', with a long horizontal flourish extending to the right.

David Waters
Chief Executive Officer



ORDINARY COUNCIL MEETING

AGENDA FOR MEETING
Tuesday 11 July 2023
6.30pm
63 Mt Barker Road Stirling

ORDER OF BUSINESS

1. COMMENCEMENT

2. OPENING STATEMENT

Council acknowledges that we meet on the traditional lands and waters of the Peramangk and Kaurna people. They are Custodians of this ancient and beautiful land and so we pay our respects to Elders past, present and emerging. We will care for this country together by ensuring the decisions we make will be guided by the principle that we should never decrease our children's ability to live on this land.

3. APOLOGIES/LEAVE OF ABSENCE

3.1. Apology
Apologies were received from

3.2. Leave of Absence

- Mayor Jan-Claire Wisdom 14 August to 24 September 2023, approved by Council 11 April 2023
- Cr Lucy Huxter from 2 July to 14 July 2023, approved by Council 27 June 2023
- Cr Malcolm Herrmann from 10 July to 21 July 2023, approved by Council 27 June 2023

3.3. Absent

4. MINUTES OF PREVIOUS MEETINGS

Council Meeting – 27 June 2023

That the minutes of the ordinary meeting held on 27 June 2023 as supplied, be confirmed as an accurate record of the proceedings of that meeting.

5. DECLARATION OF CONFLICT OF INTEREST BY MEMBERS OF COUNCIL

6. MAYOR'S OPENING REMARKS

7. QUESTIONS ADJOURNED/LYING ON THE TABLE

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

8. PETITIONS / DEPUTATIONS / PUBLIC FORUM

- 8.1. Petitions
Nil
- 8.2. Deputations
 - 8.2.1. Save Our Wildlife Foundation Inc re grant
- 8.3. Public Forum

9. PRESENTATIONS (by exception)

Nil

10. QUESTIONS ON NOTICE

Nil

11. MOTIONS ON NOTICE

- 11.1. White Rock Quarry – Cr Mark Osterstock

12. ADMINISTRATION REPORTS – DECISION ITEMS

- 12.1. Statement of Commitment and Our Watch Prevention Toolkit Implementation Plan
Refer to Agenda
- 12.2. Code of Practice for Meeting Procedures
 - 1. *That the report be received and noted.*
 - 2. *That Council in relation to the Code of Practice for Council Meeting Procedures:*
 - a. *With an effective date of 17 July 2023, to revoke the 22 March 2022 Code of Practice for Council Meeting Procedures and adopt the 11 July 2023 Code of Practice for Council Meeting Procedures, as contained in Appendix 1.*
 - b. *That the Chief Executive Officer be authorised to make any formatting, nomenclature or other minor changes to the 11 July 2023 Code of Practice for Council Meeting Procedures prior to the effective date.*
 - 3. *That Council in relation to the Code of Practice for Access to Council and Council Committee and Information or Briefing Session Meetings & Documents:*
 - a. *Approve the proposed Code of Practice for Access to Council, Council Committee and Designated Informal Gathering Meetings & Documents, as contained in Appendix 2, for public consultation in accordance with the provisions of Council's Public Consultation Policy and for the further report to be provided to Council following the consultation process.*

b. That the CEO be authorised to:

- i. Make any formatting, nomenclature or other minor changes to the Code prior to being released for public consultation and*
- ii. Determine the consultation timings, media and processes while ensuring consistency and compliance with the provisions of applicable legislation and Council's Public Consultation Policy.*

12.3. Status Report – Council Resolutions Update
Refer to Agenda

13. ADMINISTRATION REPORTS – INFORMATION ITEMS

Nil

14. QUESTIONS WITHOUT NOTICE

15. MOTIONS WITHOUT NOTICE

16. REPORTS

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

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

16.3. CEO Report

17. REPORTS OF COMMITTEES

17.1. Council Assessment Panel
Nil

17.2. Audit Committee
Nil

17.3. CEO Performance Review Panel – 6 July 2023
That the minutes of the CEOPRP meeting held on 6 July 2023 as supplied, be received and noted.

17.3.1. CEO Performance Review Panel Recommendations to Council
Refer to Agenda

17.4. Boundary Change Committee
Nil

18. CONFIDENTIAL ITEMS

Nil

19. NEXT MEETING

Tuesday 25 July 2023, 6.30pm, 63 Mt Barker Road, Stirling

20. CLOSE MEETING

Council Meeting & Workshops

2023

| DATE | TYPE | LOCATION | MINUTE TAKER |
|-----------------------|--|----------|--------------|
| JULY 2023 | | | |
| Wed 12 July | CAP | Stirling | Karen Savage |
| Tues 18 July | Professional Development | Stirling | N/A |
| Tues 25 July | Council | Stirling | Pam Williams |
| AUGUST 2023 | | | |
| Mon 7 August | Workshop | Woodside | N/A |
| Tues 8 August | Council | Stirling | Pam Williams |
| Wed 9 August | CAP | Stirling | Karen Savage |
| Tues 15 August | Professional Development | Stirling | N/A |
| Mon 21 August | Audit Committee | Stirling | TBA |
| Tues 25 August | Council | Stirling | Pam Williams |
| SEPTEMBER 2023 | | | |
| Mon 4 September | Workshop | Woodside | N/A |
| Tues 12 September | Council | Stirling | Pam Williams |
| Wed 13 September | CAP | Stirling | Karen Savage |
| Tues 19 September | Professional Development | Stirling | N/A |
| Tues 26 September | Council | Stirling | TBA |
| OCTOBER 2023 | | | |
| Tues 3 October | Workshop (moved due to public holiday) | Woodside | N/A |
| Tues 10 October | Council | Stirling | TBA |
| Wed 11 October | CAP | Stirling | Karen Savage |
| Mon 16 October | Audit Committee | Stirling | TBA |
| Tues 17 October | Professional Development | Stirling | N/A |
| Tues 24 October | Council | Stirling | TBA |

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

Conflict of Interest Disclosure Form

CONFLICTS MUST BE DECLARED VERBALLY DURING MEETINGS

Date: _____

Meeting Name (please tick one)

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

Item No **Item Name:**

(Only one conflict of interest entry per form)

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

GENERAL

MATERIAL

GENERAL

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

MATERIAL

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

The nature of my conflict of interest is as follows:

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

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

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

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

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

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

8. DEPUTATIONS

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

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

8.3 PUBLIC FORUM

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

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

Item 4 Minutes of Council

**ADELAIDE HILLS COUNCIL
MINUTES OF ORDINARY COUNCIL MEETING
TUESDAY 27 JUNE 2023
63 MT BARKER ROAD STIRLING**

In Attendance

Presiding Member: Mayor Jan-Claire Wisdom

Members:

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

In Attendance:

| | |
|-------------------|--|
| David Waters | Acting Chief Executive Officer |
| Terry Crackett | Director Corporate Services |
| Peter Bice | Director Infrastructure & Operations |
| Natalie Armstrong | Director Development & Regulatory Services |
| Lachlan Miller | Executive Manager Governance & Performance |
| Mike Carey | Manager Financial Services |
| Karen Cummings | Manager Property Services |
| Melissa Bright | Manager Economic Development |
| Matt Ahern | Team Leader Regulatory Services |
| Melissa Grimes | Governance Consultant |
| Tara Moyes | Minute Secretary |

1. COMMENCEMENT

The meeting commenced at 6:31 pm.

2. OPENING STATEMENT

Council acknowledges that we meet on the traditional lands and waters of the Peramangk and Kurna people. They are Custodians of this ancient and beautiful land and so we pay our respects to Elders past, present and emerging. We will care for this country together by ensuring the decisions we make will be guided by the principle that we should never decrease our children's ability to live on this land.

**ADELAIDE HILLS COUNCIL
MINUTES OF ORDINARY COUNCIL MEETING
TUESDAY 27 JUNE 2023
63 MT BARKER ROAD STIRLING**

3. Apology

Nil

3.1 Leave of Absence

- Mayor Jan-Claire Wisdom 14 August to 24 September 2023, approved by Council 11 April 2023
- Cr Mark Osterstock 28 June to 2 July 2023, approved by Council 13 June 2023
- Cr Pauline Gill 13 June to 13 July 2023, approved by Council 13 June 2023

Moved Cr Nathan Daniell

S/- Cr Leith Mudge

168/23

1 That a Leave of Absence from all duties of office be granted to:

Cr Lucy Huxter from 2 July to 14 July 2023

Cr Malcolm Herrmann from 10 July to 21 July 2023

2 That any committee or panel membership currently held by Cr Lucy Huxter and Cr Malcolm Herrmann be undertaken by the Deputy during the leave of absence.

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| Carried Unanimously |
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3.2 Absent

Nil

4. MINUTES OF PREVIOUS MEETINGS

4.1 Council Meeting – 13 June 2023

Moved Cr Malcolm Herrmann

S/- Cr Chris Grant

169/23

That the minutes of the Ordinary Council meeting held on 13 June 2023 as supplied, be confirmed as an accurate record of the proceedings of that meeting.

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| Carried Unanimously |
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5. DECLARATION OF CONFLICT OF INTEREST BY MEMBERS OF COUNCIL

Nil

**ADELAIDE HILLS COUNCIL
MINUTES OF ORDINARY COUNCIL MEETING
TUESDAY 27 JUNE 2023
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6. PRESIDING MEMBER'S OPENING REMARKS

Mayor Jan-Claire Wisdom welcomed the visitors in the gallery.
The Mayor provided an update on her attendance at the National General Assembly in Canberra June 2023 where the main topics included Climate Change, Housing Crisis and Emergency Management.

7. QUESTIONS ADJOURNED/LYING ON THE TABLE

7.1 Questions Adjourned

Nil

7.2 Questions Lying on the Table

Nil

8. PETITIONS/DEPUTATIONS/PUBLIC FORUM

8.1 Petitions

Nil

8.2 Deputations

Nil

8.3 Public Forum

Nil

9. PRESENTATIONS

9.1.1 Landscapes Hills & Fleurieu Board – Michael Garrod, General Manager, and David Greenhough, Presiding Member of the Board

9.2 SHLGA 2023-24 Annual Business Plan & Budget - Graeme Martin, Executive Officer, SHLGA

10. QUESTIONS ON NOTICE

Nil

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MINUTES OF ORDINARY COUNCIL MEETING
TUESDAY 27 JUNE 2023
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11. MOTIONS ON NOTICE

11.1 Mylor Community Survey Results

**Moved Cr Mark Osterstock
S/- Cr Chris Grant**

170/23

7.42pm Cr Lucy Huxter left the Chamber and did not return.

I move that:

- 1. Council receives and notes Agenda Business Item 13.1, Tuesday, 24 March 2020, Mylor Community Survey Results [Annexure A].**
- 2. Council notes the Minutes of Ordinary Council Meeting, Tuesday, 24 March 2020, Item 13.1, Mylor Community Survey Report.**

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**ADELAIDE HILLS COUNCIL
MINUTES OF ORDINARY COUNCIL MEETING
TUESDAY 24 MARCH 2020
63 MT BARKER ROAD STIRLING**

13. OFFICER REPORTS - INFORMATION ITEMS

13.1 Mylor Community Survey Report

**Moved Cr Mark Osterstock
S/- Cr Kirsty Parkin**

61/20

- 1. That the report be received.**
- 2. That Council notes the results of the recent Mylor Community Survey, in particular, the local community's overwhelming support for the annual Mylor Community Bonfire Night, and in particular the Firework Display.**
- 3. That, subject to there being no material or substantial changes to the event, the Council provides ongoing and in-principle support for the Mylor Community Bonfire Night [and Firework Display].**
- 4. Support by Council is subject to the annual receipt of an event application from the organisers and the subsequent approval, under delegated authority, by Council administrative staff.**

Carried Unanimously

**ADELAIDE HILLS COUNCIL
MINUTES OF ORDINARY COUNCIL MEETING
TUESDAY 27 JUNE 2023
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3. In terms of the Minutes of Ordinary Council Meeting, Tuesday, 24 March 2020 [Annexure B], Item 13.1, Mylor Community Survey Report, Council notes that the following elected members voted in favour of this item of business:

Cr Ian Bailey
Cr Kirrilee Boyd
Cr Nathan Daniell
Cr Pauline Gill
Cr Chris Grant
Cr Linda Green
Cr Malcolm Herrmann
Cr Leith Mudge
Cr Mark Osterstock
Cr Kirsty Parkin
Cr Andrew Stratford

7.45pm Cr Louise Pascale left the Chamber

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| Carried Unanimously |
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12. OFFICER REPORTS – DECISION ITEMS

12.1 2023 – 24 Southern & Hills Local Government Association – Budget and Member Contributions

Moved Cr Kirrilee Boyd
S/- Cr Malcolm Herrmann

171/23

Council resolves:

1. That the report be received and noted.
2. That the Southern & Hills Local Government Association's 2023-24 Key Action Plan and Budget including the Adelaide Hills Council contribution of \$27,103.12 (inc GST) of Member Contributions be received and noted.

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| Carried Unanimously |
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**ADELAIDE HILLS COUNCIL
MINUTES OF ORDINARY COUNCIL MEETING
TUESDAY 27 JUNE 2023
63 MT BARKER ROAD STIRLING**

12.2 Discretionary Rate Rebate

Moved Cr Leith Mudge

S/- Cr Chris Grant

172/23

Council resolves:

- 1. That the report be received and noted.**
- 2. That the following assessments be granted a 75% discretionary rate rebate under Section 166 (1) (d) of the Local Government Act 1999 for the rating years from 2023-24 until 2026-27:**
 - Assessment No. 6589 Scout Association of Australia (SA Branch) 9 Pye Road Balhannah**
 - Assessment No. 12628 Scout Association of Australia (SA Branch) 99 Milan Terrace Stirling**
- 3. That the following assessments be granted a 100% discretionary rate rebate under Section 166 (1) (j) of the Local Government Act 1999 for the rating years from 2023-24 until 2026-27:**
 - Assessment No 1904 Piccadilly Community Hall 171 Piccadilly Road, Piccadilly**
 - Assessment No 2649 Basket Range War Memorial Hall Inc 5 Burdetts Road, Basket Range**
 - Assessment No 5729 Verdun Fighting Forces Memorial Hall Inc 17 Onkaparinga Valley Road, Verdun**
 - Assessment No 6948 Lobethal RSL 8 Wattle Street, Lobethal**
 - Assessment No 8037 Upper Sturt Soldiers Memorial Hall 171-173 Upper Sturt Road, Upper Sturt**
 - Assessment No 10075 Scott Creek Progress Association 517 Scott Creek Road, Scott Creek**
 - Assessment No 10546 The Hut Community Centre Inc SA Nation Ridge Road, Aldgate**
 - Assessment No 12087 Aldgate Memorial Hall Inc 2/24 Fenchurch Road, Aldgate**
 - Assessment No 12824 Aldgate RSL 2 Kemp Road, Aldgate**
 - Assessment No 15037 Mount Torrens Memorial Hall 34 Townsend Street, Mount Torrens**
 - Assessment No 15812 Forreston Community Centre Inc 231 Forreston Road, Forreston**
 - Assessment No 16424 Cudlee Creek Soldiers Memorial Ground Inc 4 Redden Drive, Cudlee Creek**
 - Assessment No 17920 Charleston Community Centre Inc 1 Newman Road, Charleston**

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- Assessment No 18395 AHC - leased to Hills Community Toy Library 1/24 Fenchurch Road, Aldgate
 - Assessment No 18741 Kersbrook Public Hall Inc 13 Scott Street, Kersbrook
 - Assessment No 18934 Oakbank Soldier`s Memorial Hall 210 Onkaparinga Valley Road, Oakbank
4. That a discretionary rate rebate request by Clayton Church Homes under Section 166 of the Local Government Act 1999 for 104 retirement vintage assessments in the Council area be declined on the basis that they do not meet the criteria set out in Council's Rating Policy.
 5. That the CEO be delegated the authority to assess and grant CWMS rebates in the limited circumstances where the service charge relates specifically to toilets used by the general public upon application based on confirmation that the service to the general public is provided.
 6. That the applicants be formally advised of Council's decision.

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| Carried Unanimously |
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12.3 Annual Business Plan Adoption

Moved Cr Chris Grant
S/- Cr Kirsty Parkin

173/23

Council resolves:

1. That the report be received and noted
 - 1.1 Pursuant to and in accordance with section 123(6) of the *Local Government Act 1999* (the "Act") and Regulation 6 of the *Local Government (Financial Management) Regulations 2011* and having considered all submissions and consultation feedback received, the Annual Business Plan (*Appendix 1*) as laid before Council for the financial year ending 30 June 2024, be adopted.
 - 1.2 Pursuant to and in accordance with section 123(7) of the Act and regulation 7 of the *Local Government (Financial Management) Regulations 2011*, having considered the Budget in conjunction with, and determined the Budget to be consistent with, the Council's Annual Business Plan, the Budget for the financial year ending 30 June 2024, as laid before the Council at this meeting, be adopted.

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1.3 Determination and Adoption of Valuations 2023-2024

1.3.1 Rates assessed on rateable land in the Council will be based on the capital value of land for all rateable land.

1.3.2 Pursuant to section 167(2)(a) of the Act the most recent valuations of the Valuer General available to the Council of the capital value of land within the Council area, be adopted for rating purposes for the financial year ending 30 June 2024, totalling \$15,581,327,220.

1.4 Determination of Basis for Differential Rating

Having taken into account the general principles of rating contained in section 150 of the Act and the requirements of section 153(2) of the Act, and in order to raise the amount as per paragraph 1.2, pursuant to section 152(1)(c) of the Act the Council declares that general rates for the financial year ending 30 June 2024 will consist of two components:

- 1. one being based on the value of the land subject to the rate; and**
- 2. the other being a fixed charge.**

Pursuant to sections 153(1)(b) and 156(1)(c) of the Act the Council declares the following differential general rates for the financial year ending 30 June 2024 on rateable land within the Council area, based upon the capital value of the land and varying according to land use and locality categories in accordance with regulation 14 of the *Local Government (General) Regulations 2013*:

- 1.4.1 category (a) Residential, a rate of 0.2026 cents in the dollar.**
- 1.4.2 category (b) Commercial - Shop, a rate of 0.2367 cents in the dollar.**
- 1.4.3 category (c) Commercial - Office, a rate of 0.2523 cents in the dollar.**
- 1.4.4 category (d) Commercial - Other, a rate of 0.2381 cents in the dollar.**
- 1.4.5 category (e) Industry - Light, a rate of 0.2311 cents in the dollar.**
- 1.4.6 category (f) Industry - Other, a rate of 0.2578 cents in the dollar.**
- 1.4.7 category (g) Primary Production, a rate of 0.2006 cents in the dollar.**
- 1.4.8 category (h) Vacant land, that is located within a Neighbourhood Type Zone, as defined by the Planning and Design Code and given effect by the**

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Planning, Development and Infrastructure Act 2016, a rate of 0.2296 cents in the dollar.

1.4.9 category (h) Vacant Land, that is not located in a Neighbourhood Type Zone, as defined by the Planning and Design Code and given effect by the *Planning, Development and Infrastructure Act 2016* a rate of 0.2070 cents in the dollar.

1.4.10 category (i) Other, a rate of 0.1918 cents in the dollar.

1.5 Declaration of General Rates – Annual Fixed Charge

Pursuant to section 152(1)(c)(ii) of the Act, the Council declares a fixed charge of \$784 in respect of all rateable land in the Council area for the financial year ending 30 June 2024.

1.6 Imposition of Regional Landscape Levy

In accordance with section 69 of the *Landscape South Australia Act 2019*, and section 154 of the Act, to reimburse the Council the amount contributed to the Hills and Fleurieu Regional Landscape Board being \$1,642,580, the Council declares the following separate rate based upon the capital value of rateable land for the financial year ending 30 June 2024:

1.6.1 0.01092 cents in the dollar on all rateable land in the Council area and in the area of Hills & Fleurieu Regional Landscape Levy.

1.7 Annual Service Charge

Pursuant to section 155 of the Act, for the financial year ending 30 June 2024 the Council imposes the following annual service charges based on the nature of the service and the level of usage:

1.7.1 In respect of all land to which the Council supplies or makes available the prescribed services known as:

- the Woodside Community Wastewater Management System
- the Woodside Extension Community Wastewater Management System
- the Birdwood and Mt Torrens Community Wastewater Management System
- the Kersbrook Township Community Wastewater Management System
- the Charleston Community Wastewater Management System
- the Verdun Community Wastewater Management System
- the Mt Lofty Ward Community Wastewater Management System

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an annual service charge of \$826 in respect of land which is occupied and an annual service charge of \$415 in respect of land which is vacant.

1.8 Rate Cap and Rebates

1.8.1 Rate Cap (General Rates Maximum Increase for Principal Place of Residence)

That for the year ending 30 June 2024 pursuant to section 153(3) of the Act the Council will not fix a maximum increase in the general rate to be charged on any rateable land that constitutes the principal place of residence of a principal ratepayer.

1.8.2 Primary Production Rebate

Pursuant to section 166(1)(b) of the Act, Council continues to offer, for the year ending 30 June 2024, upon application, a discretionary Primary Production Rebate of 10% on the differential primary production general rate to those ratepayers in the business of primary production who do not have a notional capital value assessment of their property and who have applied for and been granted this rebate in any of the last three (3) rating years, namely 2020-21, 2021-22 and/or the 2022-23 rating year.

1.8.2 Special Discretionary Rebate

Council has determined, after considering the response from ESCOSA related to reviewing the rationale for the quantum of any maximum rate increase with consideration of the community's capacity to pay for higher increases and pursuant to section 166(1)(i)(ii) of the Act, to provide a special discretionary rebate for the purposes of fixing a maximum increase in general rates to be charged on all residential and primary production land use categories within its area to be applied by the Council either on its own initiative where Council considers that the ratepayer meets the eligibility criteria or by application from the ratepayer, in circumstances where:

- the general rates payable for the financial year ending 30 June 2024 exceed the general rates paid in the previous financial year by 15% or more,

and where the increase in general rates is not because of:

- (i) new development, alteration or improvement made to the property since the 2022-23 valuation being those properties with a valuation change as a result of a Revisit Growth, Creation or Cancellation as defined by the Valuer-General unless the ratepayer is located within the Cudlee Creek bushfire scar as determined by Council; or
 - (ii) a change to the land use of the property; or
-

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63 MT BARKER ROAD STIRLING**

- (iii) a change in ownership (unless a family transfer) of the rateable property

the amount of any cap being the difference between the amount of general rates in monetary terms (before any rebate was applied) to be imposed for the 2023-24 financial year and the amount of general rates in monetary terms (before any rebate was applied) for the 2022-23 financial year plus 15% of those rates.

1.9 Separate Rates

Declaration of Separate rate – Stirling Business Separate Rate

1.9.1 Pursuant to section 154 of the Act for the financial year ending 30 June 2024 in order to raise the amount of \$110,000 to carry out the activity of promoting and enhancing business viability, profitability, trade and commerce in that part of the Council area comprising rateable land within the precinct known as the Stirling “Suburban Mainstreet Zone” and businesses fronting both sides of Mt Barker Road east of the Stirling “Suburban Mainstreet Zone” to Pine Street, excluding land attributed a land use category (a) (residential) and government owned land, the Council declares a differential separate rate of 0.078 cents in the dollar on all other land uses based on the capital value of the rateable land within that part of the Council area.

1.9.2 In exercise of the powers contained in section 158(1)(a) of the Act the minimum amount that is payable by way of the Stirling Business separate rate is \$305 (affecting all properties within the area to which the separate rate applies where the capital value is below \$391,025).

1.9.3 In exercise of the powers contained in section 158(1)(b) of the Act the amount that would otherwise be payable by way of rates in respect of the Stirling Business separate rate is altered by fixing the maximum amount of the separate rate payable at \$3,000 (affecting all properties within the area to which this separate rate applies where the capital value is in excess of \$3,846,154).

1.10 Payment of Rates

1.10.1 That pursuant to section 181 of the Act, the Council declares that all rates in respect of the financial year ending 30 June 2024 are payable by four equal (or approximately equal) quarterly instalments (unless otherwise agreed with the principal ratepayer), falling due during the months of September and December 2023 and March and June 2024.

**ADELAIDE HILLS COUNCIL
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TUESDAY 27 JUNE 2023
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- 1.10.2** In exercise of the powers contained in section 44 of the Act, the Council delegates to the Chief Executive Officer
- the power pursuant to section 181(2) of the Act to determine the day on which each instalment falls due in the months specified in part 1.10.1 of this resolution; and,
 - the power pursuant to section 181(4)(b) of the Act, to enter into agreements with principal ratepayers relating to the payment of rates in any case of hardship or financial difficulty.

1.11 Adoption of Rating Policy

1.11.1 To adopt the Rating Policy, in Annexure D of the 2023-24 Annual Business Plan in Appendix 1 of this report, effective from 1 July 2023.

1.11.2 That the Chief Executive Officer, or his delegate, is authorised to make any formatting, nomenclature or other minor changes to the Policy prior to the effective date.

1.12 Borrowings

Council resolves to:

1.12.1 borrow the sum up to \$7.0m for the purpose of funding the 2023-24 Budget.

1.12.2 authorise the Chief Executive to negotiate and agree the interest rate and any terms and conditions of the above borrowing arrangements following the Treasury Policy as adopted by Council.

1.12.3 authorise the affixation of the common seal as necessary to give effect to Council's resolutions in this matter and that this be undertaken by the Mayor and the Chief Executive Officer.

1.13 Council Resolutions pertaining to 2022-23 Expenditure

Council resolves as a result of the Council Resolutions relating to the 2022-23 Budget Review 3 Carry Forward Expenditure to endorse the budgeted Operating Initiatives totalling \$140k and budgeted Capital Expenditure amounts totalling \$6.153m be transferred to the 2023-24 financial year and update the associated budgets accordingly as per Appendix 3.

**ADELAIDE HILLS COUNCIL
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- 2. That the CEO is authorised to:**
- a. make any formatting, nomenclature or other minor changes to the Annual Business Plan prior to being released for publication and**
 - b. determine the publishing timings, processes and related media promotion while ensuring consistency and compliance with the provisions of applicable legislation.**

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| Carried Unanimously |
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12.4 2023-24 Fees & Charges for Adoption

8.09pm Cr Mark Osterstock left the Chamber

8.11pm Cr Mark Osterstock returned to the Chamber

Moved Cr Kirsty Parkin

S/- Cr Malcolm Herrmann

174/23

Council resolves:

- 1. That the report be received and noted.**
- 2. To adopt the 2023-24 Fees and Charges Schedule included at *Appendix 1* to apply on and from 1 July 2023.**
- 3. To authorise the Chief Executive Officer to approve minor changes to the Fees and Charges Schedule during the 2023-24 financial year, as required.**

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| Carried Unanimously |
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Moved Cr Melanie Selwood

S/- Cr Leith Mudge

That the meeting adjourns for a short break.

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| Carried Unanimously |
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8.16pm The meeting adjourned.

8.27pm The meeting resumed with Cr Louise Pascale in attendance.

**ADELAIDE HILLS COUNCIL
MINUTES OF ORDINARY COUNCIL MEETING
TUESDAY 27 JUNE 2023
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12.5 First Nations Use of Council Land

**Moved Cr Adrian Cheater
S/- Cr Kirrilee Boyd**

175/23

Cr Malcolm Herrmann left the Chamber at 8:35pm.
Cr Malcolm Herrmann returned to the Chamber at 8:35pm.

Council resolves:

- 1. That the report be received and noted.**
- 2. That the Council continue to make good on its commitment to reconciliation and ensure it supports the spiritual connection of its First Nation groups to Country.**
- 3. That Council listens to the aspirations held by its First Nation groups and that Council encourages the use of relevant lands for cultural activities in line with any Community Land Management Plan applicable to the site.**

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| Carried Unanimously |
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12.6 Stirling Business Association Three Year Funding Agreement

**Moved Cr Mark Osterstock
S/- Cr Leith Mudge**

176/23

Council resolves:

- 1. That the report be received and noted.**
- 2. That the three year funding agreement which provides \$110,000 p.a. until 30 June 2026, as contained in Appendix 1, with the Stirling Business Association be approved and that the Chief Executive Officer be authorised to make any minor changes or variations to the Agreement before execution by both parties or during the life of the Agreement.**
- 3. That the Chief Executive Officer be authorised to execute the Agreement on behalf of Council.**
- 4. That the Chief Executive Officer be authorised to appoint a representative, who shall not be a member of the Stirling Business Association management committee, to attend regular meetings of the Association for the purposes of Annexure A of the Funding Agreement.**

**ADELAIDE HILLS COUNCIL
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TUESDAY 27 JUNE 2023
63 MT BARKER ROAD STIRLING**

Formal Motion

Moved Cr Chris Grant
S/- Cr

That the motion be put.

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| Lapsed for want of seconder |
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The meeting returned to the Motion.

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| Carried |
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12.7 Dog & Cat Pound Facilities

Moved Cr Nathan Daniell
S/- Cr Leith Mudge

177/23

Council resolves:

1. That the report be received and noted.
2. To commit a portion of the capital funding included in the 2023-24 Annual Business Plan for a New Dog and Cat Facility, to make upgrades to the current facilities at Heathfield to provide immediate additional capacity to hold dogs and cats whilst medium to long term options are further explored.
3. To delegate to the CEO and Mayor to write to both the Local Government Association, the Dog & Cat Management Board and all State Members of Parliament advocating for their leadership to develop a solution to the current issues impacting the whole of the Local Government sector in relation to the housing and rehoming of dogs and cats.
4. To delegate to the CEO (or his delegate) to commence formal discussions with Council's immediate adjoining Councils, or other Councils or stakeholders, to investigate options for a regional solution should there be no solution put forward by either the Local Government Association or the Dog & Cat Management Board.

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| Carried Unanimously |
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**ADELAIDE HILLS COUNCIL
MINUTES OF ORDINARY COUNCIL MEETING
TUESDAY 27 JUNE 2023
63 MT BARKER ROAD STIRLING**

12.8 Status Report - Council Resolutions Update

Moved Cr Nathan Daniell

S/- Cr Leith Mudge

178/23

Council resolves:

- 1. That the report be received and noted**
- 2. The following completed items be removed from the Action List:**

| Meeting Date | Meeting | Res No. | Item Name | Previously Declared COI |
|---------------------|------------------|----------------|---|--------------------------------|
| 23/05/2023 | Ordinary Council | 130/23 | Budget Review 3 | Nil |
| 23/05/2023 | Ordinary Council | 132/23 | GRFMA Rescission of Resolution 14 February 2023 | Nil |
| 23/05/2023 | Ordinary Council | 134/23 | Boundary Change Committee meetings venue | General - Cr Louise Pascale |
| 13/06/2023 | Ordinary Council | 162/23 | Condolence Motion Mr Frank Baldasso Gumeracha | Nil |

Carried Unanimously

13. ADMINISTRATION REPORTS - INFORMATION ITEMS

Nil

14. QUESTIONS WITHOUT NOTICE

Cr Malcolm Herrmann - Progress on Amy Gillett Bikeway, Lucky Hit Road and Martin Hill Road, Stormwater Management Onkaparinga Valley Road Oakbank and Junction Road Balhannah.

Moved Cr Herrmann

S/- Cr Mark Osterstock

That the question and reply be entered into the Minutes.

Carried Unanimously

ADELAIDE HILLS COUNCIL
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TUESDAY 27 JUNE 2023
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1. Amy Gillett Bikeway Extension
Members will be aware that the Federal Government has committed \$2.3m funding and the Council has committed \$500,000 to the Amy Gillett Bikeway extension to Birdwood. The one level of government which has not yet committed to the project is the State Government. It is their project and their asset. Unfortunately, there was no specific allocation made in the State Budget handed down the week before last regarding the Amy Gillett Bikeway. However, we have been advised by senior staff at the Department for Infrastructure and Transport that they are looking to see if the project can be accommodated within funded bicycle transport programs or similar. We intend to convene a workshop to discuss this matter further with Members in the near term as there is a looming and firm deadline from the Commonwealth of 28 October 2023 for funding from all parties to be secured.

2. Stormwater Management - Junction Rd Balhannah
Council's allocated funds for this project were intended as a contribution towards a broader DIT upgrade of their road, and we continue to lobby DIT to undertake that works as a matter of priority.

3. Stormwater Management - Onkaparinga Valley Road Oakbank (near Childcare Centre)
Council is currently reviewing the tender submissions, with the expectation that we can appoint a successful contractor for commencement early in the new financial year. The works proposed will reduce the amount of stormwater crossing Onkaparinga Valley Rd from Pike St and the associated uphill catchment, which will reduce the amount of stormwater arriving at the Child Care Centre. However as the Child Care Centre is so low compared to the road, and has such a flat crossover, they will need to consider what improvements they can make to their own site to manage sheet flow from the road. It is worth noting that the funds for both of these projects are from LRCIP and do not need to be expended until end 2023, with funds to be carried forward into 23-24.

3. Footpath/North East Road Inglewood
Council staff have requested an upgrade to the DIT bridge, and if successful we will look to partial fund with DIT (Any funds in excess of available from New Footpath Budget would come to Budget Review). Funds will be carried forward into 2023-24 to enable investment should it be required.

4. Blackspot Project at Lucky Hit Road & Martin Hill Road
Council staff are currently finalising Native Vegetation Council approvals and land acquisition matters.

Cr Mark Osterstock – Aldgate Park and Ride

15. MOTIONS WITHOUT NOTICE

Nil

**ADELAIDE HILLS COUNCIL
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16. REPORTS**16.1 Council Member Function or Activity on the Business of Council****Cr Melanie Selwood**

- 14 June, Facilitated Lights of Lobethal Community Workshop
- 25 June, Charleston Community Centre Open Day

Cr Malcolm Herrmann

- 21 June, Dan Cregan MP, Lobethal
- 24 June, Torrens Valley Lions Club Handover Lunch, Birdwood
- 25 June, Charleston Emergency Response and Resilience Group, Charleston

16.2 Reports of Members as Council/Committee Representatives on External Organisations**Cr Malcolm Herrmann**

- 31 May, GRFMA Executive Officer Review/Big Map, Gawler

16.3 CEO Report

David Waters, CEO, provided Council with a verbal update, including:

- Severe weather activities across the District – crews have been inundated responding to cases
- Development proposals – CAP meeting OTR Heathfield – 26 July at Aldgate Village Well
- Stirling Golf Club – significant development going to public consultation next week for a 6 week period.

17. REPORTS OF COMMITTEES**17.1 Council Assessment Panel – 14 June 2023**

**Moved Cr Leith Mudge
S/- Cr Nathan Daniell**

179/23

That the minutes of the Council Assessment Panel meeting held on 14 June 2023 as distributed, be received and noted.

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| Carried Unanimously |
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**ADELAIDE HILLS COUNCIL
MINUTES OF ORDINARY COUNCIL MEETING
TUESDAY 27 JUNE 2023
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17.2 Audit Committee Special Meeting – 19 June 2023

Moved Cr Malcolm Herrmann
S/- Cr Melanie Selwood

180/23

That the minutes of the Audit Committee Special meeting held on 19 June 2023 as distributed, be received and noted.

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| Carried Unanimously |
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17.3 CEO Performance Review Panel

Nil

17.4 Boundary Change Committee

Nil

18. CONFIDENTIAL ITEMS**18.1 Appointment of GRFMA Chairperson – Exclusion of the Public**

Moved Cr Mark Osterstock
S/- Cr Kirrilee Boyd

181/23

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

- Acting Chief Executive Officer, David Waters
- Director Corporate Services, Terry Crackett
- Director Development & Regulatory Services, Natalie Armstrong
- Director Infrastructure & Operations, Peter Bice
- Executive Manager Governance & Performance, Lachlan Miller
- Governance Consultant, Melissa Grimes
- Minute Secretary, Tara Moyes
- Systems Analyst, Tom Portas

be excluded from attendance at the meeting for Agenda Item 18.1: Appointment of Gawler River Floodplain Management Authority Chairperson in confidence.

**ADELAIDE HILLS COUNCIL
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TUESDAY 27 JUNE 2023
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The Council is satisfied that it is necessary that the public, with the exception of Council staff in attendance as specified above, be excluded to enable Council to consider the report at the meeting on the following grounds:

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

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

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| Carried Unanimously |
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**ADELAIDE HILLS COUNCIL
MINUTES OF ORDINARY COUNCIL MEETING
TUESDAY 27 JUNE 2023
63 MT BARKER ROAD STIRLING**

18.1.2 Appointment of GRFMA Chairperson – Duration of Confidentiality

Moved Cr Mark Osterstock

S/- Cr Chris Grant

183/23

Subject to the CEO, or his delegate, disclosing information or any document (in whole or in part) for the purpose of implementing Council's decision(s) in this matter in the performance of the duties and responsibilities of office, Council, having considered Agenda Item 18.1 in confidence under sections 90(2) and 90(3)(a) of the *Local Government Act 1999*, resolves that an order be made under the provisions of sections 91(7) and (9) of the *Local Government Act 1999* to retain the Items in confidence as detailed in the Duration of Confidentiality Table below:

| Item | Duration of Confidentiality NB: Item to be reviewed every 12 months if not released |
|---|---|
| Report | until the appointment has been confirmed, but not longer than 30 September 2023 |
| Related Attachments | until the appointment has been confirmed, but not longer than 30 September 2023 |
| Minutes | until the appointment has been confirmed, but not longer than 30 September 2023 |
| Other (presentation, documents, or similar) | N/A |

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

Carried Unanimously

19. NEXT ORDINARY MEETING

The next ordinary meeting of the Adelaide Hills Council will be held on Tuesday 11 July 2023 from 6.30pm at 63 Mt Barker Road, Stirling.

20. CLOSE MEETING

The meeting closed at 9.38 pm.

**ADELAIDE HILLS COUNCIL
ORDINARY COUNCIL MEETING
Tuesday 11 July 2023
AGENDA BUSINESS ITEM**

Item: 11.1 Motion on Notice

Originating from: Cr Mark Osterstock

Subject: Hanson Construction Materials Ltd – White Rock Quarry
Expansion Status Update

1. MOTION

I move that:

- 1. The Chief Executive Officer, on behalf of Council, writes to Benjamin Zammit, Acting Executive Director, Mineral Resources Division, Department for Energy and Mining:
 - a. Acknowledging receipt of his letter to Council dated 02 May 2023.**
 - b. Seeking clarification as to whether the Minister for Energy and Mining, the Honourable Tom Koutsantonis MP, should the Director of Mines approve the revised Mine Operations Plan (MOP) has the legislative power to over-rule the Director's decision (and if so, provide details of the said legislative instrument).**
 - c. Advising that Council notes that the revised MOP may require Hanson to acquire from Council, a portion of Horsnell Gully Road (a Council public road), together with an allotment of Council (community) land.**
 - d. This being the case, Council seeks clarification as to how it is possible for DEM to consider the revised MOP, when Council has made no decision to dispose of a portion of Horsnell Gully Road, together with an allotment of Council (community) land, to Hanson, in order for Hanson to facilitate their proposed expansion.****
 - 2. Once a response is received from the Department for Energy and Mining, that response will be tabled at the next scheduled Ordinary meeting of Council.**
-

2. BACKGROUND

Hanson Construction Materials Ltd (Hanson) own and operate the White Rock Quarry (the quarry) located on Horsnell Gully Road, Horsnell Gully. The Hanson White Rock Quarry is an open cut quarry which extracts quartzite, sandstone and siltstones and uses these to produce products for the construction and road building industries. Products include concrete aggregates and road base.

The site also contains a concrete batching plant which generally operates between the hours of 4am and 5pm. However, at times due to specific client needs, batching has and will occur

outside of these hours. The quarry site is predominantly located within the Adelaide Hills Council area with a portion extending into the City of Burnside area, and is approximately 10 km east of the Adelaide CBD. The property within which the quarry is located covers an area of 136.87 hectares and is bounded by Old Norton Summit Road to the north, and Horsnell Gully Conservation Park to the south, the residential suburb of Skye in the City of Burnside area to the west, and rural residential properties to the east.

The quarry has ‘private mine’ status granted in early 1970’s, with quarrying having commenced at the site in 1946. Ownership of the quarry has changed over the years, with Hanson being the owner since 2007.

When the *Mining Act 1971* (the “Act”) commenced on 3 July 1972, ownership of South Australia’s minerals became vested in the Crown. As this represented a significant shift in this regard, existing mine operators were at the time permitted for a limited period after the commencement of the Act, to be registered as a private mine in order to retain their mineral rights under certain circumstances. In this instance, the previous owners of the quarry were successful in applying for private mine status, noting it had been in operation since 1946, which predated the Act. Private mines are distinct from other mining tenements and are regulated under the framework as set out in the Act.

The State Government has identified the quarry as a Strategic Mineral Resource Area (SMRA) within the greater Adelaide region due to the extracted material (quartzite, sandstone and siltstones) being used in the construction and road building industries. The quarry expansion is detailed in a Mine Operations Plan (MOP), a statutory document required Act for approval for any future expansion of a private mine. Private mines require authorisation from the Department of Energy and Mining (DEM) for future expansion/development plans and have to submit a Mine Operations Plan (MOP) for review and approval. Hanson currently operate under a MOP approved in 2004.

Hanson undertook an analysis of the resource capacity of the quarry site and developed an expansion plan covering the next 100 years.

The revised MOP was lodged with the Department for Energy and Mining (DEM) on 23 December 2020 for assessment and approval. DEM completed a preliminary assessment of the MOP on 15 January 2021, and a detailed assessment is currently underway. Expansion of the quarry operations cannot occur until DEM has approved the MOP. Private mines are distinct from other mining tenements and are regulated under the framework as set out in the Act. One of the key differences between private mines versus new mines is that the draft MOP does not require formal public or council consultation.

It is understood that the MOP has, to date, not been approved by the State Government.

The purpose of this motion is to obtain a clarification from the DEM, following their letter to Council dated 02 May 2023, as to whether or not the Minister has the legislative power to over-rule a decision of the Director, should the Director approve [or reject] the revised MOP. Further, to seek clarification from DEM as to on what basis the Director is capable of considering the revised MOP, given that the revised MOP is predicated on Hanson acquiring a portion of a Council public road [Horsnell Gully Road], together with Council reserve [community] land, noting that Council has made no decision whatsoever, to date, to dispose [or otherwise] of these public assets to Hanson.

3. OFFICER’S RESPONSE – Karen Cummings, Manager Property Services

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

Strategic Plan 2020-24 – A brighter future

Goal 5 A progressive organisation

Objective 05 We are accountable, informed, and made decisions in the best interests of the whole community.

Priority 05.2 Make evidence based decisions and prudently assess the risks and opportunities to our community before taking action.

➤ **Legal Implications**

There are no legal implications associated with writing to the proposed recipient seeking further information on the decision making powers relating to the revised Mining Operations Plan for White Rock Quarry.

➤ **Risk Management Implications**

There are no risk management implications associated with writing to the Minister seeking further information on the decision making powers relating to the revised Mining Operations Plan for White Rock Quarry.

➤ **Financial and Resource Implications**

There are no financial implications associated with writing to the proposed recipient seeking further information on the decision making powers relating to the revised Mining Operations Plan for White Rock Quarry. There are some minor resource implications by way of time spent drafting letters, reviewing responses and tabling reports to Council regarding this matter.

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

There are no customer services/community or cultural implications associated with writing to the proposed recipient seeking further information on the decision making powers relating to the revised Mining Operations Plan for White Rock Quarry.

➤ **Sustainability Implications**

There are no sustainability implications associated with writing to the proposed recipient seeking further information on the decision making powers relating to the revised Mining Operations Plan for White Rock Quarry.

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

No engagement was undertaken in the preparation of this report.

4. ANALYSIS

In relation to part 1 (a) of the Motion, a copy of the letter received from the Acting Executive Director, Mineral Resources Division, Department for Energy and Mining, dated 2 May 2023 is contained in **Appendix 1**.

Council owns an area of public (but unmade) road known as Horsnell Gully Road of which a portion traverses through the White Rock Quarry at Horsnell Gully. In addition to this, Council owns a 668 sqm parcel of community land adjacent to a portion of the unmade section of Horsnell Gully Road within the quarry site. See **Appendix 2** for details.

In June 2021, formal correspondence was received from Hanson, as operator of the White Rock Quarry, requesting that Council close and purchase the abovementioned area of road and also sell the separate community land parcel to Hanson. Following some internal investigations into the request to purchase the road and community land a workshop/briefing session was held with Council in March 2022 regarding its options in relation to the request. It should be noted that Council has not formally considered this request and a separate report on this matter may be submitted due course.

Some of the issues for consideration in a future report will be the options available to Council in considering the request, as well as relevant legislation including the *Local Government Act 1999*, the *Roads Opening and Closing Act 1991 (SA)* and also the *Mining Act 1971*. Consideration of those pieces of legislation including what entities have legislative power to make decisions in relation to any requests that have been put before Council in terms of land transfers will be key issues addressed in any future report.

5. APPENDICES

- (1) Letter from Department for Energy and Mining dated 2 May 2023
- (2) Council owned public road and community land parcel

Appendix 1

*Letter from Department of Energy and Mining dated 2 May
2023*



Government
of South Australia

Department for
Energy and Mining

Our Ref: DEMC23/00561

Mr David Waters
Acting Chief Executive Officer
Adelaide Hills Council
PO Box 44
WOODSIDE SA 5244
Via email: mail@ahc.sa.gov.au

Dear Mr Waters

Thank you for your letter to the Chief Executive, Dr Paul Heithersay, regarding proposed expansion of Hanson Construction Materials Ltd (Hanson) White Rock Quarry. As this matter falls under the responsibility of the Mineral Resources Division, I have been asked to provide a response on his behalf.

I appreciate the Adelaide Hills Council's ongoing interest in the assessment of a revised Mine Operations Plan (MOP) for the White Rock Quarry and the questions you have posed seeking clarification for your Council.

As you identified, on 23 December 2020 the Department for Energy and Mining (DEM) received Hanson's revised MOP for assessment. The MOP sets the regulatory framework for Hanson's operations by considering potential environmental impacts and the proposed strategies to manage those impacts. Following its submission, DEM in collaboration with technical experts from the Environment Protection Authority (EPA), the Department for Environment and Water (DEW), and other relevant agencies, undertook an extensive review of the MOP. On 28 July 2021, DEM notified Hanson that it had determined that alterations were required for the MOP review to meet the requirements of the *Mining Act 1971* and expectations of contemporary quarrying. Hanson were required to revise the MOP and re-submit addressing these matters by 28 January 2022.

Mineral Resources Division

Address L7/11 Waymouth St Adelaide 5000 | GPO Box 320 Adelaide SA 5001

Tel (+61) 08 8463 3000 | Email DEM.CustomerServices@sa.gov.au | www.energymining.sa.gov.au | ABN 83 768 683 934





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of South Australia

Department for
Energy and Mining

On 31 March 2023, after two extension requests that were approved by DEM, Hanson submitted a revised MOP in response to DEM's request for alterations. The document currently under review can be found on Hanson's website. DEM, in collaboration with technical experts from the EPA, DEW and SA Health, are currently assessing the MOP against the required alterations and requirements of the *Mining Act 1971*. Pending the outcome of the assessment, the MOP will either be approved, or government will request further alterations.

At this stage the assessment is expected to be complete within 3 months.

On 20 May 2022, DEM issued a compliance order to Hanson for non-compliance with the current MOP in relation to offsite release of sediment-laden stormwater into Third Creek following heavy rainfall events.

As of April 2023, Hanson has progressed the construction of new sediment basin infrastructure to provide additional capacity for the passive treatment of sediment laden stormwater captured during rainfall events. In addition, a new diversion channel to divert clean surface water flows from an area undisturbed by quarry operations around the sediment basin has been completed. This channel reduces the volume of water entering the disturbed area of the quarry and passive stormwater treatment process, directing clean water flows into Third Creek.

The compliance direction also requires Hanson to commence active treatment, using flocculants, to accelerate the removal of sediment from water. This action cannot occur until DEM and the EPA are satisfied any proposed flocculant product is suitable, will not cause harm to the environment or freshwater ecosystems, and that adequate systems and controls are in place to manage flocculant use.

Once the related infrastructure works are completed and the proposed flocculants to be used are endorsed by regulators, the addition of active flocculant to stormwater within a purpose-built sediment basin will occur.

Completion of the basin and flocculant treatment system is anticipated prior to winter 2023.

DEM and the EPA will continue to closely monitor the construction, commissioning, and operation to ensure Hanson complies with operational approvals and relevant environmental standards.



Government
of South Australia

Department for
Energy and Mining

As you highlight, the EPA are also taking action to ensure Hanson is managing sediment discharge from the site. Whilst the EPA and DEM work as co-regulators, DEM cannot provide detailed updates on EPA regulatory activities. The EPA is currently maintaining a White Rock Quarry webpage, <https://engage.epa.sa.gov.au/white-rock-quarry-hanson>, which provides updates on all the actions the EPA are undertaking at the site.

Finally, I can clarify the *Mining Act 1971* sets out the decision-maker for MOP's is the Director of Mines, currently that statutory position is held by the Chief Executive, Dr Paul Heithersay.

Thank you for your letter and I hope this response addresses the questions you have raised. DEM will continue to provide updates on its website through the White Rock page as new information is received or key milestones achieved. If you, or your staff, have any further queries, please direct them to the Mining Regulation central mailbox dem.miningregrehab@sa.gov.au and they will be allocated the relevant officer for actioning.

Yours sincerely

A handwritten signature in black ink, appearing to read 'B Zammit'.

Benjamin Zammit
A/EXECUTIVE DIRECTOR
MINERAL RESOURCES DIVISION

02/05/2023

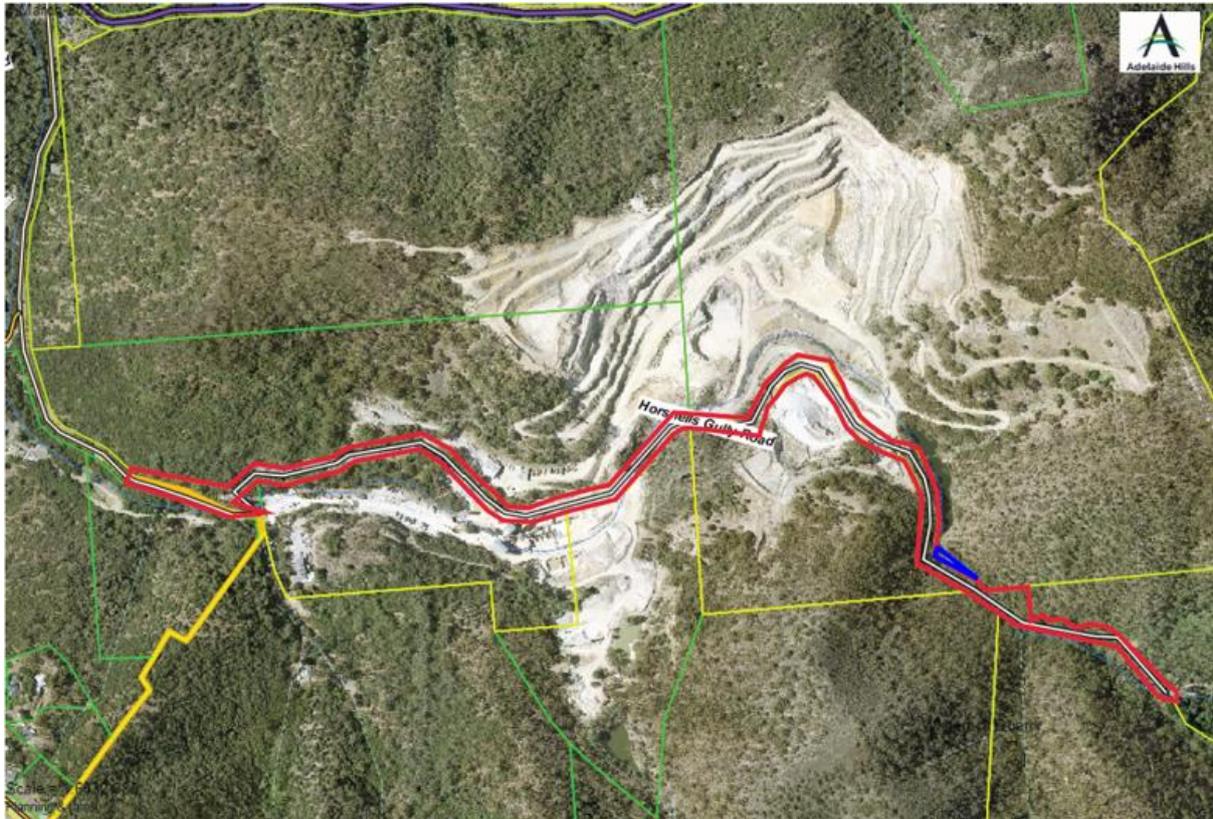
Cc: pwilliams@ahc.sa.gov.au

Appendix 2

Council owned public road and community land parcel

Whiterock Quarry Council land parcels

Road parcel highlighted in red, community land parcel highlighted in blue below:



Community land parcel (zoomed in) highlighted in red below:



**ADELAIDE HILLS COUNCIL
ORDINARY COUNCIL MEETING
Tuesday 11 July 2023
AGENDA BUSINESS ITEM**

| | |
|-----------------------------|---|
| Item: | 12.1 |
| Responsible Officer: | Rebecca Shepherd Acting Director Community Capacity Community Capacity |
| Subject: | Statement of Commitment and Our Watch’s Prevention Toolkit Implementation Plan |
| For: | Decision |

SUMMARY

At its meeting held on 28 February 2023, as part of a resolution regarding violence against women and children, Council resolved to adopt the Our Watch Prevention Toolkit for Local Government (the Toolkit).

The Toolkit recommends that local councils begin their prevention work by making a statement of commitment to help prevent violence against woman and their children in their workplaces and communities. A proposed *Statement of Commitment* (the “Statement”) has been developed to align with the National Plan and is based on the recommended wording provided in the Toolkit. The Statement has been provided as **Appendix 1**.

The *proposed Toolkit Implementation Plan* (the “Implementation Plan”) contained in **Appendix 2** has also been prepared to outline the staged activities recommended in the Toolkit, along with the proposed timeframes, deliverables, and resourcing for achieving the desired outcomes.

The purpose of this report is to provide the proposed Statement and Implementation Plan to Council for consideration and adoption.

RECOMMENDATION

Council resolves:

- 1. That the report be received and noted.**
- 2. To adopt the following *Statement of Commitment*:**

Adelaide Hills Council recognises that violence against women and their children affects the entire Australian community. We recognise our responsibility to help reduce violence against women and their children.

We recognise that gender-based violence is predominantly perpetrated by men against women, and thus believe action and support needs to be focused on preventing violence against women and their children. We also acknowledge gender-based violence can affect people of all genders, sexualities, cultures, religions, ages, educational backgrounds, and income levels.

Council values the services, organisations and individuals that are already working in our community to prevent violence against women and their children, and to support families in crisis. We recognise the knowledge and commitment of these groups and wish to support and encourage their ongoing contribution.

We believe that preventing violence against women and their children is everyone’s business and we are committed to working with the whole community to end violence against women and their children.

As part of renewing our commitment, we will:

- ***Implement Our Watch's Prevention Toolkit for Local Government***
- ***Demonstrate leadership in primary prevention of violence against women and their children***
- ***Raise employee and community awareness of the drivers and consequences of violence against women and their children***
- ***Provide a safe, inclusive and respectful working environment***
- ***Provide information to Council staff about ways they can prevent violence against women in their work and the services they deliver to community***
- ***Advocate for gender equality in planning, decision-making and service delivery across local government.***

Council is committed to making changes to create a future that is free from violence against all women and their children.

3. **To endorse the proposed *Toolkit Implementation Plan* as contained in Appendix 2.**
-

1. BACKGROUND

The proposed Statement and Implementation Plan have been prepared as key preparatory steps in actioning the following Council resolution, carried unanimously at the 28 February 2023 Council Meeting:

11.1 Violence Against Women

Moved Cr Louise Pascale
S/- Cr Pauline Gill

40/23

I move that Council:

1. Notes the *National Plan to End Violence Against Women and Children 2022-2032 (Appendix 1)*;
2. Recognises that violence against women and children is one of the most widespread violations of human rights in our community;
3. Is committed, where possible, to helping its community end violence against women and children in the Adelaide Hills Council region;
4. Requests that the CEO implement the Our Watch’s Prevention Toolkit for Local Government by 31 October 2023 so that they may be able to inform Council on how best to assist in helping its community end violence against women and children within our region.

| |
|---------------------|
| Carried Unanimously |
|---------------------|

2. ANALYSIS

➤ Strategic Management Plan/Functional Strategy/Council Policy Alignment

Strategic Plan 2020-24 – A brighter future

| | |
|---------------|---|
| Goal 2 | Community Wellbeing |
| Objective C4 | An active, healthy, thriving and resilient community |
| Priority C4.1 | Support community wellbeing through our contribution to public health planning, disaster recovery activities and the implementation of strategies that aim to measure and enhance wellbeing |

Community initiatives to help prevent violence against women and children align with Council’s strategic commitment to contribute to public health planning, as well as promoting the wellbeing of individuals, families, and communities.

| | |
|---------------|---|
| Goal 5 | A Progressive Organisation |
| Objective O1 | We have the right people with the right knowledge and skills in the right jobs and they are supported and developed |
| Priority O1.1 | Progressively enhance our safe systems of work to maintain emotional and physical safety of our people. |

Developing internal practices that help keep employees safe from domestic and family violence (DFV) aligns with Council’s strategic commitment of improving systems to protect the health and safety of our workforce.

| | |
|---------------|--|
| Goal 5 | A Progressive Organisation |
| Objective O4 | We actively represent our 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. |

Local governments are well placed to influence and advocate for change, on behalf of their communities, to reduce violence against women and children through existing partnerships, networks, and systems.

DFV impacts on the health and wellbeing of children. The *Regional Public Health and Wellbeing Plan 2022-27 for the Southern and Hills LGA* (adopted by Council on 27 September 2022) identifies children as a priority population group for public health planning and intervention.

➤ **Legal Implications**

The *Local Government Act 1999* includes roles, functions, and principles relevant to local government responsibilities to help prevent violence against women and their children, including:

- Providing for the welfare, well-being and interests of individuals and groups within its community (Section 7(c))
- Establishing or supporting organisations or programs that benefit people in its area or local government generally (Section 7(h))
- Participating with other councils, and with State and national governments, in setting public policy and achieving regional, State, and national objectives (Section 8(c)).

Sections 51 and 52 of the *Public Health Act 2011* require councils to prepare, maintain and report on a Regional Public Health Plan (RPHP) that is consistent with the State Public Health Plan and responds to public health challenges within their local area or region.

Council has duties under the *Work Health and Safety Act 2012* to eliminate and minimise the risks to the health and safety of workers so far as is reasonably practicable, including the risks of perpetrators of DFV threatening, intimidating, or carrying out violence on a partner or family member at the workplace, including working from home. This means proactively managing the risks of family and DFV happening at the workplace, such as considering when, where and how Council’s workers might be exposed to DFV and managing those risks by implementing control measures.

➤ **Risk Management Implications**

Communicating Council’s commitment to a role in preventing DFV and implementing the Toolkit will assist in mitigating the risk of:

Failure to influence and advocate for social change to reduce DFV, leading to sustained or increased prevalence of DFV in our region.

| Inherent Risk | Residual Risk | Target Risk |
|---------------|---------------|-------------|
| High (4C) | High (4C) | Low (2D) |

➤ **Financial and Resource Implications**

Estimated total of \$43k for Toolkit implementation over the 2023-24 and 2024-25 financial years, as per the itemised Toolkit stages in **Appendix 2**. Due to the relatively recent development of this initiative within Council, the adopted Long Term Financial Plan and budget do not fully accommodate these costs. It may be necessary to consider the first year

costs at a Budget Review and then accommodate future costs in the next review of the Long Term Financial Plan.

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

The proposed Statement and Implementation Plan provide clarity for the community regarding the scope of Council’s role in helping to prevent violence against women and their children. Committing to a role in primary prevention means supporting a whole-of-population approach to address the drivers of violence against women and their children.

➤ **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: The draft Statement and Implementation Plan was discussed at the Council Members Information or Briefing Session on Tuesday 20 June 2023, along with a professional development presentation by Professor Sarah Wendt (Flinders University).

Advisory Groups: Not Applicable.

External Agencies: Not Applicable.

Community: Not Applicable.

➤ **Additional Analysis**

Violence against women and children is one of the most widespread violations of human rights worldwide and is condemned by international human rights law. The *United Nations Declaration on the Elimination of Violence against Women* (1993) recognises that violence against women and girls is rooted in historically unequal power relations that view women and girls as subordinate to men and boys. While all experiences of violence, abuse or harassment are different, statistics show that most violence against women in Australia is perpetrated by men, and most victims and survivors are women.

In Australia, violence against women is a broad term used to refer to different types of violence, including domestic violence, family violence, intimate partner violence, sexual harassment, and sexual assault. Most domestic and family violence and violence against women is intimate partner violence (perpetrated by a current or former partner). However, violence against women and their children is also perpetrated in other settings, including at school and university, in the workplace, in prisons, institutions and other segregated settings, online or in the community.

As reported in the National Plan, violence against women and children is a problem of epidemic proportions in Australia:

- One in 3 women has experienced physical violence since the age of 15, and one in 5 has experienced sexual violence
- On average, a woman is killed by an intimate partner every 10 days
- Rates of violence are even higher for certain groups, such as Aboriginal and Torres Strait Islander women, women with disability, and migrant and refugee women
- A woman is also more likely to experience violence at particular life stages, such as while pregnant or while separating from a relationship.

According to the *Australian Bureau of Statistics’ (ABS) 2021-22 Personal Safety Survey (PSS)*, an estimated 279,300 women in South Australia (39%) have experienced violence (physical and/or sexual) since the age of 15, including:

- 21% (151,400) who experienced sexual violence
- 31% (220,000) who experienced physical violence.

The National Plan highlights the ‘ripple effects’ of violence against women and their children on:

- The economy (the cost of violence against women and their children is estimated at \$26 billion a year)
- The community (e.g., DFV is a leading driver of homelessness for women and their children)
- Children and families (e.g., women who experience partner violence during pregnancy are 3 times as likely to experience depression, while children exposed to DFV may experience trauma symptoms, including PTSD, as well as long-lasting effects on their development, behaviour and wellbeing)
- Victim-survivors (e.g., intimate partner homicide is the most prevalent homicide type in Australia, and among women 18 to 44 years, violence against women is the single biggest risk factor contributing to disease burden; more than smoking, drinking or obesity).

Our Watch, a national leader in the primary prevention of violence against women and their children in Australia, have identified local councils as being well positioned to take a leading role in the prevention of violence against women and children in their communities. To assist and guide local councils in taking up this role, Our Watch have provided an online Prevention Toolkit for Local Government (<https://localgov.ourwatch.org.au/localgovtoolkit/>). Both the proposed Statement of Commitment in **Appendix 1** and the proposed staged initiatives in **Appendix 2** are closely based on the Toolkit contents.

Together, the proposed Statement and Implementation Plan specify a clear role for Council focused on *primary prevention*, which aims to stop violence before it happens. Primary prevention initiatives work with whole populations – not just individuals who are at risk of perpetrating or experiencing violence. Primary prevention means addressing and raising workforce and community awareness of the key underlying drivers of DFV, which the National Plan identifies as:

- Condoning of violence against women
- Structures and practices that limit women’s independence, participation in the workforce and perpetuate the gender pay gap and the superannuation gap
- Dominant forms of masculinity and rigid gender stereotyping
- Male peer relations and cultures of masculinity that emphasise aggression, dominance, and control.

Adhering to the Toolkit’s recommended wording for the Statement (**Appendix 1**) and recommended activities (**Appendix 2**) will clarify for the community and stakeholders that Council’s role is focused on primary prevention rather than other kinds of interventions in this space (illustrated below), such as early intervention, response, or recovery roles.

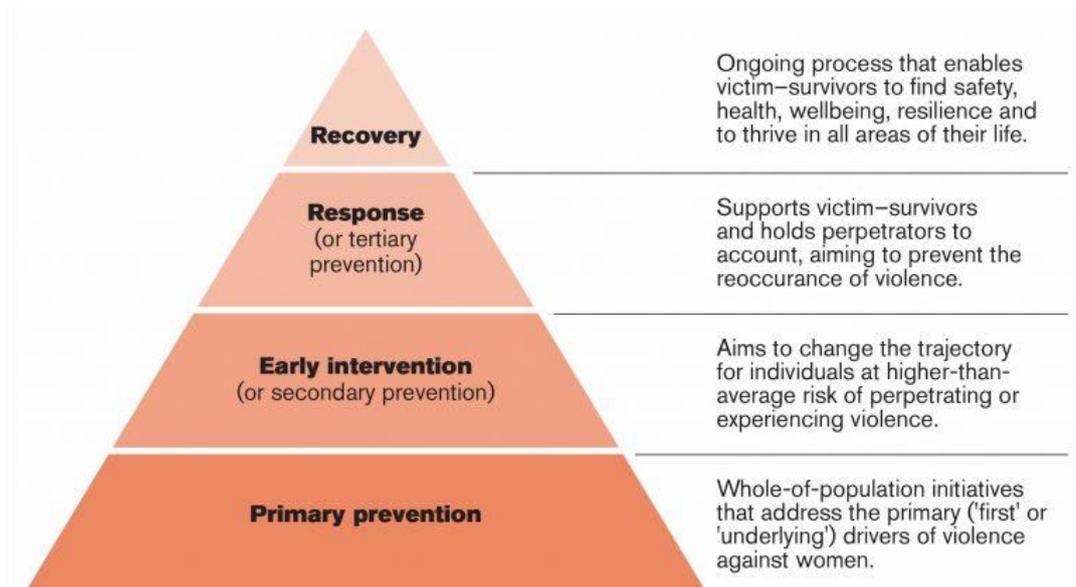


Figure 1 The relationship between primary prevention and other work to address violence against women (Source: <https://action.ourwatch.org.au/what-is-prevention/what-is-primary-prevention-of-violence-against-women/>)

By aligning Council’s work with the Toolkit, and through building partnerships with relevant stakeholders in the community, the important focus on primary prevention will be reinforced.

3. OPTIONS

Council has the following options:

- I. To adopt the *proposed Statement of Commitment* and endorse the *proposed Toolkit Implementation Plan* (Recommended)
- II. To otherwise amend the *proposed Statement of Commitment* or *proposed Toolkit Implementation Plan*. Should the Council identify the need for substantial amendments to either, it is recommended that they be referred to staff for review to allow for analysis of the implications of the amendments, prior to the matter being brought back to the Council for further consideration.

- III. To not adopt the *proposed Statement of Commitment* and not endorse the *proposed Toolkit Implementation Plan* (Not Recommended).

4. APPENDICES

- (1) Proposed Statement of Commitment
- (2) Proposed Toolkit Implementation Plan

Appendix 1

Proposed Statement of Commitment

Proposed Statement of Commitment

Adelaide Hills Council recognises that violence against women and their children affects the entire Australian community. We recognise our responsibility to help reduce violence against women and their children.

We recognise that gender-based violence is predominantly perpetrated by men against women, and thus believe action and support needs to be focused on preventing violence against women and their children. We also acknowledge gender-based violence can affect people of all genders, sexualities, cultures, religions, ages, educational backgrounds, and income levels.

Council values the services, organisations and individuals that are already working in our community to prevent violence against women and their children, and to support families in crisis. We recognise the knowledge and commitment of these groups and wish to support and encourage their ongoing contribution.

We believe that preventing violence against women and their children is everyone's business and we are committed to working with the whole community to end violence against women and their children.

As part of renewing our commitment, we will:

- Implement Our Watch's Prevention Toolkit for Local Government
- Demonstrate leadership in primary prevention of violence against women and their children
- Raise employee and community awareness of the drivers and consequences of violence against women and their children
- Provide a safe, inclusive and respectful working environment
- Provide information to Council staff about ways they can prevent violence against women in their work and the services they deliver to community
- Advocate for gender equality in planning, decision-making and service delivery across local government.

Council is committed to making changes to create a future that is free from violence against all women and their children.

Appendix 2

Proposed Toolkit Implementation Plan

Our Watch's Prevention Toolkit for Local Government

Proposed Toolkit Implementation Plan (2023-25)

| Stage 1 – Get prepared | | | |
|---|---|--|--|
| July – September 2023 | | | |
| Initiative / action | Project lead | Intended outcomes | Financial and resource implications |
| <p>Make a statement of commitment</p> <p>Communicate Council's statement of commitment to workforce and community</p> | <p>Community & Social Planning Officer</p> <p>Manager Community Development</p> | <p>Council has endorsed a statement of commitment</p> <p>Council has communicated its commitment to its staff, volunteers, partners, and community, to influence social change</p> | <p>Achievable within operating budget and staff capacity</p> |
| <p>Put out an Expression of Interest to all staff seeking nominations for an internal Working Group</p> | <p>Community & Social Planning Officer</p> | <p>Staff members are identified who have an interest and commitment to preventing violence against women</p> | <p>Achievable within operating budget and staff capacity</p> |
| <p>Establish an internal Working Group</p> | <p>Community & Social Planning Officer</p> | <p>Staff members are appointed to the internal Working Group.</p> <p>Working Group members have agreed on Terms of Reference and a self-care plan</p> | <p>Achievable within operating budget and staff capacity</p> |

| Stage 2 – Set up internal practices | | | |
|--|--|--|-------------------------------------|
| July 2023 – June 2024 | | | |
| Initiative / action | Project lead | Intended outcomes | Financial and resource implications |
| <p>Develop a Workplace Safety Plan (WSP)</p> | <p>Community & Social Planning Officer</p> | <p>A WSP is developed (in consultation with expert DFV services) for use when an</p> | <p>Stage 2 resourcing \$23,000</p> |

| | | | |
|--|---|---|--|
| | | employee discloses that they are experiencing DFV | |
| Develop a new internal Domestic and Family Violence (DFV) Policy | Community & Social Planning Officer | A new DFV Policy is developed to support employees affected by domestic and family violence | |
| Activate new WSP and DFV Policy | Community & Social Planning Officer | Workforce is aware of and understands the WSP and DFV Policy Induction materials are updated People Leaders and Volunteer Leaders are confident in using the new WSP and DFV Policy | |
| Conduct a gender equity audit | Project lead/consultant TBC | Specific opportunities to address gender inequality are identified | |
| Develop a Gender Equity Action Plan | Project lead/consultant TBC | The audit findings are used to develop a Gender Equity Action Plan, with specific actions to increase gender equity | |
| Communicate Gender Equity Action Plan to workforce and community | Manager Community Development or Manager People and Culture | Workforce and community are aware of and understand the Gender Equity Action Plan and how they can contribute | |
| Provide staff with training and resources | Community & Social Planning Officer | Increase in workforce understanding of gendered violence, and how they can help prevent it | |

Stage 3 – Take action in our community

October 2023 – June 2025

| Initiative / action | Project lead | Intended outcomes | Financial and resource implications |
|---------------------------------|-------------------------------------|---|-------------------------------------|
| Identify community stakeholders | Community & Social Planning Officer | Community stakeholders are identified for Council | Stage 3 resourcing \$20,000 |

| | | | |
|--|-------------------------------------|---|--|
| | | to partner with on prevention activities | |
| Engage Council Members | Manager Community Development | Council Members are included in Council-community action to prevent violence against women | |
| Run an annual campaign (e.g., 25 November to 10 December, to align with the UN's 16 Days of Activism against Gender-Based Violence) | Community & Social Planning Officer | A community campaign is run to raise awareness and activate a whole-of-community approach to prevention | |
| Invite the community to collaborate with Council on prevention initiatives | Community & Social Planning Officer | A communications plan is developed to support community involvement in Council's prevention initiatives | |
| Conduct a community readiness assessment | Community & Social Planning Officer | Council understands local community attitudes and knowledge of violence against women, and what types of initiatives might work best in its community | |
| Run a co-design process with the community | Community & Social Planning Officer | A co-design process is used to plan a prevention initiative with local community stakeholder | |
| Implement a prevention initiative in partnership with stakeholders | Community & Social Planning Officer | The planned prevention initiative is implemented and evaluated | |

Stage 4 – Share and improve

June 2025

| Initiative / action | Project lead | Intended outcomes | Financial and resource implications |
|------------------------|-------------------------------------|--|-------------------------------------|
| Gather and report data | Community & Social Planning Officer | Indicators for measuring progress and participation are developed. | TBA |

| | | | |
|---|-------------------------------------|--|--|
| | | Data is collected and analysed to measure the effectiveness and impact of our prevention work. | |
| Communicate the results and celebrate successes | Community & Social Planning Officer | Evaluation outcomes shared with Council Members, workforce, local stakeholders, and broader community. | |
| Plan improvements | TBC | <p>Opportunities to support/partner with other councils in our region are explored.</p> <p>New goals and initiatives are explored and planned.</p> | |

**ADELAIDE HILLS COUNCIL
ORDINARY COUNCIL MEETING
Tuesday 11 July 2023
AGENDA BUSINESS ITEM**

Item: 12.2

Responsible Officer: Melissa Grimes
Governance Consultant
Office of the Chief Executive

Subject: Policy Reviews – *Code of Practice for Council Meeting Procedures and Code of Practice for Access to Council and Council Committee and Information or Briefing Session Meetings & Documents*

For: Decision

SUMMARY

Council has previously considered the review of its *Code of Practice for Council Meeting Procedures and Code of Practice for Access to Council and Council Committee and Information or Briefing Session Meetings & Documents* at the 14 February 2023 Council Meeting following a workshop held on 17 January 2023.

After initial consideration of the Codes, it was resolved that they be brought to the Elected Body in a workshop so the newly Elected Body has the opportunity to fully explore and understand both the code in its current form and the implications of the proposed changes.

Further consultation was undertaken which included Council Member feedback platforms and a presentation at its 3 July 2023 Workshop. Following feedback from Council Members, Administration has consolidated all responses and now provides the final draft versions for Council consideration.

RECOMMENDATION

Council resolves:

1. That the report be received and noted.
2. That Council in relation to the *Code of Practice for Council Meeting Procedures*:
 - a. With an effective date of 17 July 2023, to revoke the 22 March 2022 *Code of Practice for Council Meeting Procedures* and adopt the 11 July 2023 *Code of Practice for Council Meeting Procedures*, as contained in Appendix 1.
 - b. That the Chief Executive Officer be authorised to make any formatting, nomenclature or other minor changes to the 11 July 2023 *Code of Practice for Council Meeting Procedures* prior to the effective date.

- 3. That Council in relation to the *Code of Practice for Access to Council and Council Committee and Information or Briefing Session Meetings & Documents*:**
- a. Approve the proposed *Code of Practice for Access to Council, Council Committee and Designated Informal Gathering Meetings & Documents*, as contained in Appendix 2, for public consultation in accordance with the provisions of Council’s *Public Consultation Policy* and for the further report to be provided to Council following the consultation process.**
 - b. That the CEO be authorised to:**
 - i. Make any formatting, nomenclature or other minor changes to the Code prior to being released for public consultation and**
 - ii. Determine the consultation timings, media and processes while ensuring consistency and compliance with the provisions of applicable legislation and Council’s *Public Consultation Policy*.**
-

1. BACKGROUND

Code of Practice for Council Meeting Procedures (COPMP)

The *Local Government (Procedures at Meetings) Regulations 2013* specifies the statutory procedures to be undertaken during the operation of both Council and Council Committee Meetings. Under these Regulations, Council may adopt a Code of Practice for Meeting Procedures that either varies or compliments certain regulations, if they are capable of variation.

Further, sections 86(8) and 89(1) of the *Local Government Act 1999* provides that if a procedure is not prescribed by Regulation, Council can determine its own procedure so long as it is not inconsistent with the Act or Regulations.

The Council may, at any time, by resolution supported by at least two-thirds of the Members, alter or substitute or revoke its Code of Practice.

Adelaide Hills Council has had successive COPMPs for many years and at each review of the COPMP, incremental changes are made in relation to the discretionary elements of the code following Council Member input.

Code of Practice for Access to Council and Council Committee and Information or Briefing Session Meetings & Documents (COPA)

It is mandatory under the *Local Government Act 1999* – Section 92, for Council to prepare and adopt a code of practice relating to the principals, policies and procedures and practices that the Council will apply for the purposes of access to meetings and documents.

This Code sets out the commitment of Council to provide public access to Council, Council Committee, Information Briefing Sessions and documents and outlines the policies and procedures contained within the *Local Government Act 1999*, to restrict public access when necessary.

In consultation with Council Members, Administration has reviewed the document and have proposed minor amendments as indicated in track changes in the attached document.

Pursuant to Section 92(5) of the *Local Government Act 1999*, Council must undertake public consultation on the draft review of the COPA for a period of not less than 21 days.

2. ANALYSIS

➤ Strategic Management Plan/Functional Strategy/Council Policy Alignment

Strategic Plan 2020-24 – A brighter future

Goal 5 A Progressive Organisation

Objective O5 We are accountable, informed and make decisions in the best interests of the whole community

Priority O5.1 Enhance governance structure and systems to prudently adapt to changing circumstances and meet our legislative obligations

Council, committee and information or briefing session meetings are an important window for the community to see these principles in action and the adoption of a robust and legislatively compliant suite of meeting procedures facilitates this process.

In addition to the two codes, other policies relevant to this report are:

- *Petitions Policy;*
- *Information or Briefing Session Policy; and*
- *One Team – Communication Protocols for Council Members and the Administration*

➤ Legal Implications

Code of Practice for Council Meeting Procedures

Chapter 6 of the *Local Government Act 1999*(the Act) sets out the legislative requirements regarding (Part 1) Council meetings.

Section 86 states that, subject to the Act, the procedures to be observed at a meeting of a council will be:

- a) As prescribed by regulation;
- b) Insofar as the procedure is not determined by regulation – as determined by the council.

The *Local Government (Procedures at Meetings) Regulations 2013* (the Regulations), set out the procedures to be followed in council and council committee meetings.

The Regulations (Part 2, Division 2) prescribe a number of procedures that must be complied with for:

- a) The meetings of council;
- b) The meetings of council committees performing regulatory functions; and
- c) The meetings of any other council committee if the council has by resolution, determined that Part 2 should apply to that committee.

Regulation 6 states that where a provision of Part 2 is capable of being varied at the discretion of Council, then the Council may, by a resolution supported by at least **two-thirds of the council members**, determine that a code of practice be adopted that establishes its own procedures for matters which will apply in substitution of the relevant provision in Part 2. There is no requirement for public consultation.

The *Statutes Amendment (Local Government Review) Act 2021* resulted in a small number of legislative changes that impact on the COPMP, these are set out in the Additional Analysis section below.

Code of Practice for Access to Council and Council Committee and Information or Briefing Session Meetings & Documents (COPA)

Section 92 of the *Local Government Act 1999* (the Act) sets out the provisions relating to the Code as follows:

92—Access to meetings and documents—code of practice

- (1) A council must prepare and adopt a code of practice relating to the principles, policies, procedures and practices that the council will apply for the purposes of the operation of Parts 3 and 4.

- (2) A council must, within 12 months after the conclusion of each periodic election, review the operation of its code of practice under this section.
- (3) A council may at any time alter its code of practice, or substitute a new code of practice.
- (4) A code of practice must include any mandatory provision prescribed by the regulations.
- (5) Before a council adopts, alters or substitutes a code of practice under this section it must undertake public consultation on the proposed code, alterations or substitute code (as the case may be).

➤ **Risk Management Implications**

Ensuring the currency of practical and legislatively compliant meeting and document access 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**

Costs and resourcing associated with Council meetings are accommodated in the Governance & Performance Department budget and establishment.

➤ **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 the public have a reasonable opportunity to engage and observe with these meetings and access documents.

➤ **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: While the COPA applies to council committees, they were not consulted in the preparation of the report. The COPMP does not apply to committees.

Council Workshops: A workshop/professional development session was held with Council Members on 17 January 2023 and 3 July 2023 in relation to the provisions of the COPMP and the COPA.

Advisory Groups: While the COPA applies to advisory groups, they were not consulted in the preparation of the report. The COPMP does not apply to advisory groups.

External Agencies: Office of Local Government
Local Government Association

Community: Not Applicable

➤ **Additional Analysis**

Code of Practice for Council Meeting Procedures

The key changes proposed to the COPMP (**Appendix 1**) are as follows:

1. Clarification of applicable legislative provisions (clause 1.1.2)
2. Removal of references to participation by electronic means (clause 1.3)
3. Additional notification provisions regarding Special Meetings with less than 24 hours' notice (clause 2.2.8)
4. Moderating the requirements to bring an item forward in an agenda (clause 3.2.1)
5. Insertion of a clause to provide guidance regarding the adjournment of a meeting (clause 3.3.5)
6. Clarification on the commencement of a leave of absence (clause 3.5.5)
7. Update and clarification of declaration of interest provisions (clause 3.7)
8. Addition to the petition reports (clause 3.10.2)
9. Addition to the depute bona fides requirements (clause 3.11.7)

10. Formatting amendments to 3.13.4
11. Clarification of liability for information provided by Members (clauses 3.14.1 and 3.15.4)
12. Addition of may consult with the Mayor prior to the lodgement of a Motion on Notice (clause 3.15.1)
13. Amending the Council Resolutions Update to be provided monthly (clause 3.16.10)
14. Inclusion of “to all Council Members” in 3.17.3 therefore a question that is accepted and taken on notice, the reply will be provided to all Council Members.
15. Additional wording to refer to applicable clause 3.18.1
16. Removed the restriction on recording prescribed meeting attendance if notified by Council Member (clause 3.19.1)
17. Addition to the contents of the CEO Report (clause 3.21.1)
18. Removal of references to participation by electronic means (clause 4.1)
19. Expansion of the provisions relating to the prevention of inaccurate or misleading information during debates by including Council Members and updating reference to the new Behavioural Standards (clauses 4.2.5-6)
20. 4.6.1 minor wording amendments to change he/she to they.
21. 4.7.10 addition to voting process for appointment to positions.
22. New Inclusion of the provisions regarding the suspension of Council Members from a meeting for disrupting a meeting 4.12
23. Clarification of provisions applying to any exclusion of member in accordance with the LG Act 4.12.2 and 4.12.3
24. 4.13.2 clarification that Reg 29 requires a resolution of Council in contrast to clause 4.12
25. 5.3.6 Minor amendments in relation to new provisions of the conflict of interest declaration and the manner in which the majority of members vote.

Code of Practice for Access to Council and Council Committee and Information or Briefing Session Meetings & Documents (COPA)

The key changes proposed to the COPA (**Appendix 2**) are as follows:

1. Clarification of applicable legislative provisions relating to Information or Briefing Sessions (clause 5.2)
2. Clause 6.5 amended wording to clarify meeting will be recorded and updated references to streaming platform rather than social media channel.
3. Clause 6.6 clarify workshop will be recorded.
4. Clause 8.2 to include relevant section of *Local Government Act 1999*
5. Clarification regarding the review and release provisions of confidentiality orders – Clause 12
6. Clause 14 to included references for what is considered a Council document.

7. Clause 14.6.3 updated to reflect current address to receive Freedom of Information requests.

Public consultation on the draft COPA will be undertaken in accordance with the provisions of Council's *Public Consultation Policy* and for the further report to be provided to Council following the consultation process.

3. OPTIONS

Council has the following options:

- I. That in relation to the *Code of Practice for Council Meeting Procedures*:
 - i. to approve the proposed Code. (Recommended)
 - ii. To determine not to approve the proposed Code at this time, potentially to make further changes to the Code.
- II. That in relation to the *Code of Practice for Access to Council and Council Committee and Information or Briefing Session Meetings & Documents*:
 - i. to approve the proposed Code for public consultation in accordance with the *Public Consultation Policy*. (Recommended)
 - ii. To determine not to approve the proposed Code for public consultation at this time, potentially to make further changes to the Code.

4. APPENDICES

- (1) *Code of Practice for Council Meeting Procedures (draft) – 11 July 2023*
- (2) *Code of Practice for Access to Council and Council Committee and Information or Briefing Session Meetings & Documents (draft) – 11 July 2023*

Appendix 1

Code of Practice for Council Meeting Procedures (draft)

– 11 July 2023



Council Policy

Code of Practice for Council Meeting Procedures



COUNCIL POLICY

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|  <p>Adelaide Hills COUNCIL</p> | <h2>CODE OF PRACTICE FOR COUNCIL MEETING PROCEDURES</h2> |
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| Policy Number: | GOV-14 |
| Responsible Department(s): | Governance & Performance |
| Relevant Delegations: | As per the delegations schedule and as included in this Code |
| Other Relevant Policies: | <p><i>Acknowledgement and Welcome to Country Policy</i> <i>Council Member Conduct Policy</i> <i>Code of Practice for Access to Council and Council Committee and Information or Briefing Sessions Meetings & Documents</i> <i>Petitions Policy</i> <i>Information or Briefing Sessions Policy</i> <i>One Team – Communication Protocols for Council Members and the Administration</i></p> |
| Relevant Procedure(s): | None |
| Relevant Legislation: | <p><i>Local Government Act 1999</i> <i>Local Government (Procedures at Meetings) Regulations 2013</i></p> |
| Policies and Procedures Superseded by this policy on its Adoption: | Code of Practice for Council Meeting Procedures, 25 January 2022 <u>22 March 2022</u> , Item 12.7, 17/2065/22 |
| Adoption Authority: | Council |
| Date of Adoption: | 22 March 2022 <u>To be updated administratively</u> |
| Effective From: | <u>To be updated administratively</u> 21 June 2022 |
| Minute Reference for Adoption: | <u>To be updated administratively</u> 65/22 |
| Next Review: | No later than March 2025 <u>July 2024</u> or as required by legislation or changed circumstances |

Version Control

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

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CODE OF PRACTICE FOR COUNCIL MEETING PROCEDURES

1. INTRODUCTION

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

1.1. Application of the Code of Practice

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

1.2. Guiding Principles

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

Legislation – Regulation 4

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

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

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

~~1.3. Suspension of other Inconsistent Provisions~~

~~1.3.1 To the extent that any other discretionary provision of this Code of Practice or specific procedure adopted by the Council in this Code of Practice could be read as being inconsistent or incompatible with the ability of a member of the Council to participate in a meeting of the Council by electronic means, the provision is suspended in respect of the member while they are participating in the meeting by electronic means.~~

~~1.3.2 In circumstances where a provision is suspended under this paragraph, the Mayor may give directions to a Member of the Council in respect of an alternative method of compliance with the suspended provision.~~

~~1.3.3 Any Member who disagrees with a direction of the Mayor under this paragraph may move a motion that the direction not be adhered to. Such a motion must be moved immediately following the issuance of the direction. In the event such a motion is successful, the meeting may give directions to a Member, by resolution.~~

2. OPERATING PROCEDURES – BEFORE THE MEETING

2.1. Calling Meetings

Ordinary Meetings

- 2.1.1 Section 81 of the Act prescribes the legislative requirements for the frequency and timing of Ordinary Council Meetings.
- 2.1.2 The schedules for Ordinary Council Meetings are resolved in advance and are maintained on the Council website.

Special Meetings

- 2.1.3 Section 82 of the Act prescribes the legislative requirements for the calling of Special Meetings of council.
- 2.1.4 Details of Special meetings of Council will be placed on the Council website as soon as possible after the decision to call the meeting.

2.2. Notice and Agendas for Meetings

Ordinary Meetings

- 2.2.1 Sections 83 and 84 of the Act prescribe the legislative requirements for providing Council Members and the public with notice for Council meetings.
- 2.2.2 At least three (3) clear days¹ before the Council meeting the Chief Executive Officer (CEO) must give written notice of the meeting to all Council Members setting out the date, time and place of the meeting.
- 2.2.3 The notice must contain or be accompanied by the agenda² and, as far as practicable, the documents and reports that are to be considered at the meeting. Council's practice, whenever possible, is to provide the notice four (4) clear days before the meeting (i.e. by 5.00pm Thursday for a Tuesday evening meeting).
- 2.2.4 Each Council Member may indicate their preference for delivery of the notice of meeting, agenda and reports for all Council meetings. Any changes to the delivery arrangements must be requested in writing.
- 2.2.5 For members of the public, a copy of the notice of meeting, agenda and reports (with the exception of confidential items) will be displayed for viewing on Council's website www.ahc.sa.gov.au and on public display at the principal office as soon as practicable after the time when the document or report is supplied to members of the Council³.
- 2.2.6 The notice will remain on the website and on public display until the completion of the meeting. In practice these notices remain available indefinitely.

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

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

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

Special Meetings

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

2.3. Public Access to Meetings

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

2.4. Questions for Clarification Prior to the Meetings

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

3. OPERATING PROCEDURES – THE ORDER OF BUSINESS

3.1. Commencement of Meetings and Quorums

Legislation – Regulation 7

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

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

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

3.2. Order of Business

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

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

3.3. Length of Council Meetings

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

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

3.4. Opening Statement

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

3.5. Attendees, Apologies and Absences

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

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

3.6. Confirmation of Minutes

Legislation – Regulation 8

- (1) The minutes of the proceedings at a meeting must be submitted for confirmation at the next meeting or, if that is omitted, at a subsequent meeting*
- (2) No discussion on the minutes may occur before confirmation, except as to the accuracy of the minutes as a record of proceedings.*
- (3) On the confirmation of the minutes, the presiding member will-*
- (a) initial each page of the minutes, which pages are to be consecutively numbered; and*
- (b) place his or her signature and the date of confirmation at the foot of the last page of the minutes.*

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

3.7. Declaration of Interest

- 3.7.1 The provisions in relation to a Council Member's interests are set out in sections 73, 74, 75 and 75A-C of the Act [and Reg 8AAA in the Local Government \(General\) Regulations 2013](#). ~~Section 74 – Dealing with material conflicts of interest has been amended to recognise electronic participation in Council meetings by a Member of Council.~~
- 3.7.2 It is a Council Member's responsibility to ensure they are aware of, and understand, the [legislative provisions of sections 73, 74, 75 and 75A of the Act in relation to](#) declarations of interest.
- 3.7.3 A Council Member who has an interest in a matter, as defined under sections ~~74~~ 73 and 75 of the Act, must disclose the interest to the Council in accordance with the provisions of sections ~~75B~~ 75B4 and ~~75C~~ 75CA of the Act. Disclosures will be recorded in the Minutes in accordance with the relevant provisions of the Act and Regulations.
- 3.7.4 Council Members may seek advice about a possible interest before a meeting by contacting the CEO or the Governance & Performance Department. If necessary, the Governance & Performance Department will facilitate the Member to contact the Council's lawyers directly for advice, at Council's expense.

3.8. Mayor's Opening Remarks

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

3.9. Questions Adjourned/Lying on the Table

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

Questions Adjourned

| Legislation – Regulation 19 |
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| <p>(1) <i>If a formal motion for a substantive motion to be adjourned is carried:</i></p> <p>(a) <i>The adjournment may either be to a later hour of the same day, to another day, or to another place; and</i></p> <p>(b) <i>The debate, will, on resumption, continue at the point at which it was adjourned.</i></p> <p>(2) <i>If debate was interrupted for want of a quorum and the meeting is then adjourned, the debate will, on resumption, continue from the point at which it was adjourned.</i></p> <p>(3) <i>Business adjourned from a previous meeting must be dealt with before any new business at a subsequent meeting</i></p> |

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

Questions Lying on the Table

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

| Legislation – Regulation 12 |
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| <p>(19) <i>Any question that lies on the table as a result of a successful formal motion under subregulation (14)(c) lapses at the next general election.</i></p> <p>(20) <i>The chief executive must report on each question that lapses under subregulation (19) to the council at the first ordinary meeting of the council after the general election.</i></p> |

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

⁵ For more information on formal motions see clause 4.3 of this Code.

3.10. Petitions

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

3.11. Deputations

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

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

Making a Deputation Request

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

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

Processing a Deputation Request

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

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

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

Presenting a Deputation at a Council Meeting

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

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

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

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

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

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

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

Deputation Conduct

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

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

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

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

3.12. Public Forums

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

3.12.2 The guidelines which apply to Public Forum are:

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

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

Public Forum Conduct

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

3.13. Presentations

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

3.14. Questions on Notice

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

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

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

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

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

Process 1

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

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

OR

Process 2

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

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

OR

Process 3

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

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

3.15. Motions on Notice

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

- 3.15.1 Prior to lodging a motion, Members should liaise with the CEO (or nominated delegates) [and may consult with the Mayor](#) on the content of the proposed motion to explore options and implications.
- 3.15.2 In circumstances where a Motion on Notice has been placed on the Agenda and the Member who placed the Motion on Notice is not in attendance at the meeting, another Member may move the motion in their stead.
- 3.15.3 The following are desirable characteristics when framing a motion⁶:
- a. *Form* – a motion should be in a positive, affirmative form. It should not be in a negative form, unless it achieves some specific advantage or value;
 - b. *Content* – a motion should be complete and plain, so that a resultant resolution when read in the future, identifies with certainty its object and substance;
 - c. *Wording* – It should be in precise and definite language. Its intention and import should be clear; and
 - d. *Drafting* – a motion should be framed and phrased in a way to enable persons to vote in favour of or against the proposal, and thus facilitate the ability of the meeting to make a decision,
- 3.15.4 The attached proforma should be used when framing Notices of Motion – refer **Appendix B**.

3.16. Administration Reports

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

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

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

Status Report – Council and Committee Resolutions Update

- 3.16.10 A report will be provided ~~at each Council meeting~~ **monthly** for noting, setting out the status of each resolution from Council meetings until the item is completed.

3.17. Questions Without Notice

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

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

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

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

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

3.18. Motions Without Notice

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

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

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

3.19. Council Member Reports

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

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

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

3.21. CEO Report

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

3.22. Reports of Committees

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

3.23. Confidential Items

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

4. OPERATING PROCEDURES – CONDUCT AT THE MEETING

4.1. Leave of the Meeting

Legislation – Regulation 3

*(4) For the purposes of these regulations, a vote on whether leave of the meeting is granted may be conducted by—
a show of hands; ~~or (but nothing in this subregulation prevents a division from being called in relation to the vote) where a member is participating in a meeting by electronic means which has audio only, a verbal indication of voting in the affirmative or voting in the negative, (but nothing in this subregulation prevents a division from being called in relation to the vote).~~*

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

Legislation – Regulation 12

(5) Subject to the Act and these regulations, a Member may also bring forward any business by way of a motion without notice.

(6) The presiding member may refuse to accept a motion without notice if, after taking into account the Guiding Principles, he or she considers that the motion should be dealt with by way of a written notice of motion.

(7) The presiding member may refuse to accept a motion if the subject matter is, in his or her opinion, beyond the power of the council or council committee (as the case may be)

(8) A motion will lapse if it is not seconded at the appropriate time.

(9) A member moving or seconding a motion will speak to the motion at the time of moving or seconding the motion.

(10) A member may only speak once to a motion except-

- (a) to provide an explanation in regard to a material part of his or her speech, but not so as to introduce any new matter; or*
- (b) with leave of the meeting ; or*
- (c) as the mover in reply.*

(11) A member who has spoken to a motion may not at a later stage of the debate move or second an amendment to the motion

(21) Subregulations (9), (10) and (11) may be varied at the discretion of the council pursuant to regulation 6.

Secunder Speaking to a Motion

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

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

Questions Regarding a Motion

4.2.3 Council Members may ask questions of the Administration and/or other Members and answer questions directed to them regarding a motion for the purpose of

clarification (but not debate) and this will not be considered as speaking to the motion. Members should ensure that it is clearly a question and not used as an opportunity to contribute to the debate.

Contributing to the debate

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

Prevention of inaccurate or misleading information during debates

4.2.5 If during the course of debate a Council [Member or](#) Officer becomes aware that the debate is predicated on incorrect/misleading information and could lead to any erroneous outcome ([and may be a breach of the Behavioural Standards for Council Members](#)), they may signal to the Mayor that they wish to advise the meeting to correct the record. It will be at the Mayor's discretion as to whether the Officer is to be heard.

4.2.6 If an opportunity to advise the meeting is granted, the Officer will limit their comments, to the best of their knowledge, the factual information related to the matter. For clarity, the Officer will take due care to ensure that they do not enter the debate.

Rights of Reply

4.2.7 Only the mover of the original motion will be granted the right to reply (this shall close the debate). This will occur after any or all amendments have been dealt with and immediately prior to the original motion or substantive motion being put to the meeting (i.e. immediately prior to the final vote).

4.2.8 The right of reply should be utilised to reinforce the rationale for moving the motion and to respond to issues raised in debate. Where possible, it should not be used to introduce new material into the debate.

4.3. Formal Motions

Legislation – Regulation 12

(12) A member who has not spoken in the debate on a question may move a formal motion.

(13) A formal motion must be in the form of a motion set out in subregulation (14) (and no other formal motion to a different effect will be recognised).

(14) If the formal motion is:-

(a) that **the meeting proceed to the next business**, then the effect of the motion, if successful, is, in the case of an amendment, that the amendment lapses and the meeting proceeds with the consideration of the motion before the meeting without further reference to the amendment and, in the case of a motion, that the motion lapses and the meeting proceeds to the next item of business; or

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

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

4.4. Amendments to Motions

Legislation – Regulation 12

(11) A member who has spoken to a motion may not at a later stage of the debate move or second an amendment to the motion.

Legislation – Regulation 13

(1) A member who has not spoken to a motion at an earlier stage of the debate may move or second an amendment to the motion.

(2) An amendment will lapse if it is not seconded at the appropriate time.

(3) A person who moves or seconds an amendment (and, if he or she chooses to do so, speaks to the amendment) will, in so doing, be taken to have spoken to the motion to which the amendment relates.

(4) If an amendment is lost, only 1 further amendment may be moved to the original motion.

(5) If an amendment is carried, only 1 further amendment may be moved to the original motion.

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

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

4.5. Variations

Legislation – Regulation 14

(1) The mover of a motion or amendment may, with the consent of the seconder, request leave of the meeting to vary, alter or withdraw the motion or amendment.

(2) The presiding member must immediately put the question for leave to be granted and no debate will be allowed on that question.

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

4.6. Addresses by Members

Legislation – Regulation 15

(1) A member must not speak for longer than 5 minutes at any 1 time without leave of the meeting

(2) A member may, with leave of the meeting, raise a matter of urgency

(3) A member may, with leave of the meeting, make a personal explanation

(4) The subject matter of a personal explanation may not be debated

(5) The contribution of a member must be relevant to the subject matter of the debate

~~(5)~~(6) Subregulations (1) and (2) may be varied at the discretion of the council pursuant to regulation 6.

- 4.6.1 A personal explanation should provide the Member's account of the reasons or factors regarding an event or situation in which ~~they~~he/she had an involvement. The explanation should not: (a) make imputations of improper motives or contain personal opinions on fellow Council Members, the Administration or members of the public; or (b) be used for making statements regarding Council resolutions.
- 4.6.2 If a Member making a personal explanation wishes that the full text of that Personal Explanation be included in the minutes, it may be included by resolution of the Council, if not, only a brief account shall be included.

4.7. Voting

Council Meetings

- 4.7.1 Voting in Council meetings is applied as follows:

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

- 4.7.2 Each Member present at the meeting of council, must, subject to the provisions of the Act to the contrary, vote on a question arising from that meeting [section 86(4)].
- 4.7.3 The Mayor, or another member presiding in the absence of the Mayor, at a meeting of council, does not have a deliberative vote on a question arising but has, in the event of an equality of votes, a casting vote [section 86(6)].
- 4.7.4 In most cases the requirement is a simple majority of the Members present and entitled to vote however there are provisions in both the Act and the Regulations that require either a two-thirds or an absolute majority of the Members of Council for resolutions on specified matters [[section 84\(5\)](#)].
- 4.7.5 A vote in relation to a question for decision before the Council may be taken a show of hands.
- 4.7.6 The Mayor, or any other Member, may ask the CEO to read out a motion or amendment before a vote is taken.
- 4.7.7 In relation to a Member participating in a Council meeting by electronic means, a member is not permitted to vote in circumstances where there has been a disconnection of the electronic means.

Appointments to Positions

- 4.7.8 Due to the potential implications of the Conflict of Interest provisions under s743 and s75 regarding the appointment of Council Members to positions (particularly those with potential personal or pecuniary benefits), the Council should adjourn the meeting for the purposes of seeking nominations for and, if necessary, conducting an indicative vote (Indicative Voting Process) to determine the preferred person for the positions.
- 4.7.9 As the Indicative Voting Process involves discussion of a matter that is, or is intended to be, part of the agenda for a formal meeting of the Council, it is an Information or Briefing Session that is required to be open to the public under s90A(3) (see the *Information or Briefing Sessions Policy* (the Policy)). As an Information or Briefing Session that is required to be open to the public, the Chief Executive will conduct the meeting in accordance with the Policy.
- 4.7.10 The Indicative Voting Process is:
- a. The Mayor seeks a motion to adjourn the meeting for the purpose of conducting an Indicative Voting Process.
 - b. Once the meeting is adjourned (and the Information or Briefing Session has commenced), the Chief Executive Officer calls for self-nominations for the position(s). If Council Officers or Independent Committee Members are eligible for appointment to the position, they can also self-nominate. If Council Officers are being put forward for consideration by the CEO this will be included in the report.
 - c. If the number of nominees is equal to or less than the number of positions, no election will be required. If the number of nominees is greater, an election will be necessary.
 - d. The CEO will appoint a Council Officer as the Returning Officer and may enlist other Council Officers to assist with the conduct of the vote and the count.
 - e. The method of voting will be by secret ballot utilising the preferential counting system
 - f. Each Council Member (including the Mayor) shall have one vote.
 - g. Ballot papers will be provided to each Council Member
 - h. The nominee's names will be drawn by the Returning Officer to determine the order on the ballot paper.
 - i. Each Member will write the nominee's names on the ballot paper in the order they are drawn.
 - ~~i.~~ j. Each nominee will have two (2) minutes to speak to the Information or Briefing Session in support of their candidacy. The speaking order will be as listed on the ballot paper.
 - ~~j.~~ k. Members will cast their votes and the completed ballot papers will be collected by the Returning Officer and the count will be undertaken in a separate room with an observer [another Council Member (not being a nominee for the position being determined) or an Officer] present.
 - ~~k.~~ l. In the event of a tie, the result will be decided by the Returning Officer drawing lots, the candidate first drawn being the candidate excluded.
 - ~~l.~~ m. After all votes have been counted, the Returning Officer shall return to the Gathering and publicly declare the result of the election (i.e. the preferred person).

~~m.n.~~ The ballot papers will be shredded.

~~n.o.~~ With the conclusion of the Indicative Voting Process, the Council meeting will resume in accordance with the adjournment resolution.

~~o.p.~~ Upon resumption, any Council Members who nominated for the positions would be advised to consider their obligations under s75B4 or s75CA of the Act (as applicable).

~~p.q.~~ Council can then consider a motion for the preferred person to be appointed to the position(s)

4.8. Divisions

| Legislation – Regulation 17 |
|--|
| <p>(1) A division will be taken at the request of a member.</p> <p>(2) If a division is called for, it must be taken immediately and the previous decision of the presiding member as to whether the motion was carried or lost is set aside.</p> <p>(3) The division will be taken as follows:</p> <p>(a) subject to subregulation (3a), the members voting in the affirmative will, until the vote is recorded, stand in their places;</p> <p>(b) subject to subregulation (3a), the members voting in the negative will, until the vote is recorded, sit in their seats;</p> <p>(c) the presiding member will count the number of votes and then declare the outcome.</p> <p>(3a) Where a member is participating in a meeting by electronic means which has audio only, the member will provide a verbal indication of voting in the affirmative or voting in the negative.</p> <p>(4) The chief executive officer will record in the minutes the names of members who voted in the affirmative and the names of the members who voted in the negative (in addition to the result of the vote).</p> <p>(5) Subregulation (3) may be varied at the discretion of the council pursuant to regulation 6</p> |

4.9. Tabling of Information

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

- 4.9.1 A record of any request for documents tabled at the meeting and a record of any documents tabled at the meeting must be made in the minutes of the meeting.

- 4.9.2 If the tabling of documents is crucial to the consideration of the matter and the documents are not able to be tabled in an expeditious manner, the meeting may consider a formal motion to adjourn the question.

4.10. Short-Term Suspension of Proceedings

Legislation – Regulation 20

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

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

4.11. Points of Order

Legislation – Regulation 28

- (1) *The presiding member may call to order a member who is in breach of the Act or these regulations*
- (2) *A member may draw to the attention of the presiding member a breach of the Act or these regulations, and must state briefly the nature of the alleged breach*
- (3) *A point of order takes precedence over all other business until determined*
- (4) *The presiding member will rule on a point of order*

- (5) *If an objection is taken to the ruling of the presiding member, a motion that the ruling not be agreed with must be moved immediately*
- (6) *The presiding member is entitled to make a statement in support of the ruling before a motion under subregulation (5) is put*
- (7) *A resolution under subregulation (5) binds the meeting and, if a ruling is not agreed with –*
 - (a) *the ruling has no effect; and*
 - (b) *the point of order is annulled*

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

4.12. Exclusion of member from meeting by Presiding Member

- Legislation – Regulation 28A**
- (1) For the purposes of section 86(6b) of the Act, before giving a direction under that subsection, the presiding member must allow the member to make a personal explanation.
 - (2) If a member is excluded from a meeting for a contravention of section 86(6a) of the Act, action cannot be taken under regulation 29 in respect of the contravention.
 - (3) A member will not be taken to contravene section 86(6a) of the Act merely because the member is—
 - (a) objecting to words used by a member who is speaking; or
 - (b) calling attention to a point of order; or
 - (c) calling attention to want of a quorum.
 - (4) For the purposes of section 86(6e) of the Act, if a member the subject of a direction excluding them from a meeting under section 86(6b) of the Act refuses to comply with the direction or enters the meeting in contravention of the direction, the remaining members at the meeting may, by resolution—
 - (a) censure the member; or
 - (b) suspend the member for a part, or for the remainder, of the meeting.

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

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

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

4.12.4.13. Interruption of Meetings by Members

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

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

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

4.13.4.14. Interruption of Meetings by Others

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

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

4.14.4.15. Meeting Protocols***Mobile Phones/Pagers***

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

Speaking during meetings

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

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

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

Forms of Address

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

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

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

Interaction with the Gallery

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

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

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

5. OPERATING PROCEDURES – RECORDING/BROADCASTING OF THE MEETING

5.1. Recording of Meetings

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

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

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

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

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

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

5.2. Livestreaming/broadcasting of Meetings

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

5.3. Minutes of Meetings

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

Legislation – Regulation 8

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

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

5.3.6 As the minutes are a reflection of decisions made by meeting as a whole, minutes of the meeting do not record (with the exception of a Division in accordance with Regulation 17 and as required under section 75BA – *Dealing with ~~actual and perceived~~ general conflicts of interest*) the ~~names of~~ manner in which the Member ~~s who voted~~ and the manner in which the majority of persons who were entitled to vote at the meeting voted on the matter in the affirmative or negative for a particular item.

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

6. ADMINISTRATIVE ARRANGEMENTS

6.1. Availability of the Code

6.1.1 This Code is available via the Council's website www.ahc.sa.gov.au.

6.2. Delegation

6.2.1 The CEO has the delegation to:

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

APPENDIX A - AGENDA TEMPLATE FOR ORDINARY COUNCIL MEETINGS

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

APPENDIX B – MOTION ON NOTICE TEMPLATE

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

Item: 12.1 Motion on Notice

Originating from:

Subject:

1. MOTION

I move... <body of motion>

2. BACKGROUND

3. OFFICER'S RESPONSE – Officer Name, Position

ANALYSIS

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

APPENDIX C – ADMINISTRATION REPORT TEMPLATE

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

Item: 12.

Responsible Officer:

Subject:

For: Decision/Information

SUMMARY

RECOMMENDATION

That Council resolves:

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

1. **BACKGROUND**

2. **ANALYSIS**

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

3. **OPTIONS**

4. **APPENDICES**

Appendix 2

*Code of Practice for Access to Council and Council
Committee and Information or Briefing Session
Meetings & Documents (draft) – 11 July 2023*

Council Policy

Code of Practice for Access to Council,
Council Committee and Information or
Briefing Session Meetings & Documents



COUNCIL POLICY

| | |
|---|--|
|  <p>Adelaide Hills COUNCIL</p> | <p>CODE OF PRACTICE FOR ACCESS TO COUNCIL, COUNCIL COMMITTEE AND INFORMATION OR BRIEFING SESSION MEETINGS & DOCUMENTS</p> |
|---|--|

| | |
|--|--|
| <p>Policy Number:</p> | <p>GOV-17</p> |
| <p>Responsible Department(s):</p> | <p>Governance & Performance</p> |
| <p>Relevant Delegations:</p> | <p>As per the delegations schedule and as included in this Code</p> |
| <p>Other Relevant Policies:</p> | <p><i>Code of Practice for Meeting Procedures Council Member Conduct Policy Information or Briefing Sessions Policy Advisory Group Operation and Conduct Policy</i></p> |
| <p>Relevant Procedure(s):</p> | <p>None</p> |
| <p>Relevant Legislation:</p> | <p><i>Local Government Act 1999 Local Government (General) Regulations 2013</i></p> |
| <p>Policies and Procedures Superseded by this policy on its Adoption:</p> | <p><u><i>Code of Practice for Access to Council, Council Committee and Information or Briefing Sessions Meetings & Documents - 23 April 2019, Item 12.7, 75/1914 November 2017, Item 5.2, 264/17</i></u></p> |
| <p>Adoption Authority:</p> | <p>Council</p> |
| <p>Date of Adoption:</p> | <p><u><i>To be updated administratively 23 April 2019</i></u></p> |
| <p>Effective From:</p> | <p><u><i>To be updated administratively 21 June 2022</i></u></p> |
| <p>Minute Reference for Adoption:</p> | <p><u><i>To be updated administratively 23 April 2019, Item 12.7, 75/19</i></u></p> |
| <p>Next Review:</p> | <p>No later than November 2023 <u>February 2027</u> or as required by legislation or changed circumstances</p> |

Version Control

| Version No. | Date of Effect | Description of Change(s) | Approval |
|-------------|---------------------------------------|---|---------------------------------------|
| 1.0 | 23/4/2019 | Code adopted | Council – Res75/19 |
| 1.1 | 21/4/2020 | Amendments to provide consistency with <i>Electronic Participation in Council Meetings Notice (No 1) 2020</i> | Council – 63/20 |
| 1.2 | 22/9/2020 | Amendments to provide for the broadcasting of Council meetings | Council – 198/20 |
| 1.3 | 9/11/2021 | Consequential amendments from adoption of Information or Briefing Sessions Policy | Council – Res 226/21 |
| 1.4 | 26/11/2021 | Updated legislative references relating to publication of Electronic Participation in Council Meetings Notice (No 5) 2021 | N/A |
| 1.5 | 21/6/22 | Provisions relating to Notice No 5 (electronic participation) removed following 28 day elapsed period after Public Health Emergency Declaration cessation | N/A |
| <u>1.6</u> | <u>To be updated administratively</u> | <u>Minor updates to legislative provisions and terminology</u> | <u>To be updated administratively</u> |

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CODE OF PRACTICE FOR ACCESS TO COUNCIL, COUNCIL COMMITTEE AND INFORMATION OR BRIEFING SESSION MEETINGS & DOCUMENTS

1. INTRODUCTION

1.1. This Code sets out the commitment of Council to provide public access to Council, Council Committee and Information or Briefing Session meetings and Council and Council Committee documents and outlines the policies and procedures contained within the Act, to restrict public access. The Code includes:

- information on the relevant provisions of the Act;
- Council's policy on public access and participation;
- the process that will be adopted where public access to a meeting or a document is restricted;
- grievance procedures to be followed if a member of the public believes that the Council has unreasonably restricted public access on a particular matter.

1.2. This Code sets out the policy of Council for access to meetings and documents and includes information relating to:

- access to the agenda for meetings;
- public access to meetings;
- livestreaming/broadcasting of meetings;
- the process to exclude the public from meetings;
- matters for which the Council, a Council Committee, or an Information or Briefing Session can order that the public be excluded;
- how the Council will approach the use of the confidentiality provisions in the Act;
- public access to documents, including minutes;
- review of confidentiality orders;
- accountability and reporting to the community, and the availability of the code; and
- grievances about the use of the code by Council.

1.3. On 15 September 2020, Council resolved (198/20) to commence broadcasting the proceedings of Council meetings.

2. STATEMENT OF PRINCIPLE

2.1. In fulfilling the role of an effective council that is responsive to the needs of the community and which operates within the legal framework prescribed by the Act, the Adelaide Hills Council (Council) is fully committed to the principle of open and accountable government.

2.2. However, Council also recognises that on a limited number of occasions it may be necessary, in the public interest, to restrict public access to discussion/decisions and/or documents.

3. OBJECTIVES

3.1. The objectives of the *Code of Practice for Access to Council and Council Committee¹ and Information or Briefing Session² Meetings & Documents* (Code) are:

- Clearly outline to the community for what purpose and on what basis Council may apply the provisions of the Act to restrict public access to meetings or documents;
- Provide information on Council's code of practice to the community; and
- Summarise the legal position relating to public access to Council and Council Committee and Information or Briefing Session meetings and documents.

4. PUBLIC ACCESS TO THE AGENDA FOR COUNCIL AND COUNCIL COMMITTEE MEETINGS

4.1. At least three (3) clear days³ before the Council or Council Committee meeting (unless it is a special meeting⁴) the Chief Executive Officer (CEO) must give written notice of the meeting to all Council/Committee Members setting out the date, time and place of the meeting. . Where possible, the CEO will endeavour to have notices available in advance of the above timeframe.

4.2. The notice of meeting and agenda will be publically displayed at the principal office of council and the notice and agenda will be published on the Council's website www.ahc.sa.gov.au.

4.3. Items listed on the agenda will be described accurately and in reasonable detail.

4.4. The notice and agenda will be kept on public display and continue to be published on the website until the completion of the relevant Council or Council Committee meeting.

4.5. The electronic ~~and/or paper~~ copies of the agenda documents and non-confidential reports that are to be considered at the meeting will be made available to members of the public both prior to ~~and at~~ the meeting.

4.6. Members of the public may obtain a paper copy of the agenda and any particular reports for a fee to cover the costs of photocopying, in accordance with a Council's schedule of fees and charges.

4.7. Where the CEO (after consultation with the principal member, or in the case of a Committee - the presiding member) believes that a document or report on a particular matter should be considered in confidence with the public to be excluded, the basis under which the order could be made in accordance with section 90(3) of the Act will be specified. [see sections 83(5) (Council) and 87(10) (Committee) of the Act.]

¹ Council Committee means a committee established under Section 41 of the Act. For clarity it does not include the Council Assessment Panel created under Sections 82 & 83 of the *Planning Development and Infrastructure Act 2016*.

² Information or briefing session is a session to which more than one (1) member of the council or a council committee is invited by the council or the chief executive officer (CEO) of the council to attend or be involved in for the purpose of providing information or a briefing to attendees [Section 90A(1)]

³ 'clear days' means that the time between the giving of the notice and the day of the meeting, but excluding both the day on which the notice was given and the day of the meeting, e.g. notice is given on a Thursday for a following Monday meeting, the clear days are Friday, Saturday and Sunday.

⁴ Special meetings under s83(2) of the Act require at least four (4) hours' notice.

- 4.8. The above provisions apply to Council, Council Committees that have as part of their responsibility some regulatory activities and those other committees to which Council has determined these procedures will apply⁵. Where a Council Committee is not performing a regulatory activity these procedures may be varied, e.g. notice may be given in a form decided by the committee, and need not be given for each meeting separately. Public notice may be given at a place determined by the CEO taking into account the nature and purpose of the Committee.

5. PUBLIC ACCESS TO THE AGENDA FOR INFORMATION OR BRIEFING SESSIONS⁶

~~5.1.~~ A council or the CEO must comply with the requirements of regulations relating to the publication of prescribed information relating to the Information or Briefing Session [s90A(7)]. ~~The current provisions are:~~

~~5.1.5.2.~~ ~~The current provisions are~~ Regulation 8AB of the *Local Government (General) Regulations 2013* requires the following information to be publishing as soon as practicable after the holding of an information or briefing session:

- the place, date and time;
- the matter discussed;
- whether or not the session was open to the public.

~~5.2.5.3.~~ Council has determined that, where reasonably practicable, the details relating to the following Information or Briefing Sessions will be published prior to the session to inform interested members of the public:

- Workshops;
- Professional Development [where the provisions of clause Section 90A(3) apply]; and
- Advisory or Working Group meetings [where the provisions of Section 90A(3)] apply.

~~5.3.5.4.~~ Agenda documents will be published on the website.

~~5.4.5.5.~~ Where a confidential informal discussion declaration applies to an Information or Briefing Session (see clause 9), the reason for the Information or Briefing Session being held entirely or partially in confidence will be published on the Council's website.

6. PUBLIC ACCESS TO MEETINGS

- 6.1. Council, Council Committee and Information or Briefing Session meetings are open to the public and attendance is encouraged, except where the Council, the Council Committee or, in the case of an Information or Briefing Session, the Council or CEO, believes it is necessary in the public interest to exclude the public from the discussion (and, if necessary, decision⁷) of a particular matter.

⁵ Council's *Code of Practice for Meeting Procedures* sets out the Council Committees to which clause 5 applies.

⁶ Further details of the provisions applying to Information or Briefing Sessions, are contained in Council's *Information or Briefing Sessions Policy* available at ahc.sa.gov.au

⁷ Information or Briefing Sessions do not make decisions on any matter that is, or is intended to be, part of the agenda for a formal meeting of the Council or Council Committee

- 6.2. The public will only be excluded when considered proper and necessary (i.e. the need for confidentiality outweighs the principle of open decision-making). The following is an example:

Council is intending to bid at an auction to acquire land and would not want others involved, such as the vendor to have prior knowledge of what Council was setting as an upper limit to bid at the auction, as to do so would prejudice the position of Council and disadvantage the community.

- 6.3. Council encourages public attendance at meetings of the Council, Committees and Information or Briefing Sessions through public notification of meetings in the Council, Committee and Information or Briefing Sessions Schedule, located on Council's website.
- 6.4. Council has adopted the *Information or Briefing Sessions Policy* which provides information on the manner in which the provisions in Section 90A relating to information or briefing sessions will be managed.
- 6.5. When Council is meeting in person (i.e. in the Council Chamber) the meeting proceedings will be live streamed and recorded on a an audio system and a social media channel streaming platform determined by the CEO. Details of the broadcast will be on the Council's website.
- 6.6. Council's position is that Workshop or Professional Development Information or Briefing Sessions that are required to be open to the public under s90A(3) will be live streamed and recorded unless the confidentiality provisions of s90(3) and (4) apply.

7. PROCESS TO EXCLUDE THE PUBLIC FROM A COUNCIL OR COUNCIL COMMITTEE MEETING

- 7.1. Before a Council or Council Committee meeting orders that the public be excluded to enable the receipt, discussion and consideration of a particular matter, the meeting must, in public, formally determine if this is necessary and appropriate, and then pass a resolution to exclude the public while dealing with that particular matter.
- 7.2. If this occurs then the public must leave the room. This means that all members of the public (including staff), unless exempted by being named in the resolution as entitled to remain, are required to leave the room. For the operation of section 90(2) a member of the public does not include a Member of the Council /Committee. The live streaming of a Council meeting will be ceased for the period that the meeting is closed to the public pursuant to an order made under section 90(2).
- 7.3. Once Council or a Council Committee has made the order, it is an offence for a person, who knowing that an order is in force, enters or remains in a room in which such a meeting is being held. It is lawful for an employee of Council or a member of the police to use reasonable force to remove the person from the room if he or she fails to leave on request.
- 7.4. Once discussion on that particular matter is concluded, the public are then permitted to re-enter or reconnect to the meeting and the broadcasting, if applicable, will recommence. If there is a further matter that needs to be

considered in confidence it is necessary to again undertake the formal determination process and to resolve to exclude the public as above.

7.5. Please note that the Council, or the Council Committee, can by inclusion within the resolution permit a particular person or persons to remain in the meeting. An example would be allowing a ratepayer who is suffering personal hardship to remain in the meeting when their circumstances concerning the payment of rates are being discussed.

7.6. Council's practice is that, for the convenience of the public present at a meeting, where it is resolved to consider a matter in confidence, that the matter (unless there are pressing reasons as to why it should be debated at that point of the meeting) may be deferred until all other business has been dealt with. This is the preferred option of Council rather than asking the public to leave the room and wait for however long it takes until the matter is concluded and then invite them back to the meeting room with the possibility of the same process being repeated for a subsequent matter.

8. PROCESS TO EXCLUDE THE PUBLIC FROM AN INFORMATION OR BRIEFING SESSION⁸

8.1. The Council or CEO may, on a case-by-case basis, declare an information or briefing session [to which Section 90A(3) applies] discussion to be a 'confidential discussion' where the information or briefing session is a briefing session relating to information or a matter of a confidential nature within the ambit of section 90(3) of the Local Government Act [see clause 9 below for the provisions of s90(3)].

8.2. If an information or briefing session [to which Section 90A(3) applies] has been declared to be a 'confidential discussion' under s90A(4), then the information or briefing session may be attended by Council/Committee Members, the CEO and any other person invited to attend by the Council or the CEO.

8.3. If a confidential declaration has been made in respect of only some of the matters to be discussed at an information or briefing session, then these confidential matters will normally be scheduled to be discussed at the end of the agenda for the information or briefing session. The information or briefing session will be open to the public until immediately prior to the discussion on confidential matters commencing and post the discussion, as applicable.

9. MATTERS FROM WHICH THE PUBLIC CAN BE EXCLUDED

9.1. In accordance with the requirements of section 90(3) of the Act, Council, or a Council Committee or an Information or Briefing Session [to which Section 90A(3) applies], may order that the public be excluded in the following circumstances:

(a) *information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead);*

(b) *information the disclosure of which—*

⁸ Further details of the provisions applying to Information or Briefing Sessions, are contained in Council's *Information or Briefing Sessions Policy* available at ahc.sa.gov.au

-
- (i) *could reasonably be expected to confer a commercial advantage on a person with whom the Council is conducting, or proposing to conduct, business, or to prejudice the commercial position of the Council; and*
 - (ii) *would, on balance, be contrary to the public interest;*
 - (c) *information the disclosure of which would reveal a trade secret;*
 - (d) *commercial information of a confidential nature (not being a trade secret) the disclosure of which—*
 - (i) *could reasonably be expected to prejudice the commercial position of the person who supplied the information, or to confer a commercial advantage on a third party; and*
 - (ii) *would, on balance, be contrary to the public interest;*
 - (e) *matters affecting the security of the Council, members or employees of the Council, or Council property, or the safety of any person;*
 - (f) *information the disclosure of which could reasonably be expected to prejudice the maintenance of law, including by affecting (or potentially affecting) the prevention, detection or investigation of a criminal offence, or the right to a fair trial;*
 - (g) *matters that must be considered in confidence in order to ensure that the Council does not breach any law, order or direction of a court or tribunal constituted by law, any duty of confidence, or other legal obligation or duty;*
 - (h) *legal advice;*
 - (i) *information relating to actual litigation, or litigation that the Council or Council committee believes on reasonable grounds will take place, involving the Council or an employee of the Council;*
 - (j) *information the disclosure of which—*
 - (i) *would divulge information provided on a confidential basis by or to a Minister of the Crown, or another public authority or official (not being an employee of the Council, or a person engaged by the Council); and*
 - (ii) *would, on balance, be contrary to the public interest;*
 - (k) *tenders for the supply of goods, the provision of services or the carrying out of works;*
 - (l) *information relating to a proposed amendment to a Development Plan under the Development Act 1993 before a Plan Amendment Report relating to the amendment is released for public consultation under that Act; or*
 - (m) *information relating to a proposal to prepare or amend a designated instrument under Part 5 Division 2 of the Planning, Development and Infrastructure Act 2016 before the draft instrument or amendment is released for public consultation under that Act;*

(n) *information relevant to the review of a determination of a Council under the Freedom of Information Act 1991;*

(o) *information relating to a proposed award recipient before the presentation of the award.*

9.2. The Act provides for a definition of “personal affairs”, being a person’s financial affairs, criminal records, marital or other personal relationships, personal qualities, attributes or health status, or that person’s employment records, employment performance or suitability for a particular position, or other personnel matters relating to the person, but does not include the personal affairs of a body corporate.

9.3. In some sections under section 90(3) of the Act a public interest balancing test must be satisfied for the ground of exclusion to apply. The “*public interest balancing test*” applies to sections:

- 90(3)(b)(ii) – ‘commercial advantage’;
- 90(3)(d)(ii) – ‘commercial information’; and
- 90(3)(j)(ii) – ‘information provided on a confidential basis’.

This test requires that public interest reasons for closing a meeting to the public must outweigh the general requirements for meetings to be held in public. This requirement to satisfy a public interest test is mirrored in certain provisions of the *Freedom of Information Act 1999 (SA)* (“the FOI Act”).

9.4. In considering whether an order should be made under section 90(2), it is irrelevant that discussion of a matter in public may [s.90(4)]:

- cause embarrassment to the Council or Committee concerned, or to members or employees of the Council; or
- cause a loss of confidence in the Council or Committee; or
- involve discussion of a matter that is controversial within the council area; or
- make the council susceptible to adverse criticism.

9.5. If a decision to exclude the public is taken, the Council, the Council Committee or an Information or Briefing Session [to which Section 90A(3) applies] is required to make a note in the minutes of the making of the order and the grounds on which it was made. Sufficient detail of the grounds on which the order was made will be included in the minutes.

10. USE OF THE CONFIDENTIALITY PROVISIONS

10.1. Any consideration of the use of the confidentiality provisions to exclude the public from the discussion of a particular matter at a meeting will require the identification of one or more of the grounds listed within section 90(3) of the Act and the factual reasons for the relevance and application of the ground(s) in the circumstances. These are listed in paragraph 9.1 of this Code.

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- 10.2. In relation to Council and Council Committee meetings, Council's policy approach is as follows:
- 10.2.1. The principle of open and accountable government is strongly supported;
 - 10.2.2. Information of the grounds on which an order to exclude the public is made will be conveyed to the public at the time of them being ordered to leave the meeting – the public will not be excluded until after a confidentiality motion has been debated and passed and sufficient reasons for the need to exclude the public given;
 - 10.2.3. Once discussion of the matter is concluded, the meeting will then consider if it is necessary to make an order that a document associated with this agenda item (including minutes) remain confidential. In determining this, the meeting will have regard to the provisions of section 91 and in particular section 91(8) which details when a Council or Committee must not order that a document remain confidential;
 - 10.2.4. If the meeting determines that it is proper and necessary to keep a document confidential, then a resolution for an order to this effect is required to be resolved by the meeting in accordance with section 91(7) of the Act. When making an order the meeting must specify the duration of the order or the circumstances in which the order will cease to apply, or a period after which the order must be reviewed. ;
 - 10.2.5. Once discussion of the matter is concluded and the public have returned, the decision of the meeting in relation to this matter will be made publicly known unless the Council or Committee has resolved to order that some information remain confidential. Details relating to any order to keep information or a document confidential in accordance with section 91(7) are also to be made known.
 - 10.2.6. In all cases the objective is that the information be made publicly available at the earliest possible opportunity and that the community is informed of any Council or Committee order and the associated implications; and
 - 10.2.7. Where a person provides information to the Council or Committee and requests that it be kept confidential, Council or Committee is not able to even consider this request unless the matter is one that falls within section 90(3). If this is the case, Council or Committee will then be in a position to consider the request on its merits.
- 10.3. There is no legal requirement to resolve to “come out of confidence” or to go back into “public session”. The public may and should be invited to re-enter the meeting when consideration of the relevant Agenda Item has concluded. The public are also entitled to be present for the debate on whether any subsequent item should be considered in confidence.
- 10.4. The Council or Committee will not consider a number of agenda items “in confidence” together (i.e. en bloc). It will determine each item separately and consider the exemptions relevant to each item.

11. EXAMPLE CONFIDENTIALITY PROVISIONS

- 11.1. The Council will record in the minutes of any Council or Council Committee meetings the making of an order in accordance with sections 90(2) and (3) and section 91(7) as follows:

Example: If Council were considering the terms for a waste resources contract.

A Section 90(3)(b) order would be made before Council went into confidence such as:

Pursuant to section 90(2) of the Local Government Act 1999 the Council orders that all members of the public, except Joe Bloggs, CEO of ABC Council and Ivana Citizen, lawyer, XYZ Lawyers, be excluded from attendance at the meeting for Agenda Item 10.1 (Terms of Waste Resources Contract).

The Council is satisfied that, pursuant to section 90(3)(b) of the Act, the information to be received, discussed or considered in relation to this Agenda Item is information the disclosure of which could reasonably be expected to confer a commercial advantage on a person with whom the Council is proposing to conduct business, and the information would prejudice the commercial position of the Council, in that the Council is currently engaged in a post tender negotiation with a preferred tenderer to finalise the terms and conditions of engagement for this service – the information to be considered in relation to this Agenda Item include detailed costings for in-house provision of waste resources services and other specific financial information, the disclosure of which would prejudice the Council's commercial position during the current ongoing negotiations.

In addition, the disclosure of this information would, on balance, be contrary to the public interest. The public interest in public access to the meeting has been balanced against the public interest in the continued non-disclosure of the information. The benefit to the public at large resulting from withholding the information outweighs the benefit to it of disclosure of the information. The Council is satisfied that the principle that the meeting be conducted in a place open to the public has been outweighed in the circumstances because the disclosure of Council's commercial position may severely prejudice Council's ability to be able to negotiate a cost-effective proposal for the benefit of the Council and the community in this matter and in relation to other contract negotiations.

If the Council resolved for the report containing the commercial information to remain in confidence, a Section 91(7) would be made at the conclusion of considering the item, such as:

That having considered Agenda Item 10.1 (Terms of Waste Resources Contract) in confidence under section 90(2) and (3)(b) of the Local Government Act 1999, the Council, pursuant to section 91(7) of that Act orders that the Tender documents and related Council reports and all minutes be retained in confidence for a period of 2 years, or until a contract has been signed.

12. REVIEW OF CONFIDENTIALITY ORDERS

- 12.1. A confidentiality order made under section 91(7) of the Act must specify the duration of the order or the circumstances in which the order will cease to apply, or a period after which the order must be reviewed.
- 12.2. An order will lapse if the time or event specified has been reached or carried out. There is no need for the Council to resolve for the confidential order to be lifted. Once the order has lapsed, the minutes and/or documents automatically become public.

Orders that exceed 12 months must be reviewed annually, [under s91\(9\)](#), and the Council must assess whether the grounds for non-disclosure are still relevant and, if so, provide the relevant grounds and reasons for the minutes and/or documents remaining confidential.
- 12.3. The ~~conduct of the annual review can be~~ [Council may](#) delegated to the Chief Executive Office and sub-delegated to an employee of the Council, if appropriate, [the power to revoke an order](#).
- 12.4. If there are any items that require a fresh confidentiality order because the original order is about to expire, then the reviewer will prepare a report to Council making recommendations with respect to each item to be retained in confidence.
- 12.5. Each item must then be addressed separately and assessed against section 90(3) and section 91(7) of the Act.
- 12.6. ~~While a Council may delegate the power to undertake an annual review, t~~The Council cannot delegate the power to apply sections 90(3) and 91(7) of the Act.
- 12.7. A Council may resolve to exclude the public from a meeting to discuss and undertake consideration of the recommendations arising from the annual review in confidence, subject to the application of the relevant ground under section 90(3) of the Act. Section 90(3) of the Act must be applied separately to each item and not en bloc.
- 12.8. If there is no longer any need for the confidentiality order then the Council or Council Committee may delegate to an employee of the Council the power to revoke an order made in accordance with section 91(7) of the Act. The Council or Council Committee may also include in the resolution whether any delegation is given to an employee to revoke the order and if relevant, any conditions associated with the delegation.

13. PUBLIC ACCESS TO MINUTES

- 13.1. Minutes of a meeting of Council or a Council Committee will be publicly available, within 5 days after the meeting.
- 13.2. Formal minutes are not recorded at Information or Briefing Sessions. While notes may be taken at these sessions, they will not be published on the website or made available to the public unless otherwise provided for in Council policy (see clause 14 regarding Public Access to Documents).

14. PUBLIC ACCESS TO DOCUMENTS

14.1. Various documents can be available for inspection and purchase (for a fee) by the public. Council may also make a document available in electronic form and place it on the Internet for public access, [Council documents include, but not limited to Council and Committee agendas, minutes, attachments, tabled documents, audio and visual recordings of meetings and information or briefing sessions.](#)

14.1.14.2. The Council or the Council Committee will only order that a document associated with a discussion from which the public are excluded is to remain confidential if it is considered proper and necessary in the broader community interest (as per the processes described above).

14.2.14.3. The Council or the Council Committee can only resolve to keep minutes and/or documents confidential under section 91(7) if they were considered in confidence pursuant to sections 90(2) and 90(3).

14.3.14.4. In accordance with section 91(8) the Council or the Council Committee must not make an order to prevent:

- the disclosure of the remuneration or conditions of service of an employee of the Council after the remuneration or conditions have been set or determined; or
- the disclosure of the identity of a successful tenderer for the supply of goods or the provision of services (including the carrying out of works), or of any reasons adopted by the Council as to why a successful tenderer has been selected; or
- the disclosure of the amount or amounts payable by the Council under a contract for the supply of goods or the provision of services (including the carrying out of works) to, or for the benefit of, the Council after the contract has been entered into by all parties to the contract; or
- the disclosure of the identity of land that has been acquired or disposed of by the Council, or of any reasons adopted by the Council as to why land has been acquired or disposed of by the Council.

14.4.14.5. Where keeping a document confidential is considered proper and necessary, a resolution to this effect is required which shall include:

- the grounds for confidentiality; and
- the duration of the order or the circumstances in which the order will cease to apply, or a period after which the order must be reviewed – if the order has a duration of more than 12 months, the order must be reviewed at least once in every year; and
- (if applicable) whether the power to revoke the order will be delegated to an employee of the Council. [s.91(9)]

14.5.14.6. Requests to access Council and Council Committee documents can be made under the *Freedom of Information Act 1991*.

~~14.5.1~~14.6.1. Freedom of Information applications should be submitted using the correct application form and be as specific as possible to enable the correct documents to be identified.

~~14.5.2~~14.6.2. Application forms are available from at each office of the Council that is open to the public for the general administration of Council business or on the State Records website: www.archives.sa.gov.au, under Freedom of Information, Forms for FOI Process. The application form contains details of the fees payable and fee waivers available.

~~14.5.3~~14.6.3. Freedom of Information requests should be addressed to:
Freedom of Information Officer
Adelaide Hills Council
[PO Box 4463 Mt Barker Road](#)
[WOODSIDE-STIRLING SA 525244](#)

15. ACCOUNTABILITY AND REPORTING TO THE COMMUNITY

15.1. A report on the use of sections 90(2) and 91(7) by the Council and Council Committees must be included in the annual report of Council as required by Schedule 4 of the Act. This supports commitment to the principle of accountability to the community. The reporting should include the following information, separately identified for both Council and Council Committees:

- Number of occasions each of the provisions of sections 90(2) and 90(3) were utilised;
- Number of occasions each of the provisions of sections 90(2) and 90(3) and section 91(7) were utilised, expressed as a percentage of total agenda items considered;
- An indication of any particular issues that contributed to the use of confidentiality provisions on more than one occasion (e.g. a proposal to acquire a parcel of land was considered on 3 separate occasions);
- Number of occasions that information originally declared confidential has subsequently been made publicly available; and
- Number of occasions that information declared confidential has not been made publicly available and the reason for this in each case.

15.2. The Council's Annual Report will include details of an Information or Briefing Sessions held by Council in the preceding financial year, including their purpose, the matters discussed at workshops and professional development/training sessions and whether the public were able to attend.

16. REVIEW OF THE CODE

16.1. Council is required to review this Code within 12 months after the conclusion of each periodic election, therefore the next mandated review is due to occur in November 202~~7~~3. However, Council has the ability to review this Code at any time if considered desirable.

17. GRIEVANCE

- 17.1. Council has established procedures for the review of decisions under section 270 of the Act for:
- Council, and its Committees;
 - employees of the Council; and
 - other persons acting on behalf of the Council.
- 17.2. Should a person be aggrieved about public access to either a meeting or a document then they can lodge an application for review of that decision under the procedures established by Council. The Procedures are available in Council's *Internal Review of Council Decisions Policy* which is available at Council's Service and Community Centres or on Council's website www.ahc.sa.gov.au.

18. DELEGATION

- 18.1. The CEO has the delegation to:
- 18.1.1. Approve, amend and review any procedures that shall be consistent with this Code.
 - 18.1.2. Make any legislative, formatting, nomenclature or other minor changes to the Code during the period of its currency.

**ADELAIDE HILLS COUNCIL
ORDINARY COUNCIL MEETING
Tuesday 11 July 2023
AGENDA BUSINESS ITEM**

Item: 12.3

Responsible Officer: Lachlan Miller
Executive Manager Governance and Performance
Office of the Chief Executive

Subject: Council Resolutions Update including 2 year update to outstanding resolutions

For: Decision

SUMMARY

The Action List is updated each month by the responsible officer and outlines actions taken on resolutions passed at Council meetings. In some cases actions can take months or years to be completed due to the complexity and/or the level of influence Council has in the matter.

In March 2015, Council resolved that outstanding resolutions passed before 31 March 2013 would be the subject of a report outlining the reasons why the resolutions have not been completed, detailing what actions have been taken and an estimated date of completion.

While the above resolution referred to a date, the duration was two (2) years and the intent of the Council's resolution has been carried forward as a prudent accountability mechanism.

RECOMMENDATION

Council resolves:

- 1. That the report be received and noted**
- 2. The following completed items be removed from the Action List:**

| Meeting Date | Meeting | Res No. | Item Name | Previously Declared COI |
|--------------|------------------|---------|--|------------------------------|
| 27/07/2021 | Ordinary Council | 158/21 | Revocation of Community Land Classification - Closed Roads R2142AA & R1573AB | Perceived - Cr Linda Green |
| 24/01/2023 | Ordinary Council | 5/23 | MON First Nations use of Surplus Land | Material - Cr Adrian Cheater |
| 9/05/2023 | Ordinary Council | 119/23 | Bridgewater Retirement Village | Nil |
| 9/05/2023 | Ordinary Council | 120/23 | Bridgewater Retirement Village duration of confidentiality | Nil |
| 13/06/2023 | Ordinary Council | 150/23 | Adelaide Hills Tourism One Year Funding Agreement | Nil |

1. GOVERNANCE

➤ Strategic Management Plan/Functional Strategy/Council Policy Alignment

Strategic Plan 2020-24 – A brighter future

Goal 5 A Progressive Organisation

Objective O5 We are accountable, informed, and make decisions in the best interests of the whole community

Priority O5.3 Demonstrate accountability through robust corporate planning and reporting that enhances performance, is relevant and easily accessible by the community

The timely completion of Council resolutions assists in meeting legislative and good governance responsibilities and obligations.

➤ Legal Implications

Not applicable

➤ Risk Management Implications

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

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

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

➤ Financial and Resource Implications

Not applicable

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

Not applicable

➤ **Sustainability Implications**

Not applicable

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

Not applicable

2. BACKGROUND

At its meeting of 24 March 2015 Council resolved:

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

The contents of this report formed a workshop discussion with Council Members on 3 May 2017.

While the above resolution referred to a date, the duration was two (2) years and the intent of the Council's resolution has been carried forward as a prudent accountability mechanism.

3. ANALYSIS

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

4. OPTIONS

Council has the following options:

- I. Note the status of the outstanding items and the proposed actions
- II. Resolve that other actions are required.

5. APPENDIX

- (1) Action List

Appendix 1

Action List

| Meeting Date | Meeting | Res No. | Item Name | Previously Declared COI | Action Required (Council Resolution) | Responsible Director | Status | Status (for Council reporting) |
|--------------|------------------|---------|---|-------------------------|--|----------------------|-------------|--|
| 24/01/2017 | Ordinary Council | 7/17 | Cromer Cemetery Revocation of Community Land | None declared | a report be prepared and submitted to the Minister for Local Government seeking approval for the revocation of the community land classification of a portion of the land contained in Certificate of Title Volume 5880 Folio 219 Identified in red on the plan attached as Appendix 1. | Terry Crackett | In Progress | July 2023 - Plans lodged with Lands Titles office but we are awaiting on a letter from Crown Lands SA to allow the fee to be waived - now on hold until fees have been resolved. |
| 28/08/2018 | Ordinary Council | 200/18 | Proposal to enter 11 AHC Reserves into Heritage Agreements 2018 | None declared | <ol style="list-style-type: none"> That the report be received and noted. That the Biodiversity Officer be authorised to enter: Doris Coulls Reserve, 152 Old Mt Barker Road, Aldgate; Heathfield Waste Facility, 32 Scott Creed Road, Heathfield; Kiley Reserve, 15 Kiley Road, Aldgate; Shanks Reserve, 1 Shanks Road, Aldgate; Stock Reserve, Stock Road, Mylor; Leslie Creek Reserve, Leslie Creek Road, Mylor; MI MI Reserve, 125 Aldgate Valley Road, Mylor; Aldgate Valley 2 Reserve, 114 Aldgate Valley Road, Mylor; Kyle Road Nature Reserve, Kyle Road, Mylor; Carey Gully Water Reserve, Deviation Road, Carey Gully; Heathfield Stone Reserve, 215 Longwood Road, Heathfield; Mylor Parklands, Mylor That the Heritage Agreements retain the existing dog access arrangements in place for each of those reserves. | Peter Bice | In Progress | <p>The Heritage Applications were phased over the years in order to be accommodated within available resourcing. All applications have been lodged by June 30 2022 as per 2018 Council resolution. Heritage Agreements have been registered over:</p> <p>Kiley Reserve Shanks Reserve Kyle Road Nature Reserve, Leslie Creek Reserve Aldgate Valley 2 Reserve Doris Coulls Reserve Mylor Parklands Heathfield Waste Facility Heathfield Conservation Reserve</p> <p>Conditionally approved: 1. Reserve 26 - "Stock Rd 1". Closed Road Title Certificate to issue a new Certificate of Title for closed roads A1 and B1 in Road Plan 572 has been signed by the Surveyor General and forwarded to Land Services SA. Process can be tracked on SALLIS with dealing number 13991916. 2. Carey Gully. Rededication from recreation to conservation purposes required. Paperwork to amend a dedication submitted to Crown Lands. Awaiting outcome.</p> <p>NOTES: Heathfield Stone Reserve was successfully rededicated for conservation purposes with Lands Title Office, and is now referred to as Heathfield Conservation Reserve.</p> <p>Heathfield Conservation Reserve and Heritage MI MI Reserve Applications have been accepted and signed by CEO, to be countersigned by DEW.</p> <p>Carey Gully was initially rejected but appealed by Biodiversity Officer. Heritage Officer changed their recommendation for acceptance and sent to delegate for approval. Correspondence received that rededication from recreation to conservation purposes is required. Paperwork to amend a dedication has been submitted to Crown Lands.</p> <p>Still awaiting update from DEW as to when these final 4 can be finalised.</p> |
| 11/09/2018 | Special Council | 229/18 | Road Exchange McBeath Drive, Skye Horsnell Gully | None declared | <p>In accordance with sections 12 and 15 of the Roads (Opening and Closing) Act 1991, as regards the land within the Adelaide Hills Council area, enter into an Agreement for Exchange with Boral Resources (SA) Ltd and issue a Road Process Order to open as road portions of Section 906 Hundred of Adelaide numbered "1", "2" and "3" on Preliminary Plan No. 17/0066 (Appendix 1) and in exchange to close portions of McBeath Drive marked "A", "B", "C" and "D" on Preliminary Plan No. 17/0066, subject to the following: Boral Resources (SA) Ltd agreeing to pay all costs associated with the road exchange process including but not limited to all survey, valuation and reasonable legal costs; Boral Resources (SA) Ltd agreeing to pay all costs associated with a Council boundary adjustment between Adelaide Hills Council and the City of Burnside to rectify the resulting Council boundary anomaly from the road exchange process</p> <p>The closed road is excluded as Community Land pursuant to the Local Government Act 1999.</p> <p>Council approves the sale of the differential between the total area of closed road and the total area of opened road of approximately 1,242m² to Boral Resources (SA) Ltd for the amount of \$6,210 as determined by an independent valuation.</p> <p>Subject to the successful completion of the road exchange process, Council undertakes a process in conjunction with the City of Burnside to realign the local government boundary along the new location of McBeath Drive to the south side of pieces 42, 52 and 62 of the proposed residential allotments in accordance with the provisions of the Local Government (Boundary Adjustment) Amendment Act 2017 (to</p> | Terry Crackett | In Progress | 4 July 2023 - no further update |

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| 23/07/2019 | Ordinary Council | 188/19 | LED Street Lighting Upgrade | None declared | That the report be received and noted.To approve an increase of \$365k in Council's 2019/20 capital budget to commence the transition of 900 P – category public streetlights to LED with the funding source to be recommended to Council at its next budget review.That Council engage SAPN to commence the changeover of P-Category lights to LED public lighting on Council roads and that authority is given to the CEO to finalise a contract with SAPN and sign that agreement.That Council enter into a PLC tariff agreement for public lighting with SAPN until 30 June 2020 and subsequently move to the tariff set by the Australian Energy Regulator from July 2020.That Council continues to liaise with SAPN and DPTI on the changeover of Council public lighting on roads under the care and control of the State Government.That a further report be provided to Council on the outcome of the continued discussions with SAPN and DPTI. | Peter Bice | In Progress | Item 1 - 4 of the resolution have been complete for some time. Items 5 regarding the change over of Council held public lighting on DIT roads is on-going. The Minister has requested that the Department to establish a working group with LGA representatives to investigate options for long term ownership of Council lighting on DIT maintained roads. Adelaide Hills Council will be represented on this working group with the group starting in June 2023.Note that there are only about 100 Council public lights on DIT roads across the Council area and hence the benefits of having this as a priority are minimal in the overall scheme of investment options for energy use reduction. The current status of LED lighting as it relates to items 1 - 4 • 767 LED 17 were rolled out as a bulk rollout program with a \$ 355k investment. Council has entered into PLC tariffs for these lights, that is Council funds the capital investment and receives a lower tariff fee and associated reduce electricity use that provides long term operational costs for providing this service. • A further 29 lights have been upgraded to LED – Located in Aldgate Main Street, Summertown, and Uraidia. • 280 have been changed over by SAPN as part of routine maintenance operations – SAPN policy to change public lights with LED equivalents when existing stocks are depleted. • 324 remain to be converted – cost in the order of 600k – 700k as these are vertical mounted (technical challenges with existing assemblies) or higher-class V Category. The remaining approximately 324 lights are more challenging with higher costs and a lower cost benefit. • We have had 73 additional LED lights transferred to Council by Developers (Crest and Hamilton Hill) |
| 15/12/2020 | Ordinary Council | 300/20 | Road Exchange Pomona Road Stirling | None declared | 1. That the report be received and noted2. In accordance with sections 12 and 15 of the Roads Opening and Closing) Act 1991, enter into an Agreement for Exchange with the owner of the land of 21 Pomona Road Stirling and issue a Road Process Order to open as public road the area identified as "Road to be opened 1" on the Preliminary Plan No 20/0038 and in exchange to close a portion of Pomona Road as identified on the Preliminary Plan No 20/0038 as "Public Road A", subject to the owner of the land at 21 Pomona Road Stirling agreeing to pay all costs associated with the road exchange process including but not limited to all survey, valuation and reasonable legal costs 3. The closed road be excluded as Community Land pursuant to the Local Government Act 1999. The Mayor and Chief Executive Officer be authorised to sign all documents necessary, including affixation of the common seal, to give effect to this resolution | Terry Crackett | In Progress | May 23 - sent follow up email to surveyor on 17/04/2023 seeking an update on the lodgement of documents with the surveyor general June 23 - no further update July 23 - no further update |
| 27/01/2021 | Ordinary Council | 22/21 | CWMS Review | None declared | that the report, related attachments and the discussion and considerations of the subject matter be retained in confidence until 30 July 2021. | Peter Bice | In Progress | Still to be retained in confidence |
| 23/03/2021 | Ordinary Council | 52/21 | Crown Land Revocation | None declared | 1. That the report be received and noted 2. That the consultation report (Appendix 1) be received and noted 3. To apply to the Minister for Planning to revoke the Community Land classification of the following parcels of land:- i. CR 5752/186, Lot 32 Fulgrabe Road, Crafrers ii. CR 5753/725, Section 1609 Illert Road, Mylor iii. CR 5753/729, Section 1657 Scott Creek Road, Scott Creek iv. CR 5753/741, Sections 53 and 54 Sandy Waterhole Road, Woodside v. CR 5753/742, Section 547 Schuberts Road, Lobethal vi. CR 5753/744, Section 553 Pedare Park Road, Woodside vii. CR 5753/745, Section 556 Tiers Road, Woodside viii. CR 5753/746, Section 565 Old Carey Gully Road, Stirling ix. CR 5753/754, Section 511 North East Road, Inglewood x. CR 5753/758, Section 262 Reserve Road, Forreston xi. CR 5763/631, Section 1591 Silver Road, Bridgewater xii. CR 5763/634, Section 71 Magarey Road, Mount Torrens xiii. CR 5763/635, Section 72 Magarey Road, Mount Torrens xiv. CR 5763/636, Section 84 Forreston Road, Forreston xv. CR 6142/329, Lot 501 Greenhill Road, Balhannah xvi. CR 5926/487, Lot 20 Bell Springs Road Charleston (for rededication to the Department of Environment & Water) xvii. CR 5753/718, Section 1544 Reserve Terrace Aldgate (for rededication to Meals on Wheels) xviii. CR 5753/753, Section 495 off Kersbrook Road Kersbrook (for rededication to Forestry SA) 4. That a further report be presented to Council once a response from the Minister for Planning is received. | Terry Crackett | In Progress | 4 July 2023 - Advice now received from Crown Lands seeking the land to be resumed by the Crown. Report to be submitted to 25 July 2023 Council meeting. |

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| 27/07/2021 | Ordinary Council | 158/21 | Revocation of Community Land Classification - Closed Roads R2142AA & R1573AB | Perceived - Cr Linda Green | <ol style="list-style-type: none"> 1. That the report be received and noted 2. To commence a revocation of community land process for the land described as "AA" in Road Plan No. 2142 ("Closed Road"), off Lenger Road, Mount Torrens including consultation in accordance with Council's Public Consultation Policy and the <i>Local Government Act 1999</i> with the intention of selling the Closed Road to the adjoining owners. 3. To commence a revocation of community land process for the land described as "A" and "B" in Road Plan No. 1573 ("Closed Road") adjacent to 105 Nicholls Road, Norton Summit including consultation in accordance with Council's Public Consultation Policy and the <i>Local Government Act 1999</i> with the intention of selling the Closed Road to the adjoining owners. 4. That a further report be presented to Council at the completion of the consultation. | Terry Crackett | Completed | July 2023 - Revocation of Community Land Process commenced, along with Public Consultation. Further Report presented to Council at its meeting on 28 June 2022, with information on the Public Consultation outcome and the next Stages for the revocation process. |
| 24/08/2021 | Ordinary Council | 170/21 | Road Exchange Aldi Development Pomona Road Stirling | None declared | That the report be received and noted in accordance with sections 12 and 15 of the <i>Roads (Opening and Closing) Act 1991</i> , enter into an Agreement for Exchange with the owner of the land of 3-5 Pomona Road Stirling and issue a Road Process Order to open as public road the area identified as "Road to be opened 1" on the Preliminary Plan No 21/0011 and in exchange to close a portion of Pomona Road as identified on the Preliminary Plan No 21/0011 as "Public Road A", subject to the owner of the land at 3-5 Pomona Road Stirling and Council agreeing to share all costs associated with the road exchange process including but not limited to all survey, valuation and reasonable legal costs. The closed road be excluded as Community Land pursuant to the <i>Local Government Act 1999</i> . The Mayor and Chief Executive Officer be authorised to sign all documents necessary, including affixation of the common seal, to give effect to this resolution. | Terry Crackett | In Progress | July 23 - no update June 23 - awaiting further advice from Developer's surveyor regarding the status of this matter |
| 24/08/2021 | Ordinary Council | 178/21 | Operational Workplace Review | None declared | <ol style="list-style-type: none"> 1. That the report be received and noted 2. That Council take up commercial lease space in Stirling at 85 Mount Barker Road Stirling, and the associated costs for the leasehold premises detailed in <i>Appendix 1</i> be adjusted in the 2021-22 financial year at Budget Review 1 3. Further detailed scoping be undertaken on the proposed renewal and energy efficiency upgrades to the Stirling Office, Heathfield Depot, Gumeracha Depot and Woodside Offices (current Development and Building Team offices) and presented to Council for consideration where appropriate within the 2021-22 Budget Review 1 and the next review of the Long Term Financial Plan 4. Subject to endorsement of the detailed scoping identified in 3 above, the Development and Building Team be relocated from Woodside to Stirling 5. To include budget provision in the draft Annual Business Plan for the 2022-23 financial year to undertake a feasibility study on the medium to long term needs for community and operational sites and where greater efficiencies may be obtained through consolidation of sites. | Terry Crackett | In Progress | 4 July 23 - remains under internal review |
| 26/10/2021 | Ordinary Council | 220/21 | Charleston Cemetery Compulsory Acquisition | None declared | <ol style="list-style-type: none"> 1. That the report be received and noted. 2. To revoke the resolution of Council of 22 May 2001, B129. 3. To commence a process to compulsorily acquire, under the <i>Land Acquisition Act 1969</i>, the Charleston Cemetery being the land contained in Certificate of Title Volume 5066 Folio 740 located at 36 Newman Road Charleston from The Charleston Cemetery Trust Inc. To continue to manage the Charleston Cemetery on behalf of The Charleston Cemetery Trust Inc in the interim from the date of this resolution until the completion of the land acquisition process. To authorise the Mayor and Chief Executive Officer to undertake all necessary actions, including execution of documents, including under the common seal of Council, to give effect to this resolution. | Terry Crackett | In Progress | 4 July 2023 - no response received from Minister as yet |

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| 26/10/2021 | Ordinary Council | 235/21 | Ashton Landfill - Confidential Item | None declared | As per Confidential minute | Peter Bice | In Progress | Matter continues to be progressed. Further updates will be provided when a material change occurs. |
| 26/10/2021 | Ordinary Council | 238/21 | Electricity Procurement Legal Matter - Confidential Item | None declared | As per confidential minute | Peter Bice | In Progress | Still to be retained in confidence |
| 14/12/2021 | Ordinary Council | 274/21 | Woodside Recreation Ground Reuse further information | Perceived - Cr Stratford | <ol style="list-style-type: none"> The report be received and noted. That a report be prepared for Council's information on the costs associated with bore water saving initiatives that could be implemented in respect to Council-owned recreational assets that are currently irrigated by bore water. | Peter Bice | In Progress | An audit of the site was undertaken on Wednesday 4th January 2023, along with other key areas. Report has been received and currently being reviewed. |
| 22/03/2022 | Ordinary Council | 52/22 | Response to MON Bore Use | Nil | <ol style="list-style-type: none"> That the report be received and noted To negotiate an agreement with the Summertown Village Water Company for access to the Council bore located on Anya Crescent Reserve at Summertown for a defined period, being not more than 3 years, on terms and conditions to be agreed whereby by the end of the agreement term, the Summertown Village Water Company has established an independent water supply for its shareholders and current use of the Council bore ceases To negotiate an in principle agreement with the Summertown Community Centre Inc. for a land exchange at Tregarthen Reserve Summertown that would see the public infrastructure located on land owned by the Council and the sport and recreation infrastructure on land owned by the Summertown Community Centre Inc. with the Council being responsible for the provision of water to Tregarthen Reserve To negotiate an agreement with the owner of 30 Stonehenge Avenue Stirling, for access to and use of the bore located on Council land at 28 Stonehenge Avenue Stirling, for a defined reasonable period of time, say 18 – 24 months, on terms and conditions to be agreed whereby by the end of the agreement, the landowner has established an independent water supply for its land and use of the Council bore ceases To undertake further investigations in relation to the Mylor bore and tanks and to which properties it supplies water The CEO further reports to Council on an annual basis of progress being made on points 2-5. | Terry Crackett | In Progress | 4 July 2023 - application to purchase Council land at Stonehenge has been considered by staff and is not viable or possible for a variety of reasons. Report to be submitted to Council in coming months providing an update on the status of actions arising from the March 2022 resolution. |
| 22/03/2022 | Ordinary Council | 53/22 | Removal of Remoteness Sculpture, Stirling | Nil | <ol style="list-style-type: none"> That the report be received and noted. That the sculpture known as <i>The Remoteness</i>, be removed from the area in front of the Coventry Library, Stirling. That best endeavours should be made to retain suitable elements of the sculpture for placement in the surrounding landscape in a manner appropriate to the setting, such as for informal seating. That the Council works with the Stirling Business Association and stakeholders from the former Adelaide Hills International Sculpture Symposium Inc to identify and implement appropriate means of recognising the sculpture and ensuring its legacy is not lost to the precinct in which it is presently situated and the overall Hills Sculpture Trail. | Rebecca Shepherd | In Progress | 4 July 2023 - Action items 1 and 2 have been completed. Action items 3 and 4 referred to Community Services team for action |

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| 26/04/2022 | Ordinary Council | 86/22 | MON Property Lobethal Road Lenswood | Nil | 1. Council notes the long history of compliance action taken by the Council under both the <i>Development Act 1993</i> , and the <i>Local Nuisance and Litter Control Act 2016</i> , in relation to: continuing unauthorised use of the land as a junkyard/scrap storage facility; the continuing unsightly condition of the land when viewed from the public realm; and ongoing nuisance caused by wandering livestock and animals which issues continue to bring about adverse impacts within the locality. The Council instructs the Chief Executive Officer to take such further action/s as he may be advised to take under (including but not limited to) the <i>Local Nuisance and Litter Control Act 2016</i> , and/or the <i>Planning, Development and Infrastructure Act 2016</i> , (which action/s may involve the commencement legal proceedings and/or the exercise of step-in rights) to address the above issues on an ongoing basis. Wherever possible, such action should seek to recover the Council's costs associated with the relevant action/s. | Natalie Armstrong | In Progress | Continued monitoring is being undertaken by Council staff and action if appropriate. |
| 26/04/2022 | Ordinary Council | 87/22 | Property Lobethal Road Lenswood - Duration of Confidentiality | Nil | Item Duration of Confidentiality NB: Item to be reviewed every 12 months if not released ReportTwo year term Related AttachmentsTwo year term MinutesNIL Other (presentation, documents, or similar)NIL | Natalie Armstrong | In Progress | |
| 24/05/2022 | Ordinary Council | 122/22 | Purchase of Land 8 St John Road Norton Summit | Perceived - Cr Leith Mudge | I move that the matter of the purchase of land at 8 St John Road Norton Summit be brought to a workshop to ensure all members are fully aware of the situation which includes issues that have to be resolved, e.g. Council's encroachment onto Church land of the septic system and part of the CFS shed. | Terry Crackett | In Progress | 4 July 2023 - Approx. 1000 sqm of Church land has been identified for possible purchase by Council. A surveyor has been engaged to prepare a draft survey plan, following which a valuation will be sought and a report prepared for an upcoming Council meeting. |
| 28/06/2022 | Ordinary Council | 157/22 | Revocation of Community Land Classification - Closed Roads Mt Torrens & Norton Summit | Perceived - Cr Linda Green | That the report be received and noted A report be prepared and submitted to the Minister for Planning seeking approval for the revocation of the community land classification of the land identified as: a. Closed Road AA in Road Plan No. 2142 contained in Certificate of Title Volume 6261 Folio 496 located at Mount Torrens (Appendix 1) b. Closed Road AB in Road Plan No. 1573 contained in Certificate of Title Volume 6261 Folio 497 located at Norton Summit (Appendix 1) | Terry Crackett | In Progress | July 2023 - Further Report being presented to Council on 25 July 2023 (to be deleted next month) |
| 28/06/2022 | Ordinary Council | 166/22 | Warren Road Birdwood Blackspot - Confidential Item | Nil | See Confidential Minute | Peter Bice | In Progress | In Progress |

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| 28/06/2022 | Ordinary Council | 167/22 | Warren Road Birdwood Blackspot - Duration of Confidentiality | Nil | Subject to the CEO, or his delegate, disclosing information or any document (in whole or in part) for the purpose of implementing Council's decision(s) in this matter in the performance of the duties and responsibilities of office, Council, having considered Agenda Item 18.1 in confidence under sections 90(2) and 90(3)(d) of the <i>Local Government Act 1999</i> , resolves that an order be made under the provisions of sections 91(7) and (9) of the <i>Local Government Act 1999</i> to retain the Items in confidence as detailed in the Duration of Confidentiality Table below:Item Duration of Confidentiality NB: Item to be reviewed every 12 months if not releasedReportUntil all resolutions are executed, but not longer than 28 June 2023Related AttachmentsUntil all resolutions are executed, but not longer than 28 June 2023MinutesUntil all resolutions are executed, but not longer than 28 June 2023 | Peter Bice | In Progress | Period of confidentiality has been extended in line with project extension of time. |
| 28/06/2022 | Ordinary Council | 172/22 | Ashton Landfill - Confidential | Nil | See Confidential Minute | Peter Bice | In Progress | Matter continues to be progressed. Further updates will be provided when a material change occurs. |
| 28/06/2022 | Ordinary Council | 173/22 | Ashton Landfill - Duration of Confidentiality | Nil | Subject to the CEO, or his delegate, disclosing information or any document (in whole or in part) for the purpose of implementing Council's decision(s) in this matter in the performance of the duties and responsibilities of office, Council, having considered Agenda Item 18.3 in confidence under sections 90(2) and 90(3)(i) of the <i>Local Government Act 1999</i> , resolves that an order be made under the provisions of sections 91(7) and (9) of the <i>Local Government Act 1999</i> to retain the Items in confidence as detailed in the Duration of Confidentiality Table below: Item Duration of Confidentiality NB: Item to be reviewed every 12 months if not releasedReport28 June 2024Related Attachments28 June 2024Minutes28 June 2024OtherNIL | Peter Bice | In Progress | Matter continues to be progressed. |
| 28/06/2022 | Ordinary Council | 175/22 | Fabrik Tender & Contract - Confidential Item | Nil | See Confidential Item | Terry Crackett | In Progress | 4 July 2023 - awaiting signing of external works contract |
| 26/07/2022 | Ordinary Council | 182/22 | Policy Review - Festivals and Events | Nil | That the report be received and noted. To undertake public consultation on the Draft July 2022 <i>Festivals and Events Policy</i> and the CEO prepares a report for Council. | Rebecca Shepherd | In Progress | We have commenced phase 1 of consultation on the Festival & Events Policy with a general invitation to our community and event attendees to provide feedback on events they run or attend. We will then run a workshop session with Council in the second half of the year to provide details regarding the variety of ways we currently support events and seek input into how we should be supporting them in the future. That feedback will then inform the development of our new policy to come to Council around November 2023. https://engage.ahc.sa.gov.au/festivals-and-events-in-the-adelaide-hills |

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| 23/08/2022 | Ordinary Council | 230/22 | East Waste Recycling Contract – Duration of Confidentiality | Nil | to retain the Items in confidence as detailed in the Duration of Confidentiality Table below:Item Duration of Confidentiality NB: Item to be reviewed every 12 months if not releasedReport23 August 2024Related Attachments23 August 2024Minutes23 August 2024Other23 August 2024 Pursuant to section 91(9)(c) of the <i>Local Government Act 1999</i> , the Council delegates the power to revoke the confidentiality order either partially or in full to the Chief Executive Officer. | Peter Bice | In Progress | Confidential material remains sensitive and could reasonably be expected to prejudice the commercial position of the person who supplied the information. |
| 23/08/2022 | Ordinary Council | 234/22 | Revised East Waste 2022-23 Annual Plan & Budget – Duration of Confidentiality | Nil | to retain the Items in confidence as detailed in the Duration of Confidentiality Table below:Item Duration of Confidentiality NB: Item to be reviewed every 12 months if not releasedReportNil Related Attachments Appendix 1 Appendix 2 23 August 2024 NilMinutesNilOtherNil Pursuant to section 91(9)(c) of the <i>Local Government Act 1999</i> , the Council delegates the power to revoke the confidentiality order either partially or in full to the Chief Executive Officer. | Peter Bice | In Progress | Confidential material remains sensitive and could reasonably be expected to prejudice the commercial position of the business who supplied the information. |
| 23/08/2022 | Ordinary Council | 237/22 | Ministerial Exemption - Duration of Confidentiality | Nil | to retain the Items in confidence as detailed in the Duration of Confidentiality Table below:Item Duration of Confidentiality NB: Item to be reviewed every 12 months if not releasedReport23 August 2024Related Attachments23 August 2024Minutes23 August 2024Other23 August 2024 Pursuant to section 91(9)(c) of the <i>Local Government Act 1999</i> , the Council delegates the power to revoke the confidentiality order either partially or in full to the Chief Executive Officer. | Peter Bice | In Progress | |
| 20/12/2022 | Ordinary Council | 303/22 | Surplus Government Land Notification | Nil | See Confidential Minute | Terry Crackett | In Progress | July 2023 - item in process of being actioned |
| 20/12/2022 | Ordinary Council | 304/22 | Surplus Government Land Notification | Nil | to retain the Items in confidence as detailed in the Duration of Confidentiality Table below: Item Duration of Confidentiality NB: Item to be reviewed every 12 months if not releasedReportUntil the land has been placed on the open market by the State Government or until the State Government authorises release of the information, whichever event occurs first.Related Attachments Until the land has been placed on the open market by the State Government or until the State Government authorises release of the information, whichever event occurs first.Minutes Until the land has been placed on the open market by the State Government or until the State Government authorises release of the information, whichever event occurs first.Other (presentation, documents, or similar)NIL | Terry Crackett | In Progress | |

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| 24/01/2023 | Ordinary Council | 3/23 | Questions adjourned - Options to reduce traffic congestion and improve child safety adjacent to Bridgewater Primary School | Nil | <ol style="list-style-type: none"> 1. That the report be received and noted. 2. That following the completion of the Child Care development, and in liaison with the Department for Education, Council Staff undertake a Traffic Monitoring Study of the local road network in the vicinity of Bridgewater Primary School including Lezayre Avenue, Morella Grove, Trenouth Street and Shannon Road. 3. That a report be brought back to Council within 6 months of the opening of the Childcare Centre. | Peter Bice | In Progress | <p>Report to be brought back to Council within 6 months of the opening of the Childcare Centre.</p> <p>Staff will progress at the appropriate time once child care centre has been in operation for six months.</p> |
| 24/01/2023 | Ordinary Council | 5/23 | MON First Nations use of Surplus Land | Material - Cr Adrian Cheater | <p>That the CEO investigates the feasibility, including yet not limited to the implications for Council, of providing preference to traditional custodians and other Aboriginal and Torres Strait Islander stakeholders who live, work or have a strong connection to the Adelaide Hills, to purchase, lease or use vacant land, at no cost to Council, that is:</p> <ol style="list-style-type: none"> a. owned by Council; or b. crown land under the care and control of Council, that is surplus to Council's needs. <ol style="list-style-type: none"> 1. The Adelaide Hills Reconciliation Working Group (AHRWG), traditional custodians and other Aboriginal and Torres Strait Islander stakeholders who live, work or have a strong connection to the Adelaide Hills be consulted as part of this investigation. 2. The outcomes of the investigation be discussed at a workshop and a report including recommended changes to relevant policy be presented to Council for consideration not later than 30 June 2023. | Terry Crackett | Completed | <p>July 23 - Council considered a report at its 27 June 2023 meeting on this matter.</p> <p>June 23 - Council workshop held on 5 June 2023. Council report scheduled for 27 June 2023.</p> |
| 24/01/2023 | Ordinary Council | 7/23 | First Nations and Australia Day | Nil | <p>That Council</p> <ol style="list-style-type: none"> 1. Reaffirms its commitment to being an inclusive council that respects First Nations culture and values 2. Acknowledges the 26th of January is a day of mourning for many First Nations people 3. Requests the Chief Executive Officer prepares a report for Council's consideration on the proposal to move citizenship ceremonies, award ceremonies and related events to a date other than 26 January from 2024 onwards. | Rebecca Shepherd | In Progress | <p>Initial discussions regarding stakeholder engagement have occurred.</p> <p>A consultation plan has been developed and appointments are being made with stakeholders.</p> <p>Meetings have been held with the Reconciliation Working Group and two stakeholder groups.</p> <p>4/4 All stakeholder meeting have been undertaken and results are to be workshopped with Council members.</p> <p>Workshop with Council members is currently scheduled for 5 / 6 / 23 and report tentatively scheduled to go to Council on 13/6 /23 pending the workshop progress.</p> |
| 24/01/2023 | Ordinary Council | 14/23 | 37 Yanagin Road Greenhill Revocation of Community Land Classification and Land Swap with Yanagin Reserve | Nil | <ol style="list-style-type: none"> 1. That the report be received and noted. 2. That Council commences a revocation of community land process for the land identified in Appendix 2 including consultation in accordance with Council's Public Consultation Policy and the <i>Local Government Act 1999</i> with the intention of undertaking a land swap with the owners of 37 Yanagin Road, Greenhill, together with varying the existing Heritage Agreement over Yanagin Reserve. 3. That a report be brought back to Council following completion of the Community Consultation process. | Terry Crackett | In Progress | <p>July 2023 - report submitted to Minister seeking approval to revoke the community land classification</p> |
| 14/02/2023 | Ordinary Council | 26/23 | Preserving Randell's Workers Cottages 1 Beavis Ct Gumeracha | Nil | <ol style="list-style-type: none"> 1. That the report be received and noted. 2. That the amount of \$20,000 be considered as part of the 2023/24 budget preparation process to prevent further deterioration of Randell's Cottages at 1 Beavis Court, Gumeracha. 3. That Council explores another submission to the State Government in an attempt to excise this parcel of land from the Environmental Food Production Zone. | Natalie Armstrong | In Progress | <p>Funds have been allocated in the draft 23/24FY budget for this project.</p> <p>The State Government reviews the EFPA every 4 years, with the last review being undertaken in 2022. The next review will be due in 2026. A request for review will not be considered until the next review in 2026.</p> |

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| 14/02/2023 | Ordinary Council | 29/23 | Policy Review Meeting Procedures | Nil | That the report be received and noted.That in relation to the Code of Practice for Council Meeting Procedures.This Code of Practice be brought to the Elected Body in a Workshop so the newly Elected Body has the opportunity to fully explore and understand both the Code in its current form and the implications of the proposed changes. | David Waters | In Progress | Council Member consultation has been completed and a workshop will be convened at the next available opportunity prior to a report to Council. |
| 14/02/2023 | Ordinary Council | 30/23 | Policy Review Access to Council, Committee, Information or Briefing Sessions | Nil | 1. That the report be received and noted. 2. That in relation to the Code of Practice for Access to Council and Council Committee and Information or Briefing Session Meetings & Documents: 3. This Code of Practice be brought to the Elected Body in a Workshop so the newly Elected Body has the opportunity to fully explore and understand both the Code in its current form and the implications of the proposed changes. | David Waters | In Progress | Council Member consultation has been completed and a workshop will be convened at the next available opportunity prior to a report to Council. |
| 28/02/2023 | Ordinary Council | 40/23 | MON Violence Against Women | Nil | Notes the <i>National Plan to End Violence Against Women and Children 2022-2032 (Appendix 1)</i> ;Recognises that violence against women and children is one of the most widespread violations of human rights in our community;Is committed, where possible, to helping its community end violence against women and children in the Adelaide Hills Council region;Requests that the CEO implement the Our Watch's Prevention Toolkit for Local Government by 31 October 2023 so that they may be able to inform Council on how best to assist in helping its community end violence against women and children within our region. | Rebecca Shepherd | In Progress | The A/CEO has communicated the Council's resolution to the Council's workforce. A proposed Statement of Commitment and Toolkit Implementation Plan is being prepared for Council feedback at the 20/6 workshop, as well as a guest presentation by Prof Sarah Wendt (Flinders University). The proposed Statement of Commitment and Toolkit Implementation Plan is scheduled for Council endorsement at the 11/7 meeting. |
| 28/02/2023 | Ordinary Council | 41/23 | MON Hanson Construction Materials Ltd - White Rock Quarry | Nil | 1. That the Chief Executive Officer, on behalf of Council, writes to the Chief Executive Officer of the Department for Energy and Mining (Dr Paul Heithersay), requesting: Details on the current status of Hanson Construction Materials Ltd (Hanson) White Rock Quarry (expansion) revised Mine Operations Plan (MOP) that was originally submitted on or about 23 December 2020.Details and outcomes of any and all compliance order(s) that have been issued to Hanson since the subject MOP was submitted on or about 23 December 2020.Details and outcomes of any and all compliance actions that the Environment Protection Authority has undertaken in respect to Hanson since the subject MOP was submitted on or about 23 December 2020.Confirmation that the ultimate decision maker as to whether Hanson's MOP obtains approval is the Minister for Energy and Mining (the Honourable Tom Koutsantonis MP). 2. That once a response is received from the Chief Executive Officer of the Department for Energy and Mining, that response will be tabled at the next scheduled Ordinary meeting of Council. | Natalie Armstrong | In Progress | Letter has been sent and receipt acknowledged. Response received and will be tabled at the 27 June 2023 meeting |

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| 28/02/2023 | Ordinary Council | 45/23 | Parking and Road Safety Wattle Tree Road Bridgewater | Nil | That the report be received and notedTo implement the recommended signage addition and vegetation management outlined in the reportin addition to the recommended signage, to investigate and implement advisory speed signage in the vicinity of the crest, or other appropriate traffic control mechanisms aimed at reducing vehicle speeds That Council ensure the road siding of section 2 is maintained through the regular application of appropriate fillThat parking, access and safety considerations on Wattle Tree Road be monitored again once current residential development on the street is complete. | Peter Bice | In Progress | New signage and line marking has been ordered. Required maintenance works, including shoulder and verge works, are currently being scheduled. |
| 28/02/2023 | Ordinary Council | 46/23 | Coach Parking in Stirling | Nil | The report be received and notedThe merit of coach parking in Stirling be further explored by the administration and the development of costings be consideredThe Stirling Business Association and Adelaide Hills Tourism be consulted as part of this processA report be brought back to Council by December 2023. | Rebecca Shepherd | In Progress | SBA Minutes 10 March 2023 |
| 14/03/2023 | Ordinary Council | 52/23 | Heritage Agreements | Nil | That the report be received and noted. That the Chief Executive Officer further investigate and where feasible and eligible, be authorised to enter: Bridgewater Recreation Reserve, Cave Reserve, Bridle Path & Walking trails at Cave Ave, Ayr Street, Anzac Ridge Road, BridgewaterRAA Tower Reserve at 21 Hillcrest Avenue Crafers WestHeron Reserve at 21 Onkaparinga Rd, BridgewaterCharleston Waste Facility (Mt Charles) at Harrison Road, CharlestonThe Deanery, Old Mount Barker Rd, BridgewaterGrasby Reserve at Pye Road, BalhammahHoliday Reserve at Wright Rd, StirlingRudall Reserve at 7-9 Rudall Ave, CrafersSmith Rd/Stone Quarry Reserve at South Para Rd, KersbrookHampton Reserve at Hampton Rd, MylorCooper's Reserve at Silver Lake Rd, MylorGurr Rd Reserve parcel at Gurr Rd North, BradburyHeathfield/Longwood Reserve, Corner of Heathfield & Longwood Rd, HeathfieldAldgate Tennis Courts at 180 Mt Barker Rd, AldgateChapman Water Reserve at Chapman Road, InglewoodAldgate Valley Wildlife Corridor, aka "Bandidocot Lane" Stock Road to Stevens Rd, MylorSilver Rd Reserve at 34 Silver Rd BridgewaterPitt Road Reserve at Pitt Rd, PiracombelHead Rd Reserve at Head Road North, HoughtonFenwood Reserve at Fernwood Way, Upper SturtPound reserve, Marble Hill and Pound Rd, AshtonMt Bold Cutting, Mount Bold Road Cut, Dorset ValeStirling Cemetery, Strathalbyn Rd, AldgateAldgate Valley Reserve, 96 Aldgate Valley Rd, AldgateWindmill Reserve, 151 Norton Summit Rd, Woodfordebeing of significant or high potential biodiversity value, into Heritage Agreements. That the Heritage Agreement applications seek to apply to those portions of the abovementioned reserves which are of significant or high potential biodiversity value, while retaining any existing dog access and established recreational use arrangements in place for each of those reserves. | Peter Bice | In Progress | Initial feedback from Native Vegetation Council's Heritage Agreement Officer received and included in summary developed for internal consultation with key Council staff. Staff workshop occurred June 15 to determine which sites may be appropriate to be the first ones to enter into HA, and follow up session scheduled July 14. |
| 28/03/2023 | Ordinary Council | 64/23 | Fire Water Tank Upper Hermitage | General - Cr Pauline Gill General - Cr Malcolm Herrmann General - Cr Adrian Cheater | 1. the report be received and noted. 2. Council acknowledges the fundraising efforts by Ms Jan Verrall and Ms Denise Eiland, 3. in view of advice by letter dated 21 February 2023 received from the CFS Regional Commander Region 2, summarised as follows:the whole of the land is needed for CFS volunteers to exercise and train;the tank would not be used or maintained by the CFS, andthe Upper Hermitage site is a dangerous location to place a community water tank for use during a time of fire; Council respectfully declines the offer for the donation and placement of a fire water tank at the corner of Range Road North and Warner Road Upper Hermitage. 4. That Council staff continue to work with the CFS across the Regions to support firefighting, fire prevention and fire educational efforts. 5. That the CEO or his delegate formalises the use of the land described as allotment 5 in Filed Plan 218343 and contained in Certificate of Title S854 Folio 841, commonly known as the Upper Hermitage tennis courts and CFS land, to the SA Country Fire Service (CFS) for its purposes. | Terry Crackett | In Progress | July 2023 - progressing |

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| 28/03/2023 | Ordinary Council | 66/23 | MON - Community Event Electrical Certificates of Compliance Subsidies | Material - Cr Malcolm Herrmann Material - Cr Adrian Cheater | <p>1. That in relation to Anzac Day 2023, NAIDOC Week and National Reconciliation Week 2023, Council subsidises the cost of obtaining licenced electricians to review and certify electrical installations in respect to community groups holding dawn services and other commemorative events on Council land (including roads) to a limit of \$150 per event.</p> <p>2. That as part of the current review of the Council's Festivals and Events Policy, consideration be given to the feasibility (including costings) of: Financial subsidies for the attainment of a Certificate of Compliance (CoC) for community groups conducting activities on council lands and utilising council electrical outlets. That subsidies only apply for community events held on prominent national or local commemoration days including, but not limited to, ANZAC Day, NAIDOC Week and Remembrance Day, noting that the Council's position on events normally held on Australia Day (26 January) is currently under review.</p> <p>3. The report be made available for Council's consideration by 22 August 2023.</p> | Rebecca Shepherd | In Progress | Three community groups took up the subsidy for ceremonies at Stirling, Houghton and Norton Summit CoCs. |
| 28/03/2023 | Ordinary Council | 67/23 | Adelaide Hills Subzone Code Amendment | General - Cr Nathan Daniell General - Cr Leith Mudge | That the report be received and noted. That the CEO progress preliminary investigations including pre-engagement with affected residents and landowners, to inform Council's position on whether a formal Code Amendment process for the Adelaide Hills Subzone will be initiated, with the CEO to table a report for Council's consideration on the matter by 23 May 2023. To instruct the CEO to inform the State Planning Commission and the Minister of Planning of Council's intention to progress preliminary investigations in preparation for a Code Amendment process for the Adelaide Hills Subzone, including the rationale. | Natalie Armstrong | In Progress | Preliminary Engagement has commenced with 84 survey responses already returned. The delay in going live was to accommodate other planning and engagement priorities which has pushed the project schedule back. The report including a Code Amendment proposal and an engagement summary and proposal will be brought back to Council in July rather than as first scheduled for May. |
| 11/04/2023 | Ordinary Council | 76/23 | Bike Lockers for Personal Use | Nil | the CEO prepare a report for Council's consideration examining installation of bike lockers or cages for public use including; key locations on council land where bike lockers or bike cages could strategically be placed, taking into consideration public transport stops and cycleways, including but not limited to; Verdun Junction Woodside Main Street Balhannah Main Street Kayannie Corner (intersection of Woodside Road and Onkaparinga Valley Road) Aldgate Bus Depot and/or Main Street Bridgewater Oval Steamroller Park, Stirling Uraidla Main Street the initial installation cost and ongoing maintenance costs of bike lockers and cages any other implications for Council resources The report be presented to Council no later than September 2023. | Peter Bice | In Progress | Information gathering and preliminary investigation commenced. |

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| 11/04/2023 | Ordinary Council | 77/23 | Uluru Statement from the Heart and Voice Referendum | Nil | <ol style="list-style-type: none"> 1. Acknowledges the Uluru Statement from the Heart and acknowledges that the Statement seeks to have, amongst other things, a First Nations Voice to Parliament enshrined in the Australian Constitution. 2. Notes the passage of the First Nations Voice Bill 2023 through State Parliament and assent by Her Excellency the Governor of SA. 3. Is supportive of the upcoming Federal referendum, proposing a law; "to alter the Australian Constitution to recognise the First Peoples of Australia by establishing an Aboriginal and Torres Strait Islander Voice". 4. Acknowledges and accepts that such a decision to approve this proposed law to alter the Australian Constitution is a matter for the Australian people. 5. Resolves to submit an item of business for the Greater Adelaide Region of Council's consideration for the Local Government Association to support the positions set out in points 1 – 4 of this resolution. 6. Requests that the Mayor write to the Federal Member for Mayo, Rebekha Sharkie MP, the Hon. Peter Malinauskas MP, Premier of South Australia, the Hon. David Speirs MP, Leader of the State Opposition, and the Co-Parliamentary Leaders of The Greens SA, informing them of this resolution. | David Waters | In Progress | <p>Letters to MPs sent 20/4/23 Lachlan Miller drafting GAROC item of business . 230518 response received from Hon Kyam Maher acknowledging Council response and advising to view the Attorney-General's Dept website for information.</p> <p>Currently delayed due to other priorities and resource constraints.</p> |
| 11/04/2023 | Ordinary Council | 78/23 | Illegal Native Vegetation Clearance | Nil | <ol style="list-style-type: none"> 1. Condemns the unapproved and excessive clearance of remnant native vegetation at 104 Mount Lofty Road, Crafers. 2. Reaffirms its unwavering commitment to protecting and restoring the Adelaide Hills natural environment. 3. Requests the Mayor write to the Minister for Climate, Environment and Water, Hon Dr Susan Close MP to request: <ol style="list-style-type: none"> a. The <i>Native Vegetation Act 1991</i> be amended to increase penalties associated with the illegal clearance of native vegetation; b. The budget allocated to the <i>Native Vegetation Council</i> be increased to enable appropriate resources to be allocated to compliance and enforcement 4. Requests the CEO review legislative options available to strengthen Council's compliance and enforcement efforts in preventing and addressing illegal clearance of native vegetation. That as part of this review: <ol style="list-style-type: none"> a. A workshop be conducted with elected members. b. A report be provided to Council by 30 June 2023 including options that would improve Council's ability to ensure prevention, compliance, and enforcement, associated with the illegal clearance of native vegetation. 5. Requests the CEO investigate any scope for the inclusion of additional Council owned properties to be assessed for suitability to be encumbered by a Heritage Agreement for the additional protection of native vegetation on that land. That as part of this investigation: <ol style="list-style-type: none"> a. A workshop be conducted with elected members (at the same time as 4(a) above). | Natalie Armstrong | In Progress | <p>Letter has been sent to Minister Close. Workshop and Council report are on schedule</p> |
| 26/04/2023 | Ordinary Council | 91/23 | MON Western Border Suburbs of Council | General - Cr Louise Pascale | <ol style="list-style-type: none"> 1. That the Adelaide Hills Council undertake a safety audit with footpath study for Heather Ave connecting Kintyre Road and Morialta Road, Woodforde, with the outcome informing future capital works budget proposals. 2. That the Adelaide Hills Council audit the suburb signage for Woodforde, Rostrevor and Teringle and the CEO report to Council costs and logistics for increasing signage along the western border of Adelaide Hills Council. 3. That Adelaide Hills Council invite Managing Director Damon Nagel from Kite Property to present to Council the planning and design of Hamilton Hill at a Councillors Workshop held at the Norton Summit Community Centre prior to the Regional Planning briefing Workshop. | Peter Bice | In Progress | Audits have been undertaken, with outcomes to be summarised and communicated shortly. |
| 26/04/2023 | Ordinary Council | 91/23 | MON Western Border Suburbs of Council | General - Cr Louise Pascale | <ol style="list-style-type: none"> 4. That the Chief Executive Officer form an internal working group to explore opportunities to establish and support connections between the residents of the newly developed part (Hamilton Hill) and established part of Woodforde by July 2023 and report back to Council in a workshop on the outcome. | Rebecca Shepherd | In Progress | <p>Met with Councillor Pascale to discuss ideas. Internal working group members identified.</p> |

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| 26/04/2023 | Ordinary Council | 93/23 | PLEC and Main Street Projects | Nil | <ol style="list-style-type: none"> The report be received and noted. Strategic Prioritisation criteria for Main Street upgrades and activation to support placemaking outcomes be workshopped with Council Members to guide implementation priorities moving forward. Council staff submit an application for undergrounding of power lines for Lobethal Stage 3 for construction following 2024-25, as well as requesting Mount Torrens and Woodside Stages to be considered for future rounds. The refurbishment of the southern side of Aldgate Main Street and the roundabout at the intersection of Mount Barker Road and Strathalbyn Road, be undertaken in 2023-24 in a style consistent with paving and landscaping on the northern side, with funding obtained from Local Roads and Community Infrastructure Program Phase 4 supplemented by operational budgets where appropriate. | Peter Bice | In Progress | <p>Actions to address each part of the resolution are now underway. Workshop with Council Members occurred as part of ABP Development.</p> <p>PLEC Application for Lobethal lodged, with Mount Torrens and Woodside flagged as potential future rojects for consideration.</p> <p>Roundabout works have been undertaken and amenity upgrades underway in Aldgate.</p> |
| 26/04/2023 | Ordinary Council | 94/23 | Development of Behavioural Support Policy | Nil | <ol style="list-style-type: none"> That the report be received and noted. To determine not to develop a Behavioural Support Policy at this point in time. To request the Chief Executive Officer to prepare a report on the operation of the Behavioural Management Framework, specifically as it relates to the Adelaide Hills Council, for its April 2024 meeting. That the Chief Executive Officer (or another person delegated by them) may make public comment and/or statements to the media on behalf of the Council relating to the policy of Council, its position on particular issues, and operational matters. | David Waters | In Progress | <p>Parts 1 and 2 - completed</p> <p>Part 3 - item will stay open on the action list until report provided to Council in April 2024.</p> <p>Part 4 - process to be put in place regarding delegations to officers.</p> |
| 26/04/2023 | Ordinary Council | 98/23 | Coronation of King Charles III | Nil | That, from existing tree planting resources and with support from local community groups, the A/CEO arranges for the planting of a suitable native tree in Federation Park Gumeracha to commemorate the coronation of King Charles III. | Peter Bice | In Progress | Tree has been planted and plaque being sourced |
| 26/04/2023 | Ordinary Council | 102/23 | Confidential Item - Amy Gillett Bikeway Stage 4 Agreement | General - Cr Melanie Selwood | Refer to Confidential Minute | Peter Bice | In Progress | As per confidential minute |
| 26/04/2023 | Ordinary Council | 104/23 | Confidential - Amy Gillett Bikeway Stage 4 Agreement | General - Cr Melanie Selwood | <p>retain the Items in confidence as detailed in the Duration of Confidentiality Table below:</p> <p>Item</p> <p>Duration of Confidentiality</p> <p>NB: Item to be reviewed every 12 months if not releasedReportUntil execution of necessary funding deeds and a public announcement of the project by the State Government (whichever is the later), but no later than 26 April 2024.Related AttachmentsNilMinutesUntil execution of necessary funding deeds and a public announcement of the project by the State Government (whichever is the later), but no later than 26 April 2024.Other (presentation, documents, or similar)Nil</p> | Peter Bice | In Progress | As per confidential minute |

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| 9/05/2023 | Ordinary Council | 108/23 | Burning on Private (Council) Lands Program | Nil | That the report be received and noted. To endorse the investigation of additional Council sites under the DEW Burning on Private Lands Program: Bradwood Park (Heritage Agreement #1266)Red Hill Road, Bradbury (Heritage Agreement #1594)Sedum Place Reserve, Crafers WestMylor Parklands (Heritage Agreement #1264)Camp Gooden (Heritage Agreement #1232)Stock Road, Mylor (Blue Marker Site NVMS52) | Peter Bice | In Progress | Investigation ongoing |
| 9/05/2023 | Ordinary Council | 109/23 | Library Opening Hours | Nil | That the report be received and noted. With an effective date of 1 July 2023, to adopt the <i>Final Proposal – Libraries Opening Hours</i> , as contained in <i>Appendix 1</i> , with the alteration that the Woodside Library be open from 11am to 7pm on Thursdays, to provide the following opening hours: (table inserted)That the Chief Executive Officer be authorised to make any (minor) changes to library opening hours provided they do not increase or decrease the total weekly staffed opening hours at each library branch. That nothing in this resolution derogates from the Chief Executive Officer's ability to change library opening hours from time to time for operational reasons. | Rebecca Shepherd | In Progress | Staff are currently completing necessary actions for the new opening hours to commence from 1 July, including staffing changes and communication to the community via a range of channels. |
| 9/05/2023 | Ordinary Council | 110/23 | Building Upgrade Finance | Nil | 1. That the report be received and noted. 2. To undertake a two year pilot program of Environmental Upgrade Agreements, nominally commencing 1 July 2023. 3. To appoint Sustainable Australia Fund, trading as Better Building Finance, to work collaboratively with Council to establish, administer and support the delivery of Environmental Upgrade Agreements. 4. To delegate the power to the Chief Executive Officer to:finalise the commencement date for the pilot program into an Environmental Upgrade Agreement on behalf of Council anddeclare and levy an environmental upgrade charge. 5. To report back to Council on the outcomes of the two year pilot by 30 June 2025. | Rebecca Shepherd | In Progress | Service agreement currently receiving legal review. |
| 9/05/2023 | Ordinary Council | 111/23 | Revocation of Community Land - Bridgewater Retirement Village | Nil | That the report be received and noted. That the Community Land classification over the land comprised in Certificate of Title Volume 5488 Folio 788 being Allotment 220 in filed plan 8131, known as the Bridgewater Retirement Village, be revoked. That a report be provided to Council which:a. Includes the outcomes of the 2021 consultation process regarding the Proposed upgrades for Caripook Park b. Provides options for the upgrade of Caripook Park or another Park in Bridgewater. | Terry Crackett | In Progress | July 23 - sport/rec team undertaking review of consultation undertaken to date and considering next steps |
| 9/05/2023 | Ordinary Council | 114/23 | Strategic Plan Engagement Strategy | Nil | That the report be received and noted. To endorse the draft <i>Strategic Plan – engagement strategy</i> , as contained in <i>Appendix 1</i> to guide the development of the Strategic Plan. | David Waters | In Progress | Phase 1 of the Engagement Strategy has commenced. |
| 9/05/2023 | Ordinary Council | 119/23 | Bridgewater Retirement Village | Nil | Refer to confidential minute | Terry Crackett | Completed | |

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| 9/05/2023 | Ordinary Council | 120/23 | Bridgewater Retirement Village duration of confidentiality | Nil | retain the Items in confidence as detailed in the Duration of Confidentiality Table below: Item Duration of Confidentiality NB: Item to be reviewed every 12 months if not releasedReportUntil the sale has been finalised, but not longer than 12 months from the date of this report being 9 May 2024.Related AttachmentsUntil the sale has been finalised, but not longer than 12 months from the date of this report being 9 May 2024.MinutesUntil the sale has been finalised, but not longer than 12 months from the date of this report being 9 May 2024.OtherNIL Pursuant to section 91(9)(c) of the <i>Local Government Act 1999</i> , the Council delegates the power to revoke the confidentiality order either partially or in full to the Chief Executive Officer. | Terry Crackett | Completed |
| 23/05/2023 | Ordinary Council | 129/23 | 12.3Wanagin Road Consultation Outcomes & Revocation of Community Land Classification | Nil | That the report be received and noted. To apply to the Minister for Local Government to revoke the Community Land Classification over portion of allotment 7 in File Plan 129661 as hatched in purple, in land division dated 14/10/2022 and as shown in <i>Appendix 1</i> of this Report. Following a response from the Minister a report be submitted back to Council outlining the outcome of the Minister's decision. | Terry Crackett | In Progress July 2023 - Application for community land revocation made to Minister |
| 23/05/2023 | Ordinary Council | 131/23 | Delegations Review - Local Government Act | Nil | That the matter be deferred until a further Workshop on 5 June 2023 and post Workshop a report be brought to the 13 June 2023 Council meeting. | David Waters | In Progress Workshop held on 5 June and report for consideration at 13 June 2023 meeting |
| 23/05/2023 | Ordinary Council | 137/23 | 18.1Event Opportunity – Santos Tour Down Under 2024 - Nil Confidential Item | Nil | Refer to Confidential Minute | Rebecca Shepherd | Not Started This item remains in confidence. |
| 23/05/2023 | Ordinary Council | 138/23 | 18.1Event Opportunity – Santos Tour Down Under 2024 - Nil duration of confidentiality | Nil | retain the Items in confidence as detailed in the Duration of Confidentiality Table below: Item Duration of Confidentiality NB: Item to be reviewed every 12 months if not releasedReportUntil Council receives written confirmation from the South Australian Tourism Commission that the event information is no longer confidential, but not longer than 30 June 2024.Related AttachmentsNot ApplicableMinutesUntil Council receives written confirmation from the South Australian Tourism Commission that the event information is no longer confidential, but not longer than 30 June 2024.Other (discussion and considerations of the subject matter)Until Council receives written confirmation from the South Australian Tourism Commission that the event information is no longer confidential, but not longer than 30 June 2024. Pursuant to section 91(9)(c) of the <i>Local Government Act 1999</i> , the Council delegates the power to revoke the confidentiality order either partially or in full to the Chief Executive Officer. | Rebecca Shepherd | Not Started The item remains in confidence. |
| 23/05/2023 | Ordinary Council | 141/23 | Electricity Tenders Post 30 June 2023 – Confidential Item | Nil | Refer to Confidential Minute | Terry Crackett | In Progress Council has been advised that it is expected that the Electricity contracts Post 30 June 2023 will be sent out to Councils to execute by mid June 2023. |
| 23/05/2023 | Ordinary Council | 142/23 | Electricity Tenders Post 30 June 2023 - Duration of Confidentiality | Nil | retain the Items in confidence as detailed in the Duration of Confidentiality Table below: Item Duration of Confidentiality NB: Item to be reviewed every 12 months if not releasedReportUntil the contracts are signed, but not longer than 30 June 2023Related AttachmentsNILMinutesUntil the contracts are signed, but not longer than 30 June 2023Other (presentation, documents, or similar)Until the contracts are signed, but not longer than 30 June 2023 Pursuant to section 91(9)(c) of the <i>Local Government Act 1999</i> , the Council delegates the power to revoke the confidentiality order either partially or in full to the Chief Executive Officer. | Terry Crackett | In Progress Confidential Item is to be released upon either the signing of the contract, or on 30 June 2023. Council has been advised that it is expected that Electricity contracts will be sent out to Councils by mid June 2023. |

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| 13/06/2023 | Ordinary Council | 145/23 | Gawler Rive Floodplain Management Authority 2023-24 Annual Business Plan & Budget | Nil | That the report be received and noted. To advise the Board of the Gawler River Floodplain Management Authority that it has reviewed its 2023-24 Annual Business Plan and approves the Adelaide Hills Council's contribution of \$27,356 as set out in the draft 2023-24 Budget. | David Waters | Not Started |
| 13/06/2023 | Ordinary Council | 146/23 | MON Establishing a Tree Strategy | Nil | That Council develop and implement a Tree Strategy.The Tree Strategy should include actions which help Council positively impact on the environment, for example, actions may be established for the following:Plantings to replace trees removed by Council to ensure a net-positive impact is achieved (i.e. more trees planted than removed);increasing the quality and quantity of tree canopy within Council townships and major tourist thoroughfaresIncreased species diversity which complements nearby remnant vegetation;Strategies to save existing trees, particularly regulated and significant trees;A strategic and data driven tree planting program.Consideration be given for endemic species to be a priority where appropriate.That a Council workshop be held with elected members to seek their input into the preparation of the draft Tree Strategy.That a draft Tree Strategy be put out to public consultation prior to the final version being endorsed by Council. | Peter Bice | In Progress Project team coming together to determine most appropriate approach, and confirm any resource requirements. |
| 13/06/2023 | Ordinary Council | 147/23 | MON Traffic issues Woodforde & Teringie | General - Cr Pascale | 1. Mayor Wisdom writes to the Minister for Transport and Infrastructure, Hon Tom Koutsantonis MP, concerning traffic congestion at the intersection of Magill Road and Norton Summit Road and lack of public transport in Woodforde and Teringie areas. In the letter Council requests;the Department of Infrastructure and Transport explore the roundabout option as outlined in the Woodforde Land Development Part B: Traffic Management Plan of 2017 and detail its findings back to Council.That the Department revise its traffic modelling to include the additional traffic generated by the Morialta High School.prioritise an investigation in to extending bus routes down Glen Stuart Road, Woodforde and into Teringie and detail its findings back to Council.2. Council investigate implementing parking restrictions on Glen Stuart Road between Grant Street and Kintyre Road on the western side to limited parking of no standing zones between 8am to 4pm, Monday to Friday and 9am to 12pm on Saturdays. That Council write to Campbelltown City Council and request they investigate implementing parking restrictions on Glen Stuart Road between Olive Street and Koongarra Ave, and Koongarra Ave and Moules Road on the eastern side to limited parking of no standing zones between 8am to 4pm, Monday to Friday and 9am to 12pm on Saturdays | Peter Bice | Not Started |

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| 13/06/2023 | Ordinary Council | 148/23 | Kerbside Bin System Option & Trial | Nil | <p>1. That the report be received and noted.</p> <p>2. To endorse Option 1 and Option 3 contained in the Kerbside Bin System Options report and as summarised below as the options to proceed to a 12 month trial of changes to the kerbside bin system over 2023-24 and 2024-25.</p> <p>Option 1: Rural properties provided with a Food Organics Garden Organics service Fortnightly collection of comingled recycling and general waste for township and rural properties Weekly collection of Food Organics Garden Organics for township and rural properties</p> <p>Option 3: Rural properties provided with a Food Organics Garden Organics service Fortnightly collection of comingled recycling and general waste for township and rural properties Weekly collection of Food Organics Garden Organics for township properties Fortnightly collection of Food Organics Garden Organics for rural properties</p> <p>3. To reaffirm the allocation of \$120,000 in the 2023-24 budget and \$30,000 earmarked for the 2024-25 budget to undertake the trial, noting that this is above the usual waste management budget and that some of the usual waste management budget will be expended on the trial.</p> <p>4. To authorise the Chief Executive Officer, or delegate, to finalise the details of the trial (including trial areas), enter into the necessary agreements and undertake the necessary actions to implement the trial over the 2023-2025 period within the abovementioned funding limits.</p> | Peter Bice | In Progress | Trial planning has commenced in conjunction with East Waste for a trial start date in October 2023. |
| 13/06/2023 | Ordinary Council | 149/23 | 12.22023 – 24 Draft Annual Business Plan and Rating Structure Change – Consultation Results | Nil | <p>1. That the report be received and noted.</p> <p>2. To adopt the outcomes of the <i>draft Annual Business Plan 2023-24</i> public consultation undertaken from 12 May - 2 June 2023 as contained in the <i>Annual Business Plan 2022-23 Community Engagement Outcomes Report</i> in Appendix 1.</p> <p>3. To adopt the outcomes of the <i>Proposed Rating Structure Change</i> public consultation undertaken from 12 May - 2 June 2023 as contained in the <i>Change in Rating Structure Proposal Communication Engagement Outcomes Report</i> in Appendix 3.</p> <p>4. To endorse the following recommended changes to the draft Annual Business Plan 2023-24: Adjustments to budget/financial figures to account for: Alignment of Budget to the new post 30 June 2023 Electricity contracts requiring an increase in costs of \$57k; Solid Waste Levy Budget adjustment: \$23k increase; Waste Management User Charges increases for Additional Bins and Hard Waste: \$11k increase</p> | David Waters | Not Started | |
| 13/06/2023 | Ordinary Council | 150/23 | Adelaide Hills Tourism One Year Funding Agreement | Nil | <p>That the report be received and noted.</p> <p>That the one year funding agreement, as contained in Appendix 1 including a contribution of \$110,900, with the Adelaide Hills Tourism be approved and that the Chief Executive Officer be authorised to make any minor changes or variations to the Agreement before execution by both parties or during the life of the Agreement.</p> <p>That the Chief Executive Officer be authorised to execute the Agreement on behalf of Council.</p> | Rebecca Shepherd | Completed | Funding agreement signed by both parties |
| 13/06/2023 | Ordinary Council | 151/23 | Confidential Items Review | Nil | 1 - 8: refer to Minutes | David Waters | Not Started | |

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| 13/06/2023 | Ordinary Council | 159/23 | Delegations Review | Nil | <p>That the report be received and noted</p> <p>2. That, having considered a review of Council's Delegations as presented, the Council hereby revokes its previous delegations to the Chief Executive Officer of those powers and functions under the following Acts: Instrument of Delegation <i>Local Government Act 1999</i></p> <p>3. That, having considered a review of Council's Delegations as presented, in exercise of the power contained in Section 44 of the <i>Local Government Act 1999</i> the powers and functions under the following Acts and statutory instruments made thereunder contained in the proposed Instrument of Delegation attached to the Report dated 13 June 2023 and entitled as detailed in the table below are hereby delegated this 13th Day of June 2023 to the person occupying or acting in the office of Chief Executive Officer of the Council subject to the conditions and/or limitations, if any, specified herein or in the Schedule of Conditions in the proposed Instrument of Delegation. Instrument of Delegation Appendix Number <i>Local Government Act 1999</i> Appendix 1</p> | David Waters | Not Started |
| 13/06/2023 | Ordinary Council | 164/23 | Boundary Change Committee Recommendations to Council | General - Cr Pascale | <p>1. That the report be received and noted.</p> <p>2. That the CEO engage a suitably qualified person to forensically examine the Campbelltown City Council (CCC) boundary change proposal that was submitted to the Boundary Change Commission (and CCC's subsequent submissions), with a view to identifying the proposal's weaknesses (critical flaws), errors, omissions, and factual inaccuracies. That the examination also identifies areas of focus for Council to make its own case against the proposal, should the opportunity arise through a Stage 3 Inquiry.</p> <p>3. That the CEO develop a communication and engagement strategy, which targets the affected communities of Woodforde and Rostrevor, the subject of the Boundary Change Proposal, with a view to building a powerful community narrative, including yet not limited to: regularly informing these communities of the status of the proposal (in writing, social media, AHC website, Hills Voice newsletter, media) reinforcing with the communities the outcomes of the two community surveys that have been previously conducted (AHC and CCC) rejecting the proposal highlighting the advantages and benefits of remaining a part of the Adelaide Hills Council informing the communities of the services available to them that the Adelaide Hills Council has to offer and provides (community services) direct consultation with significant key community stakeholders</p> | David Waters | Not Started |
| 13/06/2023 | Ordinary Council | 166/23 | Confidential Item - Sale of Land for non payment of Rates | Material - Cr Mudge | Refer to Confidential Minute | Terry Crackett | Not Started |

| | | | | | | | |
|------------|------------------|--------|--|---------------------|---|------------------|-------------|
| 13/06/2023 | Ordinary Council | 167/23 | Confidential - Sale of Land for non payment of Rates | Material - Cr Mudge | <p>Subject to the CEO, or his delegate, disclosing information or any document (in whole or in part) for the purpose of implementing Council's decision(s) in this matter in the performance of the duties and responsibilities of office, Council, having considered Agenda Item 18.1 in confidence under sections 90(2) and 90(3)(k) of the <i>Local Government Act 1999</i>, resolves that an order be made under the provisions of sections 91(7) and (9) of the <i>Local Government Act 1999</i> to retain the Items in confidence as detailed in the Duration of Confidentiality Table below:Item</p> <p>Duration of Confidentiality</p> <p>NB: Item to be reviewed every 12 months if not releasedReportUntil either the negotiations for sale are completed or a settlement reached or until legal proceedings have concluded, but no longer than 12 months.Related AttachmentsUntil either the negotiations for sale are completed or a settlement reached or until legal proceedings have concluded, but no longer than 12 months.MinutesUntil either the negotiations for sale are completed or a settlement reached or until legal proceedings have concluded, but no longer than 12 months.Other (presentation, documents, or similar)Nil</p> <p>Pursuant to section 91(9)(c) of the <i>Local Government Act 1999</i>, the Council delegates the power to revoke the confidentiality order either partially or in full to the Chief Executive Officer.</p> | Terry Crackett | Not Started |
| 27/06/2023 | Ordinary Council | 171/23 | 2023-24 Southern & Hills LGA Budget & Member Contributions | Nil | <p>That the report be received and noted.</p> <p>That the Southern & Hills Local Government Association's 2023-24 Key Action Plan and Budget (including the Adelaide Hills Council contribution of \$27,103.12 of Member Contributions) be received and noted.</p> | David Waters | Not Started |
| 27/06/2023 | Ordinary Council | 172/23 | Discretionary Rate Rebate | Nil | Refer to Minute | Terry Crackett | Not Started |
| 27/06/2023 | Ordinary Council | 173/23 | Annual Business Plan Adoption | Nil | Refer to Minute | Terry Crackett | Not Started |
| 27/06/2023 | Ordinary Council | 174/23 | 2023-24 Fees & Charges for Adoption | Nil | <p>That the report be received and noted.</p> <p>To adopt the 2023-24 Fees and Charges Schedule included at <i>Appendix 1</i> to apply on and from 1 July 2023.3. To authorise the Chief Executive Officer to approve minor changes to the Fees and Charges Schedule during the 2023-24 financial year, as required</p> | Terry Crackett | Not Started |
| 27/06/2023 | Ordinary Council | 175/23 | First Nations Use of Council Land | Nil | <ol style="list-style-type: none"> That the report be received and noted. That the Council continue to make good on its commitment to reconciliation and ensure it supports the spiritual connection of its First Nation groups to Country. That Council listen to the aspirations held by its First Nation groups and that Council encourages the use of relevant lands for cultural activities in line with any Community Land Management Plan applicable to the site. | Terry Crackett | Not Started |
| 27/06/2023 | Ordinary Council | 176/23 | Stirling Business Association Three Year Funding Agreement | Nil | <ol style="list-style-type: none"> That the report be received and noted. That the three year funding agreement which provides \$110,000 p.a. until 30 June 2026, as contained in Appendix 1, with the Stirling Business Association be approved and that the Chief Executive Officer be authorised to make any minor changes or variations to the Agreement before execution by both parties or during the life of the Agreement. That the Chief Executive Officer be authorised to execute the Agreement on behalf of Council. That the Chief Executive Officer be authorised to appoint a representative, who shall not be a member of the Stirling Business Association management committee, to attend regular meetings of the Association for the purposes of Annexure A of the Funding Agreement. | Rebecca Shepherd | Not Started |

| | | | | | | | |
|------------|------------------|--------|--|-----|--|-------------------|-------------|
| 27/06/2023 | Ordinary Council | 177/23 | Dog & Cat Pound Facilities | Nil | <p>1. That the report be received and noted.</p> <p>2. To commit a portion of the capital funding included in the 2023-24 Annual Business Plan for a New Dog and Cat Facility, to make upgrades to the current facilities at Heathfield to provide immediate additional capacity to hold dogs and cats whilst medium to long term options are further explored.</p> <p>3. To delegate to the CEO and Mayor to write to both the Local Government Association, the Dog & Cat Management Board and all State Members of Parliament advocating for their leadership to develop a solution to the current issues impacting the whole of the Local Government sector in relation to the housing and rehoming of dogs and cats.</p> <p>4. To delegate to the CEO (or his delegate) to commence formal discussions with Council's immediate adjoining Councils, or other Councils or stakeholders, to investigate options for a regional solution should there be no solution put forward by either the Local Government Association or the Dog & Cat Management Board.</p> | Natalie Armstrong | Not Started |
| 27/06/2023 | Ordinary Council | 182/23 | Appointment of GRFMA Chairperson | Nil | Refer to confidential minute | David Waters | Not Started |
| 27/06/2023 | Ordinary Council | 183/23 | Appointment of GRFMA Chairperson - Duration of Confidentiality | Nil | <p>retain the Items in confidence as detailed in the Duration of Confidentiality Table below:</p> <p>Item Duration of Confidentiality NB: Item to be reviewed every 12 months if not releasedReportuntil the appointment has been confirmed, but not longer than 30 September 2023Related Attachmentsuntil the appointment has been confirmed, but not longer than 30 September 2023Minutesuntil the appointment has been confirmed, but not longer than 30 September 2023Other (presentation, documents, or similar)N/A</p> <p>Pursuant to section 91(9)(c) of the <i>Local Government Act 1999</i>, the Council delegates the power to revoke the confidentiality order either partially or in full to the Chief Executive Officer.</p> | David Waters | Not Started |
| 27/06/2023 | Ordinary Council | 174/23 | 2023-24 Fees & Charges for Adoption | Nil | <p>That the report be received and noted.</p> <p>To adopt the 2023-24 Fees and Charges Schedule included at <i>Appendix 1</i> to apply on and from 1 July 2023.3.To authorise the Chief Executive Officer to approve minor changes to the Fees and Charges Schedule during the 2023-24 financial year, as required</p> | Terry Crackett | Not Started |

Item 17 Minutes of Committees

**ADELAIDE HILLS COUNCIL
CEO PERFORMANCE REVIEW PANEL COMMITTEE
MINUTES OF MEETING
THURSDAY 6 JULY 2023
63 MT BARKER ROAD STIRLING**

In Attendance

Presiding Member: Cr Chris Grant

Members:

| | |
|------------------|--------------------|
| Ms Janet Miller | Independent Member |
| Cr Kirsty Parkin | |

In Attendance:

| | |
|----------------|--|
| David Waters | Chief Executive Officer |
| Lachlan Miller | Executive Manager Governance & Performance |

1. COMMENCEMENT

The meeting commenced at 6.00pm

1.1. Acknowledgement of Country

Council acknowledges that we meet on the traditional lands and waters of the Peramangk and Kurna people. We pay our respects to Elders past, present and emerging as the Custodians of this ancient and beautiful land. Together we will care for this country for the generations to come.

2. APOLOGIES/LEAVE OF ABSENCE

2.1 Apology

Mayor Jan-Claire Wisdom
Cr Nathan Daniell

2.2 Leave of Absence

Nil

2.3 Absent

Nil

Presiding Member _____ ...

**ADELAIDE HILLS COUNCIL
CEO PERFORMANCE REVIEW PANEL COMMITTEE
MINUTES OF MEETING
THURSDAY 6 JULY 2023
63 MT BARKER ROAD STIRLING**

3. MINUTES OF PREVIOUS MEETINGS

3.1 CEO Performance Review Panel Meeting – 23 March 2023

Moved Independent Member Janet Miller
S/- Cr Chris Grant

PRP4/23

That the minutes of the CEO Performance Review Panel meeting held on 23 March 2023 as distributed, be confirmed as an accurate record of the proceedings of that meeting.

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| Carried |
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4. PRESIDING MEMBER'S OPENING COMMENTS

5. DELEGATION OF AUTHORITY

The CEO Performance Review Panel operates in accordance with the relevant sections of the *Local Government Act 1999*, and its Terms of Reference.

6. DECLARATION OF CONFLICT OF INTEREST BY MEMBERS OF THE COMMITTEE

Nil

7. OFFICER REPORTS – DECISION ITEMS

7.1 Quarterly Performance Report

Moved Cr Kirsty Parkin
S/- Independent Member Janet Miller

PRP5/23

The CEO Performance Review Panel resolves:

1. That the report be received and noted.
2. To recommend to Council that the Acting CEO has achieved the following status in relation to the 2022-23 CEO Performance Targets:

Target 1: Fabrik Redevelopment – Project on track, performance target achieved.

Target 2: User Pays Bin Collection Study – Completed, with additional steps taken to progress alternative waste collection options.

Target 3: Savings Strategies – On track and subject to verification in the end of year financial reporting.

Target 4: Gumeracha Library Upgrade – Achieved.

**ADELAIDE HILLS COUNCIL
CEO PERFORMANCE REVIEW PANEL COMMITTEE
MINUTES OF MEETING
THURSDAY 6 JULY 2023
63 MT BARKER ROAD STIRLING**

Target 5: New Dog & Cat Facility – Achieved, with further steps taken to explore the broader challenges of longer term animal impounding.

Target 6: Central Irrigation Facility – Achieved.

Target 7: Unformed Public Roads Review – On track for completion in July 2023, with presentation to Council Members to occur when workshop schedule allows.

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| Carried Unanimously |
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7.2 Substantive CEO Employment

Moved Cr Kirsty Parkin

S/- Independent Member Janet Miller

PRP6/23

The CEO Performance Review Panel resolves:

- 1. That the report be received and noted.**
- 2. To recommend to Council that the CEO Performance Review Panel has noted the Remuneration Tribunal of SA's '2023 Inaugural Review of Minimum and Maximum Remuneration for Local Government Chief Executive Officers' Report and Determination 4-2023 and does not recommend a TEC Package Review be undertaken at this time.**
- 3. To recommend to Council to approve the proposed CEO Probationary Period Performance Review Process as detailed in Item 7.2, CEO Performance Review Panel Agenda – 6 July 2023.**
- 4. To advise Council that the CEO Performance Review Panel intends to develop annual Key Performance Indicators in accordance with clause 17.4 of the CEO Employment Agreement.**
- 5. To recommend to Council that an appropriate budget is allocated to enable the engagement of an external consultant to assist the CEO Performance Review Panel with the development of Key Performance Indicators and the development and conduct of the Probation Review Survey as part of the CEO Probationary Period Performance Review Process.**

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| Carried Unanimously |
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**ADELAIDE HILLS COUNCIL
CEO PERFORMANCE REVIEW PANEL COMMITTEE
MINUTES OF MEETING
THURSDAY 6 JULY 2023
63 MT BARKER ROAD STIRLING**

8. MOTIONS WITHOUT NOTICE

Nil

9. QUESTIONS WITHOUT NOTICE

Nil

10. CONFIDENTIAL ITEMS

Nil

11. NEXT MEETING

The next ordinary meeting of the CEO Performance Review Panel will be held on Thursday 27 July 2023 from 6.00pm at 63 Mt Barker Road Stirling.

12. CLOSE MEETING

The meeting closed at 7.14pm

Presiding Member _____ ...

**ADELAIDE HILLS COUNCIL
ORDINARY COUNCIL MEETING
Tuesday 11 July 2023
AGENDA BUSINESS ITEM**

| | |
|-----------------------------|--|
| Item: | 17.3 1 |
| Responsible Officer: | Lachlan Miller Executive Manager Governance & Performance Office of the Chief Executive |
| Subject: | CEO Performance Review Panel - Recommendations to Council – 6 July 2023 |
| For: | Decision |

SUMMARY

The CEO Performance Review Panel (the “Panel”) held its most recent meeting on 6 July 2023.

At the meeting, the Panel considered two reports and made a series of recommendations to Council for its decision.

Each item is briefly summarised in this report and the full Panel Reports are included as appendices.

RECOMMENDATION

Council resolves:

- 1. That the report be received and noted.**
- 2. To determine that the Acting CEO has achieved the following status in relation to the 2022-23 CEO Performance Targets as at 11 July 2023:**

Target 1: Fabrik Redevelopment – Project on track, performance target achieved.

Target 2: User Pays Bin Collection Study – Completed, with additional steps taken to progress alternative waste collection options.

Target 3: Savings Strategies – On track and subject to verification in the end of year financial reporting.

Target 4: Gumeracha Library Upgrade – Achieved.

Target 5: New Dog & Cat Facility – Achieved, with further steps taken to explore the broader challenges of longer term animal impounding.

Target 6: Central Irrigation System – Achieved.

Target 7: Unformed Public Roads Review – On track for completion in July 2023, with presentation to Council Members to occur when workshop schedule allows.

3. To note the Remuneration Tribunal’s *Determination 4-2023 - Minimum and Maximum Chief Executive Officer Remuneration* and determine not to undertake a Substantive CEO Total Employment Cost Package Review at this time.
4. To approve the proposed CEO Probationary Period Performance Review Process with the follow key activities/milestones:

| | |
|-------------------------------|--|
| Week 1 (w/b 17/7/23) | Substantive CEO commences |
| Week 2 (w/b 24/7/23) | CEOPRP meets with Substantive CEO and sets out the CPPRP and agrees the broader Performance Review Process (see next section) |
| Week 11 (w/b 25/9/23) | CEOPRP: <ul style="list-style-type: none"> • Receives the Interim Performance Review & Development Report from the Substantive CEO • Discusses Key Performance Indicators with Substantive CEO and makes recommendation to Council for adoption of Indicators. • Finalises Probation Review Survey contents |
| Week 17 (w/b 6/11/23) | Consultant administers the Probation Review Survey |
| Week 22 (w/b 11/12/23) | CEOPRP: <ul style="list-style-type: none"> • Receives the Interim Performance Review & Development Report from Substantive CEO • Considers Probation Review Survey Report from the Consultant and makes recommendation to Council. |
| Week 23 (w/b 18/12/23) | Council considers CEOPRP recommendation regarding performance and determines continuance/cessation. |
| Week 27 (w/b 15/1/24) | Probation period ends 16/1/24 |

5. To note that the CEO Performance Review Panel intends to develop annual Key Performance Indicators in accordance with clause 17.4 of the CEO Employment Agreement.
6. To approve an increase in the Governance & Performance Department budget of \$2,000 for the purposes of engaging a consultant to assist the CEO Performance Review Panel with the development of Key Performance Indicators and the development and conduct of the Probation Review Survey as part of the CEO Probationary Period Performance Review Process

1. BACKGROUND

The Panel Terms of Reference (the “TOR”) sets out that the overall role of the Panel is to provide advice to Council on matters relating to the performance and development of the CEO. The TOR further provides for the following 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.

2. ANALYSIS

➤ Strategic Management Plan/Functional Strategy/Council Policy Alignment

Strategic Plan 2020-24 – A brighter future

Goal A Progressive Organisation

Objective O1 We have the right people with the right knowledge and skills in the right jobs and they are supported and developed

Priority O1.4 Continue to support all staff through training, mentoring, coaching and development to enable the achievement of organisational and community goals

➤ Legal Implications

The CEO Performance Review Panel is a Section 41 Committee of Council under the *Local Government Act 1999*.

➤ Risk Management Implications

Undertaking regular review of the CEO’s performance is an important control in mitigating the risk of:

Deficient CEO performance review practices resulting in a lack of accountability and loss of stakeholder confidence.

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

Non-achievement of CEO Performance Targets resulting in loss of community benefit and/or opportunities and/or stakeholder confidence.

| Inherent Risk | Residual Risk | Target Risk |
|---------------|---------------|-------------|
| High (3B) | Medium (3C) | Medium (3C) |

Note: there are many other controls that also assist in managing these risks.

➤ **Financial and Resource Implications**

There are no financial or resource implications in reporting on projects against the 2022-23 CEO Performance Targets.

The financial implications associated with the agreed CEO remuneration package have been incorporated into the 2023-24 Budget.

Any financial implications associated with the matters discussed in this report such as the use of external consultants for elements of the probationary period review or to make any adjustments to the remuneration package prior to 2024-25 have not been incorporated into the adopted 2023-24 Budget.

The resource implications associated the Panel's processes are borne by the Governance & Performance Department.

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

There is a community expectation that the CEO will perform competently and meet expectations to achieve the required outcomes for the organisation.

➤ **Sustainability Implications**

Not applicable

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

Engagement and/or consultation on the development of this report was as follows:

Council Committees: The CEOPRP considered the matters raised in this report at their 6 July 2023 meeting and made recommendations to Council contained herein.

Council Workshops: Not applicable.

Advisory Groups: Not applicable.

External Agencies: McArthur Pty Ltd
KelledyJones Lawyers

Community: Not applicable

➤ **Additional Analysis**

Quarter 4, 2022-23 CEO Performance Report

Information relating to the Quarter4 2022-23 CEO Performance Report is discussed in the 6 July 2023 Panel report continued in **Appendix 1**.

In summary the Acting CEO, David Waters, provided the Quarter 4 report to the Panel utilising the Expanded Quarterly Performance Review & Development Process (the “EQPRDP”) to detail observations against the key responsibilities of the CEO Position Description and to report on the status of the 2022-23 CEO Performance Targets.

As this was the first use of the EQPRDP, a number of observations were made about the format from both the Acting CEO and the Panel Members and these will be incorporated into future revisions.

In consideration of the Performance Report (**Appendix 1**) the Panel resolved as follows:

7.1 Quarterly Performance Report

Moved Cr Kirsty Parkin

S/- Independent Member Janet Miller

PRP5/23

The CEO Performance Review Panel resolves:

- 1. That the report be received and noted.**
- 2. To recommend to Council that the Acting CEO has achieved the following status in relation to the 2022-23 CEO Performance Targets:**

Target 1: Fabrik Redevelopment – Project on track, performance target achieved.

Target 2: User Pays Bin Collection Study – Completed, with additional steps taken to progress alternative waste collection options.

Target 3: Savings Strategies – On track and subject to verification in the end of year financial reporting.

Target 4: Gumeracha Library Upgrade – Achieved.

Target 5: New Dog & Cat Facility – Achieved, with further steps taken to explore the broader challenges of longer term animal impounding.

Target 6: Central Irrigation Facility – Achieved.

Target 7: Unformed Public Roads Review – On track for completion in July 2023, with presentation to Council Members to occur when workshop schedule allows.

| |
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| Carried Unanimously |
|----------------------------|

Substantive CEO Employment

Information relating to matters associated with the Substantive CEO Employment are discussed in the 6 July 2023 Panel report at **Appendix 2**.

In summary, the report discussed matters in relation to the Remuneration Tribunal of SA’s CEO Determination, proposed a performance review process for the Substantive CEO’s probationary period, identified considerations for the development of a suite of Key Performance Indicators (“KPI”) and the broader Annual Performance Review process.

The Panel identified a number of minor date changes to the proposed CEO Probationary Period Performance Review Process (the “CPPPRP”) which are to move the Week 10 activities to Week 11 and to bring forward the Week 19 activity to Week 17. These have been incorporated in the recommendations in this Council report.

The Panel enjoyed an exploratory discussion regarding the development of a suite of KPIs covering both probationary period and annual metrics and milestones. This will be a focus for the Panel at coming meetings.

In consideration of the Substantive CEO Employment Report (**Appendix 2**) the Panel resolved as follows:

7.2 Substantive CEO Employment

Moved Cr Kirsty Parkin

S/- Independent Member Janet Miller

PRP6/23

The CEO Performance Review Panel resolves:

- 1. That the report be received and noted.**
- 2. To recommend to Council that the CEO Performance Review Panel has noted the Remuneration Tribunal of SA's '2023 Inaugural Review of Minimum and Maximum Remuneration for Local Government Chief Executive Officers' Report and Determination 4-2023 and does not recommend a TEC Package Review be undertaken at this time.**
- 3. To recommend to Council to approve the proposed CEO Probationary Period Performance Review Process as detailed in Item 7.2, CEO Performance Review Panel Agenda – 6 July 2023.**
- 4. To advise Council that the CEO Performance Review Panel intends to develop annual Key Performance Indicators in accordance with clause 17.4 of the CEO Employment Agreement.**
- 5. To recommend to Council that an appropriate budget is allocated to enable the engagement of an external consultant to assist the CEO Performance Review Panel with the development of Key Performance Indicators and the development and conduct of the Probation Review Survey as part of the CEO Probationary Period Performance Review Process.**

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| Carried Unanimously |
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In relation to the proposed engagement of an external consultant to assist with KPI development and the conduct of the Probation Review Survey, the current 2023-24 budget for the CEO Performance Review of \$4,100 is unlikely to be sufficient and a recommendation has been included for an increase of \$2,000 to the Governance & Performance Department budget.

3. OPTIONS

Council has the following options:

- I. That in relation to the 2022-2023 CEO Performance Targets:
 - a. To determine the achievement status of the 2022-2023 CEO Performance Targets at the end of the performance period as per the recommendation (Recommended)
 - b. To determine an alternative achievement status of the 2022-2023 CEO Performance Targets at the end of the performance period (Not Recommended)
- II. That in relation to the Substantive CEO Employment Report:
 - a. To note the Remuneration Tribunal’s CEO Determination and the Panel’s recommendation that a TEC Package Review is not required at this time (Recommended)
 - b. To approve the proposed CEO Probationary Period Performance Review Process, with or without minor amendment (Recommended). If the process is not approved or substantially altered, it is recommended that it is referred back to the Panel to provide advice.
 - c. To note that the Panel intends to develop annual Key Performance Indicators in accordance with clause 17.4 of the CEO Employment Agreement (Recommended)
 - d. To approved the proposed increase in the Governance & Performance Department budget to provide for the engagement of an external consultant to assist with probationary period activities (Recommended).

4. APPENDICES

- (1) *CEO Performance Review Panel Report - Quarter 4, 2022-23 CEO Performance Report – 6 July 2023*
- (2) *CEO Performance Review Panel Report - Substantive CEO Employment – 6 July 2023*

Appendix 1

*CEO Performance Review Panel Report - Quarter 4,
2022-23 CEO Performance Report – 6 July 2023*

**ADELAIDE HILLS COUNCIL
CEO PERFORMANCE REVIEW PANEL MEETING
Thursday 7 July 2023
AGENDA BUSINESS ITEM**

Item: 7.1

Responsible Officer: David Waters
Acting Chief Executive Officer
Office of the Chief Executive

Subject: Quarter 4, 2022-23 CEO Performance Report

For: Decision

SUMMARY

At its 26 July 2022 meeting, Council adopted the suite of CEO Performance Targets covering the 2022-2023 financial year.

On 20 September 2022, Council appointed David Waters as Acting Chief Executive Officer (the 'CEO') following the Substantive CEO, Andrew Aitken's, resignation.

The role of the CEO Performance Review Panel (the "Panel") includes reviewing the performance of the CEO against the agreed Performance Targets. This activity is defined in the Panel's Terms of Reference contained in the Specific Functions clauses and specifically Clause 3.1.2.

At its 23 March 2023 meeting, the Panel resolved to adopt the Expanded Quarterly Performance Review & Development Process (the "EQPRDP").

The purpose of this report is to provide the Panel with its inaugural EQPRDP report setting out commentary against the key responsibilities of the CEO Position Description along with the status of each of the 2022-23 CEO Performance Targets.

RECOMMENDATION

The CEO Performance Review Panel resolves:

1. That the report be received and noted.
2. To recommend to Council that the Acting CEO has achieved the following status in relation to the 2022-23 CEO Performance Targets:

Target 1: Fabrik Redevelopment – Project on track, performance target achieved.

Target 2: User Pays Bin Collection Study – Completed, with additional steps taken to progress alternative waste collection options.

Target 3: Savings Strategies – On track and subject to verification in the end of year financial reporting.

Target 4: Gumeracha Library Upgrade – Achieved.

Target 5: New Dog & Cat Facility – Achieved, with further steps taken to explore the broader challenges of longer term animal impounding.

Target 6: Central Irrigation Facility – Achieved.

Target 7: Unformed Public Roads Review – On track for completion in July 2023, with presentation to Council Members to occur when workshop schedule allows.

1. BACKGROUND

CEO Performance Review Panel Functions

The Panel has specific functions in relation to the CEO's Performance Targets as set out in clauses 3.1.2 and 3.3.3, as follows:

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.

2022-23 CEO Performance Targets

Council adopted a new suite of CEO Performance Targets on 26 July 2022 covering the 2022-2023 financial year.

12.9 Proposed CEO Performance Targets 2022-2023

Moved Cr Chris Grant

S/- Cr Mark Osterstock

191/22

Council resolves:

1. That the report be received and noted
2. To adopt the 2022-23 CEO Performance Targets as per *Appendix 1* and summarised below.

Target 1 – Fabrik Redevelopment

Target 2 – User Pays Bin Collection Study

Target 3 – Savings Strategies

Target 4 – Gumeracha Library Upgrade

Target 5 – New Dog and Cat Facility

Target 6 – Central Irrigation System

Target 7 – Unformed Roads Review

Carried unanimously

Acting Chief Executive Officer

On 26 July 2022, the then Substantive CEO, Andrew Aitken, provided the Principal Member, Mayor Jan-Claire Wisdom, with a notice of resignation. A termination (settlement) date was to be negotiated and resolved by the Council under the provisions of the Employment Agreement.

At the 20 September 2022 Special meeting, Council considered a report on the outcomes of the recruitment process and resolved:

8.1.2 Appointment of Acting CEO – Confidential Item

Moved Cr Ian Bailey
S/- Cr Leith Mudge

246/22

Council resolves:

1. That the report be received and noted
2. To appoint David Waters to the position of Acting Chief Executive Officer of the Adelaide Hills Council for a period commencing 4.01pm Friday 30 September 2022 and concluding upon the commencement of the successful candidate in the (substantive) Chief Executive Officer Recruitment process.
3. To authorise the Mayor to negotiate the final terms and conditions of the Acting Chief Executive Officer's Employment Agreement being materially similar to the draft Employment Agreement in Appendix 1 and with a Total Remuneration Package value of no greater than \$269,582.00.

Carried Unanimously

The Employment Agreement (the "Agreement") between Council and the Acting CEO was executed on 21 September 2022. The Agreement provides for a performance review process. The Agreement requires the review of the CEO's performance against the position description and any performance indicator(s).

The default position is that the 2022-23 CEO Performance Targets adopted on 26 July 2022 will now apply to the Acting CEO, albeit the Panel can only properly review the Acting CEO's performance based on progressing achievement of the targets during his time in the role.

Expanded Quarterly Performance Review & Development Process

At its 23 March 2023 meeting, the Panel considered a proposal to expand the (then) one-dimensional CEO performance target quarterly reporting regime to include communication between the Panel and the CEO on a quarterly basis in relation to performance against the key responsibilities set out in the CEO Position Description.

This process would provide a more holistic monitoring of performance and allow the CEO to present achievements and areas of focus or challenge. The process would then be followed by a discussion of professional development requirements and the formulation and execution of a development program.

In consideration of the proposal the Panel resolved (Res PRP3/23) as follows:

3. **To adopt the Expanded Quarterly Performance Review & Development Process (EQPRDP) as set out in this report and to advise Council of this decision.**

2. ANALYSIS

➤ Strategic Management Plan/Functional Strategy/Council Policy Alignment

Strategic Plan 2020-24 – A brighter future

| | |
|---------------|---|
| Goal | Organisation |
| Objective O1 | We have the right people with the right knowledge and skills in the right jobs and they are supported and developed. |
| Priority O1.4 | Continue to support all staff through training, mentoring, coaching and development to enable the achievement of organisational and community goals. |
| Objective O5 | We are accountable, informed, and make decisions in the best interests of the whole community. |
| Priority O5.3 | Demonstrate accountability through robust corporate planning and reporting that enhances performance, is relevant and easily accessible by the community. |

The requirement for the Panel to undertake regular reviews of performance against the agreed CEO Performance Targets enables accountability to be demonstrated and any recommendations on performance and development of the CEO to be identified, supported and managed.

➤ Legal Implications

The CEO Performance Review Panel is a Section 41 Committee of Council under the *Local Government Act 1999*.

The Performance Targets are part of the CEO Performance Review process. Section 102A of the Act is a newer provision which requires the council to review the performance of its CEO at least once each year and, if relevant, before the reappointment of its CEO. Further in the course of the performance review, the council must obtain and consider the advice of a qualified independent person.

➤ Risk Management Implications

Undertaking regular review of the CEO's performance will assist in mitigating the risk of:

Deficient CEO performance review practices resulting in a lack of accountability and loss of stakeholder confidence.

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

Non-achievement of CEO Performance Targets resulting in loss of community benefit and/or opportunities and/or stakeholder confidence.

| Inherent Risk | Residual Risk | Target Risk |
|---------------|---------------|-------------|
| High (3B) | Medium (3C) | Medium (3C) |

Note: there are many other controls that also assist in managing these risks.

➤ **Financial and Resource Implications**

There are no financial or resource implications in reporting on projects against the 2022-23 CEO Performance Targets.

Any specific financial or resource implications have been addressed in the *2022-23 Annual Business Plan* or will be dealt with in budget reviews, as required.

The resource implications associated with the Panel's performance review processes are borne by the Governance & Performance Department.

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

There is a presumed community expectation that the CEO will manage the organisation's human, financial and physical resources to ensure they are utilised for the best outcomes for the community.

It follows that there is a community expectation that the CEO is accountable for, and performs against, the agreed Performance Targets.

➤ **Sustainability Implications**

Not applicable.

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

Consultation on the development of this report was as follows:

| | |
|----------------------------|----------------|
| <i>Council Committees:</i> | Not Applicable |
| <i>Council Workshops:</i> | Not Applicable |
| <i>Advisory Groups:</i> | Not Applicable |
| <i>External Agencies:</i> | Not Applicable |
| <i>Community:</i> | Not Applicable |

➤ **Additional Analysis**

Expanded Quarterly Performance Review & Development Process (EQPRDP)

In accordance with the Panel's resolution, the Acting CEO has completed the inaugural version of the EQPRDP (**Appendix 1**). Any feedback from the Panel on the structure of the EQPRDP form would be appreciated to enable enhancements.

The CEO Position Description is contained in **Appendix 2** to provide the context of the responsibilities contained in the EQPRDP.

2022-23 CEO Performance Targets

The status of the 2022-23 CEO Performance Targets, as submitted by the Acting CEO, is contained in **Appendix 3**. This enables the Panel to undertake a final analysis of the work completed for each CEO Performance Target and to make a recommendation to Council on the outcomes achieved for each of the 2022-2023 CEO Performance Targets.

This recommendation presented in this report reflects the status as presented by the Acting CEO.

3. OPTIONS

The Panel has the following options:

- I. That the report be received and noted (*Recommended*).
- II. To recommend to Council the status of the 2022-2023 CEO Performance Targets as per the recommendation. (*Recommended*)
- III. That the Panel makes alternative/additional recommendations to Council relating to the status of the 2022-2023 CEO Performance Targets. (*Not Recommended*)

4. APPENDICES

- (1) Key Position Responsibility Commentary and Professional Development, Quarter 4, 2022-23
- (2) CEO Position Description
- (3) 2023-23 CEO Performance Targets -Quarter 4 Status

Appendix 1

*Key Position Responsibility Commentary and
Professional Development, Quarter 4, 2022-23*

APPENDIX 1



CHIEF EXECUTIVE OFFICER - QUARTERLY PERFORMANCE REVIEW AND DEVELOPMENT PROCESS

Key Position Responsibility Commentary and Professional Development

Quarter 4, 2022-23

Key Responsibility 1: Advice to and Relationship with Council Members

Commentary (Activities, Achievements and Challenges):

- Continued advice and guidance to Members both within and outside of formal meetings.
- The additional challenge of a Council election required significant time and attention to on-board new Council Members.
- Two rounds of planned one on one meetings with Council Members over the past 9 months and numerous ad hoc 'catch ups' with Members to provide advice and guidance on various matters. The Acting CEO has made himself available as required, including meeting Members after hours when that has better suited their availability.

Key Responsibility 2: Leadership and Management of Council's Employees

Commentary (Activities, Achievements and Challenges):

- Made a number of visits to teams in the field and at sites other than the Stirling base to get a first-hand understanding of the challenges and achievements of staff right across the organisation as well as taking the opportunity to provide staff with encouragement and updates on organisational priorities.
- Have formulated and applied approaches to management and executive staff remuneration reviews (generally with increases lower than the general workforce) with a view to taking the opportunity to achieve greater parity across management roles with similar levels of responsibility and complexity.
- Have provided staff with update and message of support regarding the transition to a new CEO.
- Have led transition planning with the Executive Team and Senior Leadership Team.
- Management and executive remuneration reviews in 2023-24 will present a challenge for the incoming CEO as most employees in these categories have accepted increases lower than the general workforce over the last 12 – 18 months (an approach which is not necessarily reflective of what has occurred across the sector).

Key Responsibility 3: Stakeholder Management and Communication

Commentary (Activities, Achievements and Challenges):

- Exploring changes to ensure Council Members are made aware of matters we have received media enquiries about before reading about it in a paper first (still to be implemented).
- Carefully managing time allocation to direct stakeholder engagement but stepping in and undertaking direct engagement where necessary (for instance, recent customer complaint example).

CHIEF EXECUTIVE OFFICER - QUARTERLY PERFORMANCE REVIEW AND DEVELOPMENT PROCESS

- Supported the Mayor with advocacy on a range of issues to various state and federal MPs and Ministers. This includes the drafting of letters, in person attendance at meetings and one on one meetings and discussions.
- Supported other senior staff with advice and guidance on appropriate advocacy actions.
- Provided numerous media comments for print media and on-air radio interviews as required.

A particular challenge in this space is determining an appropriate allocation of the CEO's time among other priorities as stakeholder management and communication can be particularly consuming.

In the advocacy space, the Acting CEO recommends the development of an Advocacy Framework which would include the development of appropriate skill sets within the Administration, elected body and with the support of external resources, to undertake effective advocacy to external stakeholders.

Key Responsibility 4: Financial and Asset Management

Commentary (Activities, Achievements and Challenges):

- Worked closely with the Director Corporate Services to determine realistic and achievable savings targets as part of the LTFP development.
- Led and promoted the identification, development and ranking of opportunities for savings within the above-mentioned targets, including the promotion of same through processes with the elected body. Through this work, achieved the greatest single year saving from the Council's annual operating budget (\$830,000) in current corporate memory. Along with a range of other key decisions, the Council has now achieved arguably its strongest position (from a financial sustainability perspective) since its formation in 1997.

A particular challenge going forward will be to support the elected body to maintain the existing strong position while appropriately resourcing any new priorities identified through the Strategic Plan review.

Key Responsibility 5: Growth and Economic Development

Commentary (Activities, Achievements and Challenges):

- Continued to hold the position of Board Member at Adelaide Hills Tourism (had been the CEO's nominee in substantive Director Community Capacity role), to keep abreast of the tourism sector in this crucial 'recovery from COVID' period.
- Worked closely with the Director Development and Regulatory Services on approaches to respond to the current government's clear assertion that local councils need to do more to open up land for further residential development.

A particular challenge in this space continues to be facilitation sustainable development which fosters both economic growth and preservation of character and amenity.

CHIEF EXECUTIVE OFFICER - QUARTERLY PERFORMANCE REVIEW AND DEVELOPMENT PROCESS

Key Responsibility 6: Work, Health and Safety

Commentary (Activities, Achievements and Challenges):

- Introduced automated reporting of WHS incidents to executive leadership to improve awareness of incident occurrence and the identification of patterns and trends in this space.
- Worked closely with the Director Corporate Services to determine appropriate WHS support resourcing going forward.

Key Responsibility 7: Strategic Planning

Commentary (Activities, Achievements and Challenges):

- Provided support and guidance to the development of a plan to review the Council's Strategic Plan, including the engagement plan associated with same.
- A particular challenge this year has been a desire from the Chamber, since the Council Elections, to establish and move on new priorities prior to the commencement of the Strategic Plan review, while at the same time the Administration's focus for Council Member support has been on induction, on-boarding and the statutory annual reviews of the LTFP and ABP and Budget.

Key Responsibility 8: Human Resources Management

Commentary (Activities, Achievements and Challenges):

- Provided support to other senior staff with a range of people management and industrial matters.
- Provided leadership and guidance to the prioritisation of HR initiatives during late 2022 when there were two key HR advisory vacancies in the organisation.
- Together with the Director Corporate Services, reviewed resourcing requirements in the (then) Organisational Development team and re-branded the function as People & Culture to provide a more positive signal to the organisation and increase the focus on culture and employee experience.
- Continued to promote and support a high standard of recruitment across the organisation.

Key Responsibility 9: Operational Management, Governance & Major Projects

Commentary (Activities, Achievements and Challenges):

- Have improved the efficiency of decision making at executive level through appropriate delegation, decision making and triaging.
- Continued the exemplary approach of this council to upholding the highest standards of governance and integrity.
- Led the organisation through the 2022 Council Elections, providing updates to the workforce and leadership to the on-boarding process for new members.

CHIEF EXECUTIVE OFFICER - QUARTERLY PERFORMANCE REVIEW AND DEVELOPMENT PROCESS

Professional Development

Commentary (Development Needs, Activities Planned, Activities Completed):

The opportunity to undertake CEO duties for an extended period of time has itself provided an invaluable development opportunity. Development has occurred mainly through peer support, including:

- Reached out to and met personally with a number of other council CEOs (and the LGA CEO) in late 2022 to establish a support network and to better understand issues facing the sector at that time.
- Attended, and contributed at, all CEO network meetings held during the 9 months in the role, including one held regionally in Berri.
- Made particularly strong connections with other CEOs in the SHLGA region, who have been a good source of support.
- Made a particular effort to attend all CEO briefings (on a range of topics) convened by the LGA; attending online when necessary. Attendance at these briefings varies, but they are valuable and should be better attended.

It is challenging for the CEO to prioritise their own professional and personal development and there is a clear opportunity for the elected body to support this through setting appropriate expectations and giving appropriate 'permissions' in this regard.

As the Acting CEO is finishing up in July, no formal development activities are planned or proposed.

Other Comments

As identified above, the opportunity to act in the CEO role, and undertake the full range of duties of that position, has in and of itself provided a significant development opportunity for the Acting CEO.

APPENDIX 1

Appendix 2

CEO Position Description



CEO POSITION DESCRIPTION AND CAPABILITY STATEMENT

POSITION SPECIFICATION

PURPOSE

The Chief Executive Officer (CEO) is responsible for the implementation of Adelaide Hills Council's (AHC) strategies, policies and decisions through effective leadership and strategic management of the organisation. The CEO is primarily responsible for ensuring all Council's activities are delivered to best practice standards and that they are compliant with all legal, legislative and corporate governance requirements.

The CEO is accountable for:

- ensuring appropriate fiscal and asset oversight
- positive stakeholder management and communication
- providing outstanding leadership for Council employees
- implementing and managing Council's direction and policies
- providing high-level policy advice and guidance to the Council Members
- ensuring the provision of effective and efficient customer/community focused services
- developing, implementing and monitoring the financial, strategic plan and annual reports
- ensuring the promotion and marketing of the distinctive Council brand in the local and wider communities.

REPORTING / WORKING RELATIONSHIPS

The CEO reports to the Mayor and Council Members (CMs) and is responsible for communicating Council directives through the Executive Leadership Team to AHC employees, ensure their effective and timely implementation.

The CEO is also responsible for developing appropriate relationships in order to represent the interests of Council to federal and state government, appropriate agencies and industry bodies and maintain clear, open and effective communication with the Adelaide Hills community and stakeholder groups.

DELEGATIONS AND AUTHORITY

The Chief Executive Officer will make judgments and decisions in accordance with the Local Government Act, established AHC policy and within all legislative requirements. In particular:

1. sign certificates, contracts, agreements and cheques issued or entered into by AHC in accordance with the relevant decisions and delegations
2. ensure that employees, in carrying out their duties, act in accordance with legislative requirements and established policies, code of conduct and delegations
3. spend monies in accordance with budgets and approved delegations
4. handle industrial disputes, grievances and union issues
5. determine matters relating to the appointment, remuneration and assessment of employees.

KEY RESPONSIBILITIES

Advice to and Relationship with Council Members

1. develop and maintain an open and engaged working relationship with the Mayor and all CMs
2. ensure a high degree of satisfaction with CMs in relation to support, guidance, service quality and accuracy of information, recommendations and related matters provided by the CEO and the Executive Leadership Team
3. ensure the CMs are provided with an acceptable cycle of reporting actions that indicate the status, success and effectiveness of all operations and major projects
4. ensure that the AHC's statutory and governance obligations are met in a timely and effective manner
5. ensure CMs are provided with appropriate professional development opportunities, resources and services
6. support the Mayor in upholding the mandated Council Member Code of Conduct
7. ensure that effective communication and working relationships exist between the CMs and the administration, including attending meetings and regular and effective communication processes
8. provide professional, thorough and objective advice to CMs
9. remain up to date in regard to legislative and other major developments affecting local government and advising CMs as to the ramifications.

Leadership and Management of Councils Employees

1. lead all aspects of AHC through contemporary people management styles and techniques
2. provide a positive, safe and engaging work environment which fosters a good working relationship between all employees
3. provide approachable, visible and encouraging leadership
4. ensure decision-making processes are innovative and suitable
5. communicate decisions and all other relevant information to employees through a variety of mediums
6. ensure employees are held accountable for their work
7. provide development opportunities for employees
8. promote equitable work practices
9. promote a safe and healthy workplace
10. provide an internal procedure for managing disputes and grievances
11. support and encourage an environment where CMs and employees work together to create best practice services for the community.

Stakeholder Management and Communication

1. liaise with the community and business groups to assist in the achievement of AHC's objectives
2. develop and enhance the internal and external communications strategies for the organisation
3. initiate and respond to media so that the AHC is positioned as a progressive and responsive entity
4. ensure positive relationships are established with television, radio, press and various electronic media
5. provide input to any commonwealth, state or local government initiatives affecting the council area ensure the development of the local economy
6. effectively liaising with local government authorities, the Local Government Association and other government authorities and agencies
7. ensure effective community consultation programs are developed, conducted, analysed and incorporated in the strategic planning process

CEO POSITION DESCRIPTION AND CAPABILITY STATEMENT

8. lobby the various arms of government and other stakeholders on behalf of the community
9. liaise with community and business groups to facilitate economic growth and community development for the AHC district
10. represent the AHC at appropriate events to maintain, and if necessary, enhance the AHC's public profile within the community and amongst stakeholders
11. ensure Council activities and initiatives are appropriately promoted and communicated
12. address public meetings in a positive and effective manner
13. establish and maintain quality relationships with resident and business representative groups, educational institutions, community service providers, governmental agencies, regional development boards, local business leaders, individual residents and other customers
14. promptly and diligently responding to requests for service and advice from employees and community
15. act as a champion and advocate for the AHC.

Financial and Asset Management

1. optimise the grants and subsidies available to AHC and the broader community
2. ensure annual and long term financial plans are prepared, monitored and controlled
3. oversee the annual budgeting process in close consultation with the executive management team
4. ensure monitoring and control of budgets including variance analysis and reporting to the CMs
5. ensure CMs are provided with timely and accurate financial reports
6. ensure the financial systems and processes are sound and that technology is used effectively
7. ensure long term asset management plans (community and corporate) are in place and closely monitored
8. ensure well researched business cases / project plans are prepared to support major projects.

Work, Health and Safety

1. As an Officer ensure Council complies with all relevant Work, Health and Safety legislation.

Strategic Planning

1. work with CMs to develop, implement and review the AHC Strategic Plan
2. ensure Annual Business and other relevant strategies and plans are prepared to implement AHC's Strategic Plan
3. effectively communicating the AHC vision and strategy to all key internal and external stakeholders
4. ensure Annual Business Plans are completed and communicated on time
5. ensure the preparation of long term asset management and financial management plans
6. ensure positive progress towards sustainability in all council's activities
7. ensure continuous review of the progress in attaining the objectives of strategic plans.

Human Resources Management

1. create a positive organisational culture with a strong customer service focus
2. lead, develop, motivate and manage the human resources of the organisation
3. regularly review the organisational structure to ensure it meets the functional and business requirements of the AHC Strategic Plan

CEO POSITION DESCRIPTION AND CAPABILITY STATEMENT

4. ensure recruitment is undertaken in line with contemporary and equal opportunity principles and practices
5. ensure strategies to attract and retain appropriately skill employees are in place
6. ensure professional development and training opportunities, programs, records and policies are in place
7. ensure contemporary performance management procedures are in place and remuneration reviews are regularly conducted
8. ensure that organisational development and associated plans are in place
9. ensure a positive, innovative and productive employee culture and industrial relations environment
10. be accountable for obligations in accordance with various legislation including; EEO Act, WH&S Act, commonwealth / state industrial laws and various other statutory obligations.

Operational Management, Governance & Major Projects

1. ensure regular review of policies, procedures, authorities, controls, workplace agreements, delegations, authorities and systems
2. provide a regular overview of the various operational areas of AHC
3. report to CMs and section 41 committees on a regular and formal basis regarding the progress of the AHC's operations
4. endeavor to have major projects are completed on time and within budget and project status is regularly monitored and communicated to CMs
5. improve performance of the Council by proactively embracing best practice and continuous improvement initiatives, eg Business Excellence Framework
6. enhance AHC's systems and technology is consistent with the Strategic Plan

CAPABILITY STATEMENT

EDUCATION

Formal tertiary qualifications are considered an essential requirement as is a demonstrated commitment to ongoing professional development.

EXPERIENCE

1. Demonstrated success in a senior management position that has a similar level of complexity, size and diversity
2. A proven track record of working in an environment that delivers best practice methodology, in the way in which it operates, is considered highly desirable
3. An in-depth understanding of local government legislation is highly desirable; however an appreciation of the workings of local government achieved through dealings in either a public or private sector organisation would be highly regarded.

CEO POSITION DESCRIPTION AND CAPABILITY STATEMENT

KEY CAPABILITY ELEMENTS

OPERATIONAL

1. able to motivate the employees to deliver high levels of performance
2. has the capacity and willingness to create organisation efficiencies
3. has a progressive leadership style which encourages a 'can do' attitude in the organisation
4. has highly developed Emotional Intelligence skills and understanding
5. encourages an environment where feedback is constructive

POLITICAL

1. able to work with CMs in a constructive and positive way to deliver progressive outcomes for the community
2. able to provide well researched reports discussing all options with a firm recommendation.
3. able to assist in the professional development of the CMs
4. able to champion the interests of the community and promote the Adelaide Hills

STAKEHOLDERS

1. able to listen and respond empathetically to the wants and needs of the community
2. able to develop a partnership between AHC and the community
3. able to be firm but fair with all internal and external stakeholders to create positive solutions for all parties
4. able to foster and develop strong partnerships with the community, government and other key stakeholders

PERSONAL ATTRIBUTES

1. is sociable
2. is strategic thinker
3. is enthusiastic and motivated
4. has unwavering integrity and honesty
5. has highly developed communication and interpersonal skills
6. takes an innovative approach to decision making and problem solving
7. has a strong, positive, open and engaging contemporary management style
8. is entrepreneurial, has commercial business skills and can see opportunities

APPENDIX 1

Appendix 3

2023-23 CEO Performance Targets -Quarter 4 Status



| | Project ID | Performance Target (as per Initiatives and brief description) | Strategic Link | Status |
|---|------------|--|--|--|
| 1 | C6001 | <p>Fabrik Redevelopment Progress the construction of the Fabrik Arts and Heritage Hub redevelopment. Report on progress against key construction milestones through the quarterly corporate performance report. Key Construction Milestones:</p> <ul style="list-style-type: none"> • Re-locate Council staff, secure the site, and complete the demolition of building 12 – Estimated 30 September 2022 • Complete the re-development of Building 21 – Estimated 31 December 2022 • Complete the re-development of Building 14 – Estimated 31 March 2023 • Complete the construction of the new Pavilion Building attached to building 14 – Estimated 30 June 2023 | <p>Strategic 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.</p> | <p>Status: Project on track. Performance target achieved.</p> <p>Construction work is now approximately 55% completed with 25 weeks remaining in the construction schedule. There have been a number of design issues and construction issues requiring an intense focus to resolve within the project team and various external stakeholders including engineering consultants and Heritage SA. All issues to date have been resolved quickly with minimal impact on construction time and cost.</p> <p>Building 21 remains 90% complete and will have final finishes completed as construction on Building 20 and the pavilion draw to a close. Building 14 and the pavilion are approximately 45% complete and Building 20 is approximately 40% completed. The agreed construction schedule has a practical completion date of 15 December 2023 and at this point in time Council is still on track to meet this delivery date.</p> <p>Contingency plans have been developed with the builders to manage some identified risks in achieving the timeline. The most difficult of these is the persistent wet weather.</p> <p>The A/CEO reported to both prior CEO PRP meetings during his tenure that the project build has always been planned to be completed in December 2023, i.e. beyond 30 June 2023. The project remains on track for overall completion within the adopted budget and timeframe, albeit the estimated milestone dates adopted in the CEO performance targets for 2022-23 were not achieved.</p> <p>The performance target requirement, which was specifically to progress the construction and report on progress quarterly, has been achieved.</p> |



| | Project ID | Performance Target (as per Initiatives and brief description) | Strategic Link | Status |
|---|------------|--|--|--|
| 2 | N4001 | <p>User Pays Bin Collection Study Complete the following high level studies by November 2022 which considers:</p> <ol style="list-style-type: none"> 1. introducing a fee incentive for use of the kerbside bin service 2. benefits of providing a weekly green organic bin collection, and 3. voluntary fortnightly waste collection. <p>Outcomes from the studies are to inform November 2022 LTFP and subsequent budget considerations.</p> | <p>Strategic 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</p> | <p>Status: Completed, with additional steps taken to progress alternative waste collection options.</p> <p>This CEO Performance Target was completed in November 2022.</p> <p>Based on the high-level studies completed and the discussions with Council Members at the 11 February 2023 LTFP workshop \$150k (in total) has been included in the draft 2023-24 budget and 2024-25 LTFP to undertake a trial of kerbside bin collection frequency change and provision of green organic bins to rural properties.</p> <p>The Acting CEO provided support and direction to this project to ensure it went beyond just the high-level studies and ultimately became a (since adopted) proposal to conduct a trial of different waste collection regimes in 2023-24.</p> |



| | ABP ID | Performance Target | Strategic Link | Additional Notes/Context |
|---|--------|---|--|--|
| 3 | No ID | <p>Savings Strategies Achieve the agreed savings and efficiencies measures captured within the 2022/23 Annual Business Plan by 30 June 2023. Report on progress against these through the quarterly corporate performance report.</p> | <p>Strategic Priority O3.1 Ensure the delivery of agreed strategic plan requirements whilst meeting endorsed long-term targets for a sustainable operating surplus and level of debt.</p> | <p>Status: On track and subject to verification in the end of year financial reporting.</p> <p>An update of the saving strategy achievements was included in the 2022-23 Q3 Quarterly Performance Report presented to Audit Committee and Council separately at its April 2023 Meetings. This showed a realisation of \$501k out of overall saving target of \$650k.</p> <p>As at the time of reporting (June 2023), further savings including waste savings identified as part of Budget Review 3 have increased the amount of savings to \$545k out of the overall saving target of \$650k.</p> <p>The remaining balance will be calculated at part of year end reporting. This includes \$100k relating to Leave Management which will be confirmed as part of the finalisation of the year end employee entitlements for Annual Leave and Long Service Leave due to be completed by the end of July 2023.</p> <p>The Acting CEO has continued to scrutinise the identified areas of budget spend to ensure the savings are achieved and ongoing. The Acting CEO also ensured that while the identified savings opportunities were being implemented, work started in late 2022 on the identification of further savings which have subsequently been incorporated into the LTFP and the 2023-24 ABP and Budget.</p> |
| 4 | C1004 | <p>Gumeracha Library Upgrade Upgrade the Gumeracha Library with a new layout configuration to make a more welcoming and functional space for the local community. Report on the progress of this project through the quarterly corporate performance report.</p> | <p>Strategic Priority C1.1 Provide welcoming spaces and places for the community through our libraries, community centres, and Council and community facilities</p> | <p>Status: Achieved.</p> <p>Building and fit-out works commenced on Wednesday 17th May, with the refurbished library planned to re-open in the first week of July 2023. The foyer space is also being updated with refreshed furniture and a new service desk for community centre volunteers.</p> <p>Interim library services are being provided via the mobile library while the library is closed for building works.</p> <p>The Acting CEO reported to the previous CEO PRP meeting that this target was at risk due to:</p> <ol style="list-style-type: none"> 1. Slight delays introduced through the Acting CEO determining that additional work should occur to address issued identified during community consultation, and 2. Difficulty in securing a suitable construction contractor. <p>Since that meeting, the Acting CEO has supported staff to explore other avenues to complete the work. This resulted in the identification and engagement of an appropriate builder who was able to get work underway and achieve completion in the last week of June.</p> |



| | ABP ID | Performance Target | Strategic Link | Additional Notes/Context |
|---|--------|--|---|---|
| 5 | N2011 | <p>New Dog and Cat Facility Complete Scoping Study and present options to Council Members for impounding dogs and cats, including the option of upgrading the current holding facility at Heathfield.</p> <p>Outcomes from the studies are to inform November 2022 LTFP and subsequent budget considerations.</p> | <p>Strategic Priority 05.2 Make evidence-based decisions and prudently assess the risks and opportunities to our community before taking action.</p> | <p>Status: Achieved, with further steps taken to explore the broader challenges of longer term animal impounding.</p> <p>The adopted performance target was met when the scoping study was completed and options presented to Council Members as part of the LTFP review and subsequent ABP and Budget development (in which funding was ultimately allocated).</p> <p>The Acting CEO supported staff to further explore and progress this matter, particularly with evolving challenges for longer term impounding as a consequence of capacity issues at both RSPCA and Animal Welfare League. The overall project ‘problem statement’ has therefore broadened beyond just the issue of short term impounding of cats.</p> <p>The matter was most recently considered by Council at its meeting on 13 June 2023, where it resolved:</p> <ol style="list-style-type: none"> 1. That the report be received and noted. 2. To commit a portion of the capital funding included in the 2023-24 Annual Business Plan for a New Dog and Cat Facility, to make upgrades to the current facilities at Heathfield to provide immediate additional capacity to hold dogs and cats whilst medium to long term options are further explored. 3. To delegate to the CEO and Mayor to write to both the Local Government Association and the Dog & Cat Management Board and all State Members of Parliament advocating for their leadership to develop a solution to the current issues impacting the whole of the Local Government sector in relation to the housing and rehoming of dogs and cats. 4. To delegate to the CEO (or his delegate) to commence formal discussions with Council’s immediate adjoining Councils, or other Councils or stakeholders, to investigate options for a regional solution should there be no solution put forward by either the Local Government Association or the Dog & Cat Management Board. |



| ABP ID | Performance Target | Strategic Link | Additional Notes/Context |
|---------|---|--|---|
| 6 B3002 | <p>Central Irrigation System Investigate and implement the central irrigation control system. Report on the progress of this project through the quarterly corporate performance report.</p> | <p>Strategic Priority B3.1 <i>Improve water security by maximising water reuse opportunities, reducing reliance on ground water and improving water efficiencies for open space irrigation and building facilities</i></p> <p>Strategic Priority N1.2 <i>Manage reserves and open space to support the community, whilst balancing biodiversity conservation, resource use and environmental impacts</i></p> | <p>Status: Achieved.</p> <p>Nine sites have now had central control irrigation systems installed. Key staff have completed training in the system and others will be trained as necessary.</p> <p>Further analysis is now being completed to ascertain if further infrastructure is required such as flow sensors (these pick-up leaks and faults in the irrigation systems)</p> |



| | ABP ID | Performance Target | Strategic Link | Additional Notes/Context |
|---|--------|---|---|---|
| 7 | N2004 | <p>Unformed Public Roads Review Complete a review of Unformed Public Roads to ascertain connectivity potential and habitat value. Present the outcomes of this review to Council Members.</p> <p>Deliverables include a robust and accessible dataset and GIS layer (SSA) for Council staff to use to inform Unformed Public Roads queries from the public and internally. This will include the determination of values such as biodiversity, conservation, landscape context, recreational, cultural, heritage, trail condition/slope and other land features such as watercourses, broad vegetation association, species of conservation significance, etc.</p> | <p>Strategic Priority N2.1 <i>Monitor and manage areas of high biodiversity or habitat value on Council reserves and Native Vegetation Marker Scheme (NVMS) sites using best practice Methodologies.</i></p> <p>AHC Biodiversity Strategy 2018-2023 Goal 1: Protect <i>highlights the need to Proactively review Unformed Public Roads to ascertain connectivity potential and habitat value. Prioritise biodiversity value /connectivity potential for future management.</i></p> | <p>Status: On track for completion in July 2023, with presentation to Council Members to occur when workshop schedule allows.</p> <p>Project deliverables as specified in the target have been achieved and the new data sets are currently being reviewed and integrated into Council’s systems for easy access. A workshop to present the outcomes to Council Members is being scheduled for when time allows among other workshop priorities (most likely in September – October 2023).</p> <p>The data will be available for Council staff to use to inform Unformed Public Roads queries from the public and internally. In particular, the information will assist in evaluating the retention value of surplus unformed road reserves.</p> <p>The datasets developed specifically include dominant land use (and adjacent land use), biodiversity values (vegetation condition and broad vegetation associations, threatened flora and fauna species, threatened ecological communities), presence of declared weeds, conservation values (Bush for Life / Adj NPWS reserves), landscape context (i.e. fragmented or continuous vegetation), recreational value (existence of trails), fire tracks or vehicle access, aspect/slope/terrain and other landscape features such as presence of watercourses, dams and encroachments etc.</p> <p>This project proved to be more complex than initially envisaged and while it continues to be on track for completion, there has not been an opportunity to finalise the integration of the new data sets into Council’s systems by the date of writing this update and to present the outcomes to Council Members by 30 June 2023.</p> |

Appendix 2

*CEO Performance Review Panel Report - Substantive
CEO Employment – 6 July 2023*

**ADELAIDE HILLS COUNCIL
CEO PERFORMANCE REVIEW PANEL MEETING
Thursday 6 July 2023
AGENDA BUSINESS ITEM**

Item: 7.2

Responsible Officer: Lachlan Miller
Executive Manager Governance & Performance
Office of the Chief Executive

Subject: Substantive CEO Employment

For: Decision

SUMMARY

Council has appointed a Substantive CEO and entered into an Employment Agreement (**Appendix 1**).

The Employment Agreement contains provisions relating to a probationary period, key performance indicators, and performance review. The CEO Performance Review Panel (the "Panel") plays a key role in each of these processes both in terms of the role allocated to it via its Terms of Reference and through references within the Employment Agreement.

Further, since the execution of the CEO Employment Agreement, the Remuneration Tribunal of South Australia has issued Determination 4-2023 which sets out minimum and maximum remuneration bands for council CEOs. There are implications for the remuneration level set out in the CEO Employment Agreement.

The purpose of this report is to provide information to the Panel for consideration in relation the initial stages of the Substantive CEO employment and the provisions of the Employment Agreement. In consideration of the report, the Panel may determine to make a recommendation(s) to Council.

RECOMMENDATION

The CEO Performance Review Panel resolves:

1. That the report be received and noted.
2. To recommend to Council that the CEO Performance Review Panel has noted the Remuneration Tribunal of SA's '2023 Inaugural Review of Minimum and Maximum Remuneration for Local Government Chief Executive Officers' Report and Determination 4-2023 and does not recommend a TEC Package Review be undertaken at this time.
3. To recommend to Council to approve the proposed CEO Probationary Period Performance Review Process as detailed in Item 7.2, CEO Performance Review Panel Agenda – 6 July 2023.
4. To advise Council that the CEO Performance Review Panel intends to develop annual Key Performance Indicators in accordance with clause 17.4 of the CEO Employment Agreement.

5. **To recommend to Council that an appropriate budget is allocated to enable the engagement of an external consultant to assist the CEO Performance Review Panel with the development of Key Performance Indicators and the development and conduct of the Probation Review Survey as part of the CEO Probationary Period Performance Review Process.**
-

1. **BACKGROUND**

CEO Performance Review Panel Functions

The Panel has specific functions in relation to CEO performance monitoring, remuneration and professional development as set out below:

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.

Substantive CEO Employment

The Panel has previously been advised (13 October 2022) of the resignation of the previous CEO, Andrew Aitken, and the appoint of the Acting CEO, David Waters, until the commencement of a Substantive CEO.

Since that time, the new (post 2022 election) Council appointed a CEO Selection Panel which conducted the selection process with the assistance of Recruitment Consultant, Rebecca Hunt of McArthur.

Following a fulsome selection process consistent with the requirements of the *Local Government Act 1999*, the Selection Panel made a recommendation for appointment of a Substantive CEO which Council considered in confidence at its 12 May 2023 Special Meeting. Council resolved (Res: 122/23) as follows (released from confidence on 19 May 2023):

3. To appoint Gregory Georgopoulos as the Chief Executive Officer of the Adelaide Hills Council under s98(5) of the *Local Government Act 1999* for a five (5) year period in accordance with the terms and conditions of an Employment Agreement to be finalised, as per Part 4 below, and with a Total Remuneration Package value of no greater than \$290,000.
4. To authorise the Mayor to negotiate and execute the final terms and conditions of the Employment Agreement between Gregory Georgopoulos and the Council consistent with the provisions of Part 3 above and being materially similar to the draft Employment Agreement in *Appendix 3*.

On 18 May 2023, Mayor Wisdom (under delegation from Council) executed the Employment Agreement with Gregory Georgopoulos for a five (5) year period commencing 17 July 2023.

The clauses of the executed Employment Agreement relevant to the Panel’s role (role, performance, remuneration and professional development) are contained in a redacted version of the Agreement at *Appendix 1*.

2. ANALYSIS

➤ Strategic Management Plan/Functional Strategy/Council Policy Alignment

Strategic Plan 2020-24 – A brighter future

- | | |
|---------------|---|
| Goal | Organisation |
| Objective O1 | We have the right people with the right knowledge and skills in the right jobs and they are supported and developed. |
| Priority O1.4 | Continue to support all staff through training, mentoring, coaching and development to enable the achievement of organisational and community goals. |
| Objective O5 | We are accountable, informed, and make decisions in the best interests of the whole community. |
| Priority O5.3 | Demonstrate accountability through robust corporate planning and reporting that enhances performance, is relevant and easily accessible by the community. |

➤ Legal Implications

The CEO Performance Review Panel is a Section 41 Committee of Council under the *Local Government Act 1999*.

➤ Risk Management Implications

Undertaking regular review of the CEO’s performance is an important control in mitigating the risk of:

Deficient CEO performance review practices resulting in a lack of accountability and loss of stakeholder confidence.

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

Non-achievement of CEO Performance Targets resulting in loss of community benefit and/or opportunities and/or stakeholder confidence.

| Inherent Risk | Residual Risk | Target Risk |
|---------------|---------------|-------------|
| High (3B) | Medium (3C) | Medium (3C) |

Note: there are many other controls that also assist in managing these risks.

➤ **Financial and Resource Implications**

The financial implications associated with the agreed CEO remuneration package have been incorporated into the 2023-24 Budget.

Any financial implications associated with the matters discussed in this report such as the use of external consultants for elements of the probationary period review or to make any adjustments to the remuneration package prior to 2024-25 have not been incorporated into the 2023-24 Budget and would need to be dealt with as a Budget Review.

The resource implications associated the Panel's processes are borne by the Governance & Performance Department.

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

There is a community expectation that the CEO will perform competently and meet expectations to achieve the required outcomes for the organisation.

➤ **Sustainability Implications**

Not applicable

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

Engagement and/or consultation on the development of this report was as follows:

Council Committees: Not applicable.

Council Workshops: Not applicable.

Advisory Groups: Not applicable.

External Agencies: McArthur Pty Ltd
KelledyJones Lawyers

Community: Not applicable

➤ **Additional Analysis**

Remuneration Tribunal CEO Determination

The Panel has previously been advised (17 February 2022) of the new provisions arising from the *Statutes Amendment (Local Government Review) Act 2021* (the “Amendment Act”) which provide that, under s99A of the Local Government Act 1999 (the “Act”), the Remuneration Tribunal of SA (the “Remuneration Tribunal”) can determine the minimum and maximum remuneration that may be paid the council CEOs.

To this effect, the Panel developed a submission to the Remuneration Tribunal which was approved and lodged by Council in February 2022 regarding the development of the CEO remuneration determination. Council further participated in two surveys regarding remuneration payable to the CEO.

On 16 June 2023, the Remuneration Tribunal issued their Report (**Appendix 2**) and Determination 4-2023 (**Appendix 3**) on the ‘2023 Inaugural Review of Minimum and Maximum Remuneration for Local Government Chief Executive Officers’.

Determination 4-2023 - Minimum and Maximum Chief Executive Officer Remuneration (which accompanies the report) places the Adelaide Hills Council in Band 5 with a Total Remuneration Package range of \$299,520 - \$317, 200 (**Appendix 3**).

The Report, in summary, sets out the legislative history, the procedural actions taking in the development of the determination, interstate regimes, the establishment of the minimum and maximum remuneration bands. Further the report, documents the considerable difficulties that the Remuneration Tribunal encountered in the collection of remuneration information from the councils and, in turn, in the development of the minimum and maximum remuneration bands. This was in part due to the myriad of different allowances and calculation methods used by councils (see clause 44, **Appendix 2** for examples of different remuneration components).

The Determination takes effect from 1 July 2023 and once in effect s99A(10) of the Act provides:

- (10) A council must ensure that the remuneration of its chief executive officer is within the relevant minimum and maximum remuneration determined by the Remuneration Tribunal for the purposes of this section.

However, as part of the Amendment Act Transitional Provisions, section 147(5) of the Amendment Act provides:

- (5) The remuneration of a chief executive officer holding office on the commencement of section 99A of the principal Act (as inserted by this Act) is not affected during the term of that office by a determination under section 99A.

Analysis

Notwithstanding that the CEO Employment Agreement was executed on 18 May 2023 and that this was prior to the Determination coming into effect, as the Substantive CEO will not be ‘holding office’ for the purposes of s147(5) above until his commencement of 17 July 2023, the Determination will apply to the Substantive CEO’s remuneration.

The CEO Employment Agreement Total Employment Cost Package (the “TEC Package”) is set at \$290,000 (consisting of annual gross salary, employer superannuation contribution and full and unrestricted private use of vehicle). As such the agreed TEC Package is lower than the minimum remuneration for a Band 5 council (i.e. \$299,520).

Clauses 48 – 52 of the Determination Report (**Appendix 2**) specifically discusses the provision of motor vehicles and the varying values attributed to them in remuneration packages. Clause 51 provides that a simplistic formula used is car value plus Fringe Benefits Tax (FBT) being a minimum of \$20,000.

For the purposes of the CEO Employment Agreement, the provision of the vehicle is costed at \$10,000. Further Council’s estimate of FBT for the vehicle to be provided is \$8,500 (this is not detailed in the TEC Package). This is below the Tribunal’s \$20,000 minimum valuation.

Utilising the Remuneration Tribunal’s simplistic formula, the value that should be assigned to the vehicle for the purposes of the Determination is \$20,000 which would result in a recalculated TEC Package value (for the purposes of the Determination) of \$300,000 which is above the Determination Band 5 minimum.

The Tribunal (at clause 50 of **Appendix 2**) urges councils to review their costing formulas and this is a piece of work already underway for packaged vehicles at Council.

In the short term with a TEC Package value (for Determination purposes) above the band minimum, there does not appear to be a requirement for Council to adjust the Substantive CEO’s TEC Package at this time. However, when the outcome of the packaged vehicles costing analysis is known there may be a need for an adjustment to be made at that time.

Probationary Period

The executed CEO Employment Agreement (**Appendix 1**) contains the following clause regarding probation:

4. PROBATIONARY PERIOD

- 4.1 The Council engages the CEO for a probationary period of six months from the Commencement Date. The Parties agree that the probationary period is a fair and reasonable period for the Council to assess the CEO’s performance.
- 4.2 The Council (or any established CEO Review Panel) may review the CEO’s performance and discuss it with the CEO before the end of the probationary period. The Council (or any established CEO Review Panel) may also discuss the CEO’s performance with the CEO during the probationary period.
- 4.3 At any time during the probationary period, either party may terminate the Employment for any reason by giving one month’s notice to the other Party.
- 4.4 If the Council terminates the CEO’s employment during the probationary period, it may pay one month’s pay to the CEO in lieu of notice. This right of termination (if exercised) is at the Council’s absolute discretion and without further liability.
- 4.5 The Council may, at its absolute discretion, pay in lieu of the whole or part of that notice period.

Analysis

Given the wording of clause 4.2 above and the Panel’s specific function in relation to performance review, it is appropriate for the Panel to consider and make recommendations to Council on a process reviewing the Substantive CEO’s performance during the probationary period.

There is also the matter as to whether there should be Performance Indicators to be achieved within the probation period (as opposed to annual Key Performance Indicators which is discussed in the next section). While this is a matter for the Panel and, ultimately for Council, care needs to be exercised to ensure that any indicators are consistent with the CEO role and areas of priority focus.

The following CEO Probationary Period Performance Review Process (the “CPPPRP”) is proposed for consideration:

| | |
|------------------------|--|
| Week 1 (w/b 17/7/23) | Substantive CEO commences |
| Week 2 (w/b 24/7/23) | CEOPRP meets with Substantive CEO and sets out the CPPPRP and agrees the broader Performance Review Process (see next section) |
| Week 10 (w/b 18/9/23) | CEOPRP: <ul style="list-style-type: none"> • Receives the Interim Performance Review & Development Report from the Substantive CEO • Discusses Key Performance Indicators with Substantive CEO and makes recommendation to Council for adoption of Indicators. • Finalises Probation Review Survey contents |
| Week 19 (w/b 20/11/23) | Consultant administers the Probation Review Survey |
| Week 22 (w/b 11/12/23) | CEOPRP: <ul style="list-style-type: none"> • Receives the Interim Performance Review & Development Report from Substantive CEO • Considers Probation Review Survey Report from the Consultant and makes recommendation to Council. |
| Week 23 (w/b 18/12/23) | Council considers CEOPRP recommendation regarding performance and determines continuance/cessation. |
| Week 27 (w/b 15/1/24) | Probation period ends 16/1/24 |

The Interim Performance Review & Development Report (the “IPRDPR”) is proposed to be identical in format to the current Expanded Quarterly Performance Review & Development Process (the “EQPRDP”) report (see Item 7.1 in this meeting’s agenda) to allow discussion on the how the Substantive CEO is performing in each of the CEO Position Description responsibilities, to discuss any professional development that is required, Key Performance Targets/Indicators (if set), and any other pertinent matters.

It is further proposed to engage the services of a consultant to provide advice in relation to the development of Key Performance Indicators (discussed in next section) and to administer the Probation Review Survey (modelled on the annual survey discussed in the next section).

For the probationary period (17/7/23 – 16/1/24), the IPRDPR will replace the need for the EQPRDP, which will recommence in (post-probation) late January 2024 for Quarter 2, 2023-24.

Performance Review

The executed CEO Employment Agreement (**Appendix 1**) contains the following clause regarding performance review:

17. PERFORMANCE REVIEW

- 17.1 The Parties agree that the CEO will, if so directed by the Council or the CEO Review Panel, participate in such annual and/or periodical performance review process as is required and determined by the Council or the CEO Review Panel.
- 17.2 When undertaking a review of the CEO's performance under this Clause, the Council or the CEO Review Panel, whichever is applicable, will obtain and consider the advice of a qualified independent person in accordance with Section 120A(2) of the *Local Government Act 1999* (SA).
- 17.3 The Parties agree that the performance review process will be established by the CEO Review Panel. The CEO Review Panel will determine the appropriate CEO performance review process against which the CEO's performance will be assessed and the review will be completed within three (3) months of the end of each financial year of the Term.
- 17.4 The CEO Review Panel will, within three (3) months of the Commencement Date, develop Key Performance Indicators in consultation with the CEO, and following that consultation, the Key Performance Indicators will be as advised by the CEO Review Panel to the CEO and as mutually agreed.
- 17.5 Key Performance Indicators will be reviewed annually and/or periodically. The CEO Review Panel may alter the Key Performance Indicators at its discretion following reasonable consultation with the CEO.
- 17.6 The composition of the CEO Review Panel will be determined by the Council.
- 17.7 Unless otherwise agreed between the CEO and the CEO Review Panel, a minimum of 25 working days' notice, in writing, that a performance review is to be conducted will be provided to the CEO to enable time to prepare for the review.
- 17.8 The CEO will prepare and submit an assessment of their own performance prior to the assessment of the CEO's performance being undertaken by the CEO Review Panel.
- 17.9 The CEO Review Panel will assess the CEO's performance by reference to the process to be determined in clause 17.3 of this Agreement, measured against the CEO's Duties as outlined in this Agreement, Position Description and any other factors considered relevant by the CEO Review Panel. The CEO Review Panel will evaluate the extent to which the CEO has discharged the CEO's goals, objectives, responsibilities and Duties outlined in Schedule 1 and the Key Performance Indicators.

- 17.10 A written report (including comparison against the CEO's self-assessment) shall be compiled with respect to the performance review and a copy provided to the CEO. The report shall set out in detail any particular aspects of the CEO's performance that are commendable and any aspects that require improvement, together with reasonable time frames within which the CEO Review Panel expects those areas of performance to be improved to a specified standard. The CEO will be given at least 28 days (or a longer period as agreed with the CEO Review Panel) within which the CEO Review Panel expects those areas of performance to be improved to a specified standard.
- 17.11 A final report on the assessment of the CEO is to be forwarded to the Council for consideration.
- 17.12 The Council must provide whatever reasonable counselling, advice and assistance as reasonably necessary to enable the CEO to improve their performance during any specified timeframes referred to in clause 17.10.
- 17.13 If, at the conclusion of the timeframes referred to in Clause 17.10 of this Agreement, after taking into account the written report referred to in this Clause (and such other matters as the Council considers relevant), the CEO will either:
- 17.13.1 be informed that their performance has improved to the satisfaction of the Council and that no further action will be taken; or
 - 17.13.2 be provided an extended timeframe for specified improvement for a further specified period; or
 - 17.13.3 the CEO's performance has not improved to the specified standards or requirements and the Council may terminate the Agreement in accordance with Clause 19.

Historically, the CEO performance review process has consisted of:

- Approximately quarterly CEOPRP meetings in which the CEO has reported progress against the yearly CEO Performance Targets (which are key projects for that year's Annual Business Plan) and then commencing for Quarter 4 2022-23 (see item 7.1) the EQPRDP, which included providing commentary against the CEO Position Description key responsibilities; and
- An annual survey process involving Council Members and the Executive Leadership Team rating the CEO's performance, using a defined rating system, against the CEO Position Description key responsibilities. This process coincides with the annual TEC Package Review.

While the focus for the Substantive CEO and the Panel needs to be on the probationary period, it is important that the Panel considers the broader Performance Review Process that needs to be put in place. Contemplating this early and communicating it to the Substantive CEO will assist with managing expectations and will satisfy the requirements of clause 17.3 of the Employment Agreement (as above). It is further proposed to use the same consultant to administer the same survey as used in the CPPPRP.

As identified in the Probationary Period section above, a matter that does need to be considered early is the Key Performance Indicators (if any) that will be used as part of the Performance Review as set out in clause 17.4 of the Employment Agreement (as above). The proposed CPPPRP above, has advice being sought from the consultant and CEOPRP discussion in Week 9 for recommendation to Council for adoption (i.e., to be determined prior to the 3 month timeframe).

The design and conduct of the annual performance review process as provided for in clause 17 of the Employment Agreement will be the subject of a separate report following the completion of the probationary period.

3. OPTIONS

The Panel has the following options:

- I. Consider the Remuneration Tribunal's CEO Determination and determine whether to make any recommendations to Council in relation to the Substantive CEO Employment Agreement TEC Package and the Determination Group 5 minimum (Recommended)
- II. Consider the requirements of the Probationary Period clause in the CEO Employment Agreement and make any recommendations to Council regarding the proposed CEO Probationary Period Performance Review Process (the "CPPRP") or an alternative (Recommended)
- III. Consider the matter of the development of Key Performance Indicators and whether they would be for the year and/or for the probationary period and, if appropriate, make any recommendations to Council (Recommended)
- IV. Consider the role that an external consultant may play in assisting the development of Key Performance Indicators and/or conduct of a Probation Review Survey and, if appropriate, make any recommendations to Council (Recommended)

4. APPENDICES

- (1) CEO Employment Agreement – redacted
- (2) 2023 Inaugural Review of Minimum and Maximum Remuneration for Local Government Chief Executive Officers – Report
- (3) 2023 Inaugural Review of Minimum and Maximum Remuneration for Local Government Chief Executive Officers – Determination 4-2023

Appendix 1

CEO Employment Agreement - redacted

APPENDIX 2



EMPLOYMENT AGREEMENT

BETWEEN

ADELAIDE HILLS COUNCIL

'the Council'

- and -

GREGORY GEORGOPOULOS

Note: this is a redacted version of the Agreement

APPENDIX 2

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SCHEDULE 1 Duties (Position Description)
SCHEDULE 2 Total Employment Cost Package

16 May 2023

Between

ADELAIDE HILLS COUNCIL of 63 Mt Barker Road, STIRLING 5152 in the State of South Australia (**the Council**)

and

GREGORY GEORGOPOULOS of [REDACTED] (**the CEO**)

BACKGROUND

- A. The Council is a body corporate constituted by proclamation pursuant to the *Local Government Act 1999* (SA).
- B. The Council wishes to offer fixed-term employment to the CEO in accordance with Section 96 of the *Local Government Act 1999* (SA).
- C. The CEO has agreed to accept the employment on terms and conditions set out herein.

AGREED TERMS

1. DEFINITIONS AND INTERPRETATION

1.1 Definitions

In this Agreement:

Act means the *Fair Work Act 1994* (SA);

Agreement means this employment agreement;

Award means the South Australian Municipal Salaried Officers Award or a successor award;

CEO Review Panel means a performance review panel established pursuant to the *Local Government Act 1999* (SA) for the purpose of reviewing the performance of the CEO;

Commencement Date means 17 July 2023;

Competent Performance means the achievement of the KPI's established by the CEO Review Panel;

Confidential Information means:

- (a) information relating to the business affairs and employees of the Council;
- (b) matters of a technical nature, future directives and policies, technical data pertaining to the general affairs of the Council, internal procedures and information, financial information, information pertaining to other employees, salaries, strategic and business plans and like information relating to the Council;

- (c) other information which the Council tells the CEO is confidential or which, if disclosed, the CEO knows or should reasonably know would be detrimental to the Council; and
- (d) all other information which is imparted to the CEO in circumstances from which the CEO knows or should reasonably know that the information is confidential to the Council or any other person with whom the Council is concerned; and
- (e) excludes any information that is public knowledge otherwise than as a consequence of a breach by the CEO of obligations under this Agreement or a breach by some other person of a duty of confidence to the Council.

Council means the elected body of the Adelaide Hills Council constituted pursuant to the *Local Government Act 1999* (SA);

Duties means the responsibilities, duties and functions of the CEO specified in this Agreement including in Schedule 1;

Employment means the employment of the CEO pursuant to this agreement;

Expiry Date means the date on which this agreement expires on 17 July 2028, being five (5) years from the Commencement Date unless otherwise terminated in accordance with Agreement;

Parties means the Council and the CEO;

Performance Criteria means the criteria which the CEO's performance is assessed under the Performance Review Process, specified in Clause 17;

TEC Package means the monetary and non-monetary entitlements of the CEO specified at Clause 13 and Schedule 2;

Term means the CEO's employment commences on the Commencement Date and will continue under this Agreement for five (5) years, concluding on the Expiry Date.

1.2 BACKGROUND AND SCHEDULES

The Background and Schedules are correct and form part of this Agreement.

2. APPLICATION OF OTHER INDUSTRIAL INSTRUMENTS

- 2.1 This Agreement shall be read in conjunction with the Act.
- 2.2 This Agreement shall not be read in conjunction with the Award, or any other industrial award or agreement arising from the Act.
- 2.3 No enterprise agreement or award applies to the CEO's employment.

3. POSITION

- 3.1 The Council appoints the CEO to the position of Chief Executive Officer on a full-time basis in accordance with the terms of this Agreement.
- 3.2 The Parties agree that the terms and conditions of this Agreement shall apply to the position for the life of this Agreement, as amended from time to time.

4. PROBATIONARY PERIOD

- 4.1 The Council engages the CEO for a probationary period of six months from the Commencement Date. The Parties agree that the probationary period is a fair and reasonable period for the Council to assess the CEO's performance.
- 4.2 The Council (or any established CEO Review Panel) may review the CEO's performance and discuss it with the CEO before the end of the probationary period. The Council (or any established CEO Review Panel) may also discuss the CEO's performance with the CEO during the probationary period.
- 4.3 At any time during the probationary period, either party may terminate the Employment for any reason by giving one month's notice to the other Party.
- 4.4 If the Council terminates the CEO's employment during the probationary period, it may pay one month's pay to the CEO in lieu of notice. This right of termination (if exercised) is at the Council's absolute discretion and without further liability.
- 4.5 The Council may, at its absolute discretion, pay in lieu of the whole or part of that notice period.

5. TERM OF EMPLOYMENT

- 5.1 The Employment commences on the Commencement Date and expires on the Expiry Date unless the Employment is:
 - 5.1.1 terminated pursuant to clause 19, in which case the Employment terminates at that time; or
 - 5.1.2 the subject of a new employment agreement pursuant to clause 6; or
 - 5.1.3 terminated within the probationary period pursuant to clause 4, in which case the CEO's Employment terminates at that time.
- 5.2 The Employment is not ongoing but continues only for the Term subject to this clause.

6. FURTHER AGREEMENT

- 6.1 The Parties may at any time during the Term commence negotiations for a further Agreement.
- 6.2 There is no automatic extension of the Term.

- 6.3 If the CEO accepts any offer of a new employment agreement, the terms of that employment must be set out in a further written agreement. In the absence of any such written and mutually signed agreement, the employment terminates upon the Expiry Date.
- 6.4 If a new employment agreement has been entered into between the Parties under this clause, the CEO is deemed to have continuity of service with the Council for the purpose of determining the CEO's accrued benefits under the new employment agreement.
- 6.5 If the terms of a new employment agreement cannot be agreed between the Parties by the Expiry Date, the CEO's employment will conclude on the Expiry Date.

7. HOURS OF WORK

- 7.1 The CEO's hours of work average 38 hours per week including reasonable additional hours and will be as required for the CEO to perform the Duties and the other functions pursuant to this Agreement, including attendance at Council meetings.
- 7.2 The CEO must devote their whole time and attention during the hours reasonably required to properly perform the Duties.
- 7.3 The TEC Package referred to in clause 13 of this Agreement is in full satisfaction for all hours worked by the CEO, including reasonable additional hours and attendance at Council meetings. No additional remuneration is paid as loadings, penalties or for overtime worked by the CEO, including weekends and public holidays, it being noted that the salary component of the TEC Package is loaded in consideration of such hours.

8. REQUIREMENTS OF POSITION

- 8.1 The CEO must perform the Duties set out in clause 9 and Schedule 1 of this Agreement.
- 8.2 The Council may change any of the Duties set out in clause 9 and Schedule 1 of this Agreement, in consultation with the CEO, as long as those Duties remain within the skills and expertise of the CEO.

9. DUTIES AND RESPONSIBILITIES

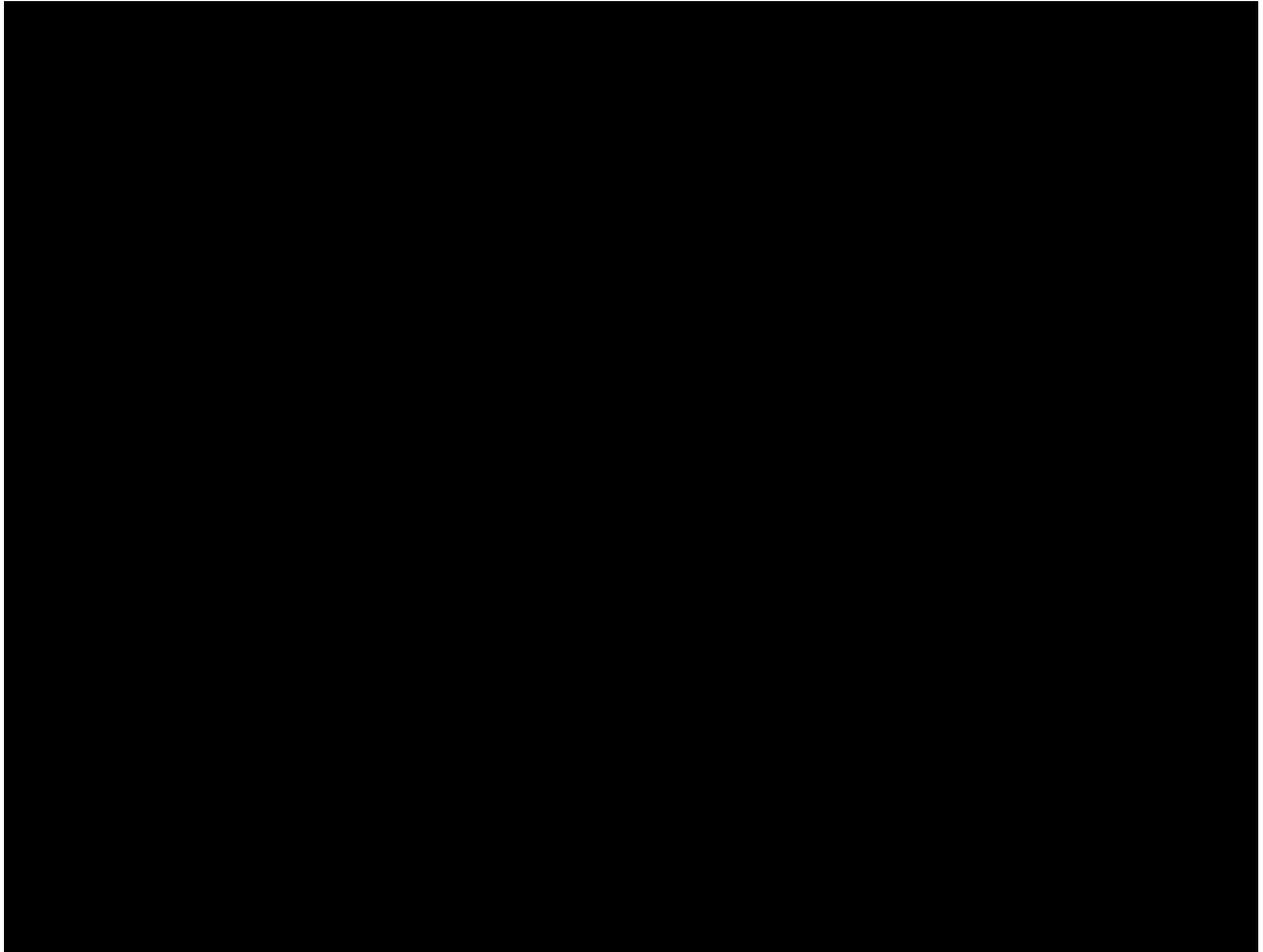
- 9.1 The CEO must:
- 9.1.1 comply with any applicable Employee Behavioural Standards or Code of Conduct for Council Employees, as amended or replaced from time to time by statute or otherwise;
 - 9.1.2 observe and comply with statutory responsibilities arising from the *Local Government Act 1999 (SA)* and all other applicable legislation;
 - 9.1.3 observe and comply with all lawful directions and instructions of the Council;
 - 9.1.4 perform the Duties with such a degree of skill, care and diligence, which is appropriate to the Duties;

- 9.1.5 be just and faithful to the Council and shall promptly give to the Council full information and truthful explanations of all matters relating to their Duties and responsibilities under this Agreement;
 - 9.1.6 act in the best interests of the Council at all times;
 - 9.1.7 account and declare to the Council for any remuneration or other benefit received from a third party in the CEO's capacity as an employee in any business conducted or promoted by the Council or any related corporation;
 - 9.1.8 be informed and up to date on issues and developments that affect all areas of responsibility;
 - 9.1.9 attend meetings of the Council and other bodies as required, subject to personal leave or compelling circumstances;
 - 9.1.10 exercise responsibilities and Duties where the Council has delegated authority;
 - 9.1.11 personally observe and comply with the requirements of the Council's policies and procedures in force from time to time;
 - 9.1.12 carry out and perform the Duties:
 - 9.1.12.1 lawfully;
 - 9.1.12.2 with proper decorum;
 - 9.1.12.3 to the best of the CEO's ability and judgement; and
 - 9.1.12.4 to the satisfaction of the Council;
 - 9.1.13 promote the aims and objectives of the Council; and
 - 9.1.14 maintain a current, unimpeded Australian driver's licence throughout the Term; and
 - 9.1.15 at all times comply with the *Local Government Act 1999 (SA)* and any other legislation applying to matters within the scope of the CEO's employment.
- 9.2 The CEO accepts that the Council may require them to carry out any and all Duties which are within their skills and competence, including those duties specifically outlined in Schedule 1.

10. ACCOUNTABILITY

- 10.1 The CEO is accountable to the Council and is required to satisfactorily carry out the responsibilities, Duties and functions set out in the position description in Schedule 1, which forms part of this Agreement.
- 10.2 The CEO will be subject to the direction and control of the Council at all times.

- 10.3 The CEO will devote their whole time and attention during the hours reasonably required to carry out and perform the Duties to the best of their ability and judgement in a manner that is lawful, safe, and to the satisfaction of Council.



13. TOTAL EMPLOYMENT COST PACKAGE (TEC PACKAGE)

- 13.1 In consideration of performing the Duties, the CEO is entitled to the TEC Package outlined in this Clause and in Schedule 2.
- 13.2 Regardless of Clause 13.1, the Parties may agree to enter into any lawful salary packaging arrangement by mutual agreement between them, which will be recorded in writing and annexed to this Agreement. The Council will bear the cost of Fringe Benefits Tax (if any) associated with any salary packaging arrangements reached with the CEO.
- 13.3 The Parties acknowledge that, in accordance with Section 99A (10) of *the Local Government Act 1999 (SA)*, the TEC Package may be reviewed and adjusted, by mutual agreement, to ensure compliance with applicable rates as determined by the Remuneration Tribunal of South Australia (RTSA).
- 13.4 No additional remuneration is paid as loadings, penalties or for overtime worked by the CEO, including weekends and public holidays, it being noted that the salary component of the TEC Package is loaded in consideration of all such hours.

13.5 The cash component of the TEC Package will be paid in arrears in equal fortnightly instalments, or as otherwise provided by the Council, by direct deposit to an account nominated by the CEO.

13.6 Superannuation

13.6.1 The council must make superannuation contributions in accordance with its obligations under the *Superannuation Guarantee (Administration) Act 1992* (Cth), and as necessary to ensure that the Council is not subject to the charge under the *Superannuation Guarantee (Administration) Act 1992* (Cth).

13.6.2 The CEO must nominate a compliant superannuation fund within 30 days of the Commencement Date.

13.6.3 Any statutory increase to superannuation will be borne by the Council as an addition to the TEC Package, as it applies at the time of the statutory increase.

13.6.4 The CEO may, within constraints imposed by the Australian Taxation Office salary sacrifice a component of the CEO's TEC into the superannuation fund or an approved private fund.

13.7 Deductions

The Council must:

13.7.1 deduct from the cash component of the TEC Package and remit to the Australian Taxation Office instalments of income tax in compliance with its obligations under the *Income Tax Assessment Act 1936* (Cth); and

13.7.2 make any other deduction which the Council is lawfully authorised or obliged to make.

13.8 Vehicle

13.8.1 The Council requires the CEO to have a current and unimpeded Australian driver's licence so as to fulfil the Duties in this Agreement. The Council will provide the CEO with a fully maintained vehicle for business and private use, if the CEO so chooses.

13.8.2 If the CEO accepts the fully maintained vehicle, the CEO will have unrestricted personal use of the vehicle, provided that the vehicle shall not be used for any other commercial or income producing activity or pursuits.

13.8.3 The type of vehicle and any other vehicle-related matters shall be determined in accordance with the Council's motor vehicle management policies and any other applicable Council policies (as amended from time to time).

- 13.8.4 The Council will be responsible for any fuel purchases or maintenance costs of the Council vehicle including fuel used for intrastate travel. The CEO will be responsible for fuel purchases for interstate travel, except where that travel is for approved work-related travel.
- 13.8.5 The parties agree that the CEO's spouse or partner, or a member of the CEO's immediate family, may be nominated as a driver of the vehicle.
- 13.8.6 In the event that the CEO is absent from duties for a period exceeding forty (40) days, the CEO agrees to return the Council vehicle to the Council until such time that the CEO returns to duties. This clause does not apply where the CEO chooses to use the CEO's own vehicle.
- 13.8.7 If the CEO chooses to use the CEO's personal vehicle in lieu of the Council vehicle, the CEO is entitled to receive \$10,000 (as set out in Schedule 2) as part of the TEC Package (subject to tax and superannuation) sacrificed for the vehicle.
- 13.8.8 The Council will be responsible for the payment of the Fringe Benefits Tax associated with the vehicle (if any). From time to time a record of the CEO's motor vehicle travel may be requested by Council's Finance Department in accordance with the Fringe Benefits Taxation legislation.

14. PROVISION OF WORK-RELATED EQUIPMENT

- 14.1 The Council shall provide the CEO with the following equipment, and ensure payment in respect of the following services to assist in the performance of their Duties:
 - 14.1.1 Mobile phone; and
 - 14.1.2 Personal computer and/or iPad (or relevant other technological devices).
- 14.2 The CEO is required to return the mobile phone, iPad and personal computer to the Council by the Expiry Date, unless otherwise agreed with the Council.
- 14.3 The mobile phone number remains the property of the Council.

15. PROFESSIONAL DEVELOPMENT AND MEMBERSHIPS

- 15.1 The Council agrees to provide the CEO with professional development opportunities to meet the performance measurement requirements throughout the term of the Agreement, as mutually agreed, up to the value of \$5,700 per annum.
- 15.2 The Council will fund professional development opportunities throughout the Term of this Agreement up to the value specified in Clause 15.1, excluding interstate and/or overseas travel, as nominated by the CEO, by agreement with the Council.
- 15.3 That the Council foster the view that for the Chief Executive Officer to be strategically creative in the development, recommendation and provision of future visions for the Council, the CEO be encouraged to expand their professional development and knowledge through opportunities and programs designed for such a purpose.

15.4 The Council will pay for the cost of the CEO's professional membership(s) to bodies relevant to the CEO's Duties up to the value of \$1,300 per annum.

16. WORK-RELATED EXPENSES

The Council agrees to reimburse the CEO for work-related expenses incurred by the CEO in the course of their employment upon the provision of relevant invoices.

17. PERFORMANCE REVIEW

17.1 The Parties agree that the CEO will, if so directed by the Council or the CEO Review Panel, participate in such annual and/or periodical performance review process as is required and determined by the Council or the CEO Review Panel.

17.2 When undertaking a review of the CEO's performance under this Clause, the Council or the CEO Review Panel, whichever is applicable, will obtain and consider the advice of a qualified independent person in accordance with Section 120A(2) of the *Local Government Act 1999* (SA).

17.3 The Parties agree that the performance review process will be established by the CEO Review Panel. The CEO Review Panel will determine the appropriate CEO performance review process against which the CEO's performance will be assessed and the review will be completed within three (3) months of the end of each financial year of the Term.

17.4 The CEO Review Panel will, within three (3) months of the Commencement Date, develop Key Performance Indicators in consultation with the CEO, and following that consultation, the Key Performance Indicators will be as advised by the CEO Review Panel to the CEO and as mutually agreed.

17.5 Key Performance Indicators will be reviewed annually and/or periodically. The CEO Review Panel may alter the Key Performance Indicators at its discretion following reasonable consultation with the CEO.

17.6 The composition of the CEO Review Panel will be determined by the Council.

17.7 Unless otherwise agreed between the CEO and the CEO Review Panel, a minimum of 25 working days' notice, in writing, that a performance review is to be conducted will be provided to the CEO to enable time to prepare for the review.

17.8 The CEO will prepare and submit an assessment of their own performance prior to the assessment of the CEO's performance being undertaken by the CEO Review Panel.

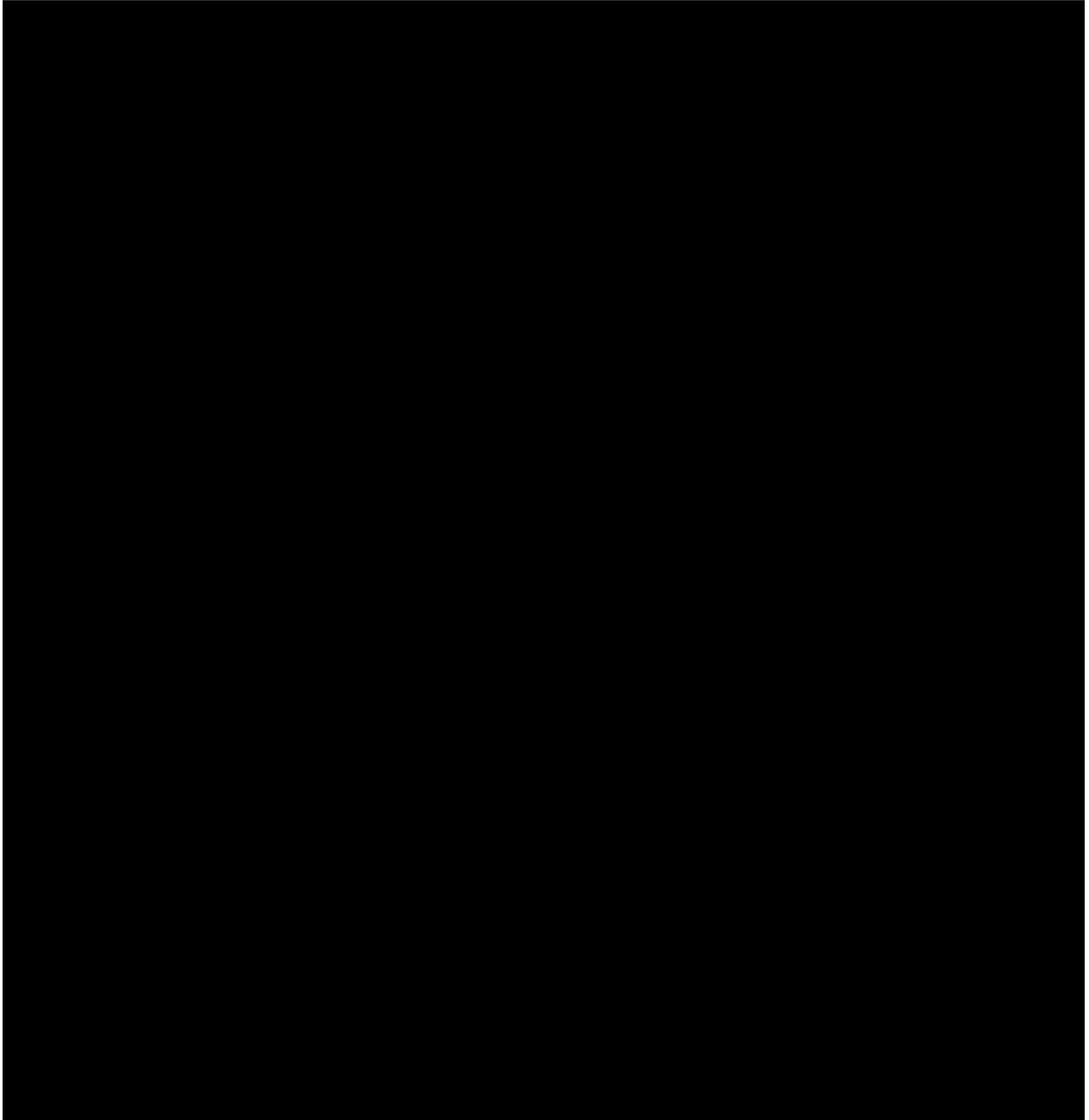
17.9 The CEO Review Panel will assess the CEO's performance by reference to the process to be determined in clause 17.3 of this Agreement, measured against the CEO's Duties as outlined in this Agreement, Position Description and any other factors considered relevant by the CEO Review Panel. The CEO Review Panel will evaluate the extent to which the CEO has discharged the CEO's goals, objectives, responsibilities and Duties outlined in Schedule 1 and the Key Performance Indicators.

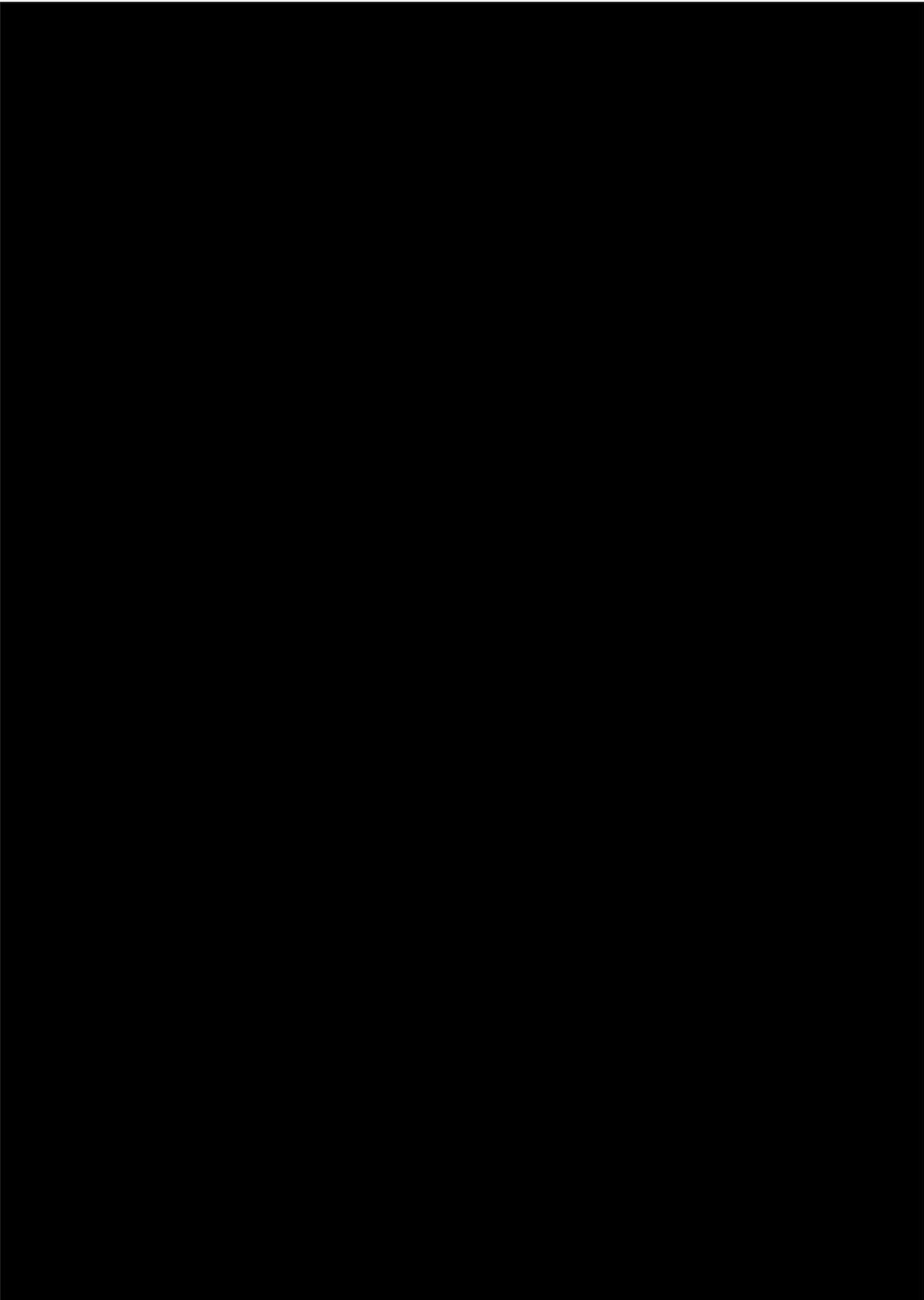
- 17.10 A written report (including comparison against the CEO's self-assessment) shall be compiled with respect to the performance review and a copy provided to the CEO. The report shall set out in detail any particular aspects of the CEO's performance that are commendable and any aspects that require improvement, together with reasonable time frames within which the CEO Review Panel expects those areas of performance to be improved to a specified standard. The CEO will be given at least 28 days (or a longer period as agreed with the CEO Review Panel) within which the CEO Review Panel expects those areas of performance to be improved to a specified standard.
- 17.11 A final report on the assessment of the CEO is to be forwarded to the Council for consideration.
- 17.12 The Council must provide whatever reasonable counselling, advice and assistance as reasonably necessary to enable the CEO to improve their performance during any specified timeframes referred to in clause 17.10.
- 17.13 If, at the conclusion of the timeframes referred to in Clause 17.10 of this Agreement, after taking into account the written report referred to in this Clause (and such other matters as the Council considers relevant), the CEO will either:
- 17.13.1 be informed that their performance has improved to the satisfaction of the Council and that no further action will be taken; or
 - 17.13.2 be provided an extended timeframe for specified improvement for a further specified period; or
 - 17.13.3 the CEO's performance has not improved to the specified standards or requirements and the Council may terminate the Agreement in accordance with Clause 19.

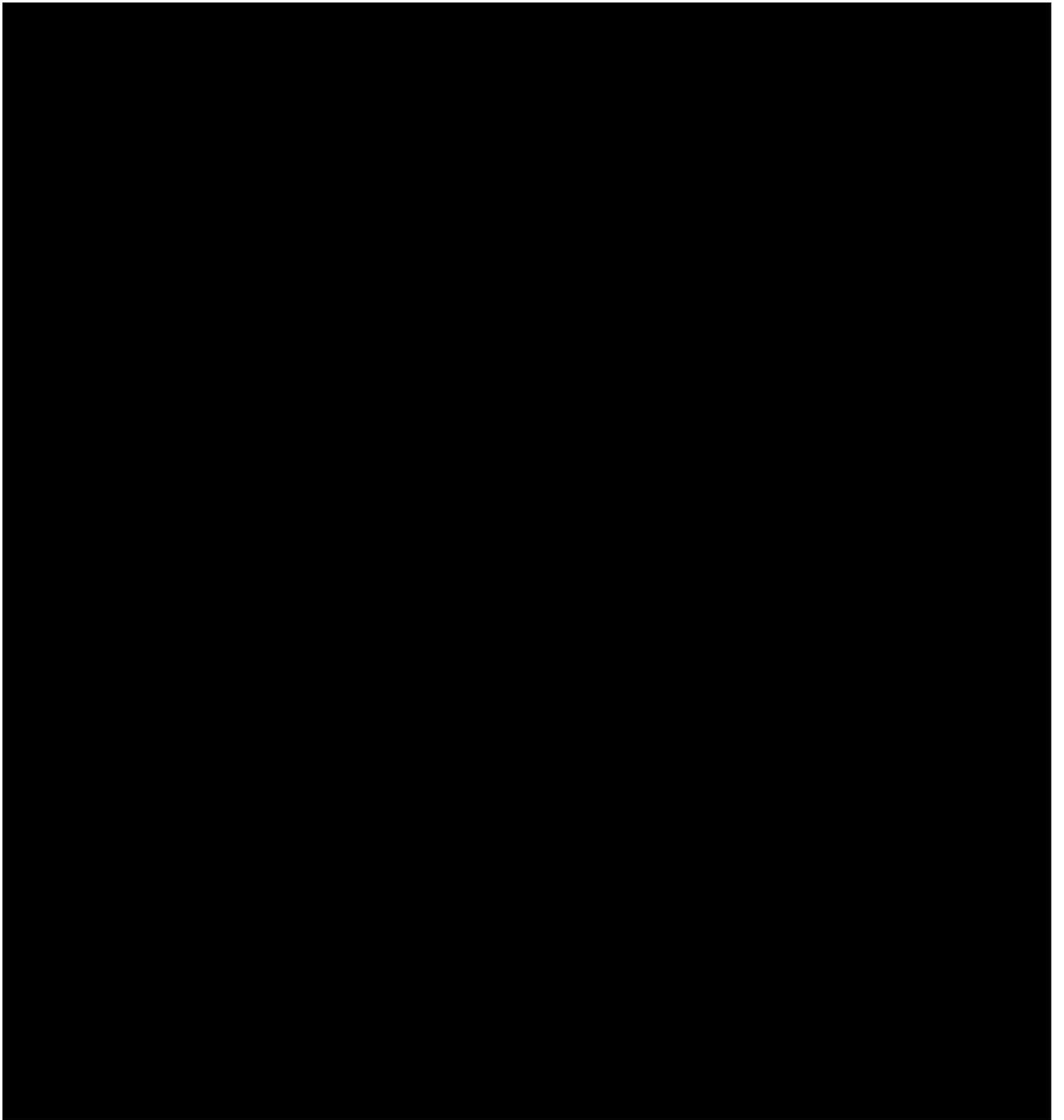
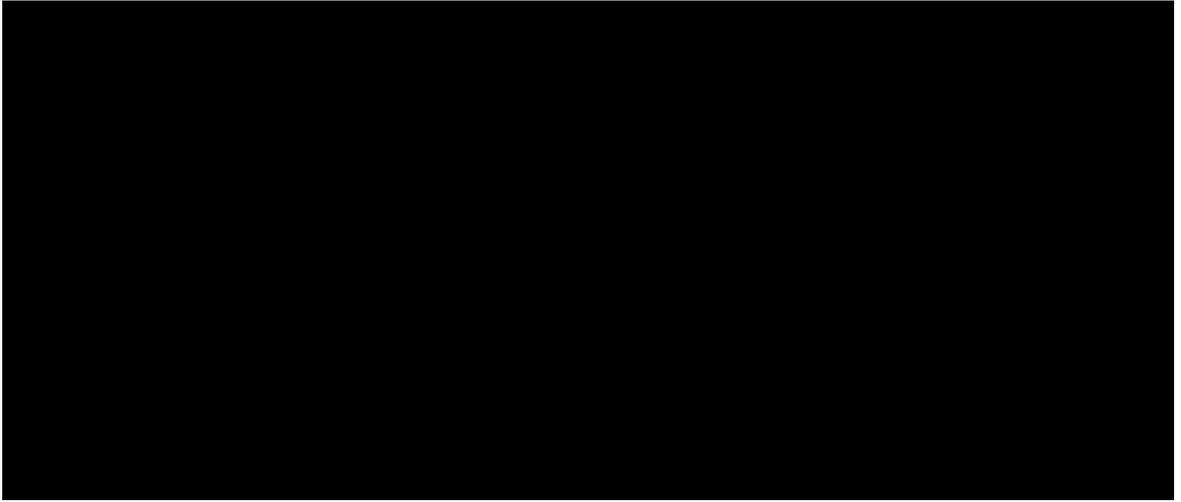
18. TEC PACKAGE REVIEW

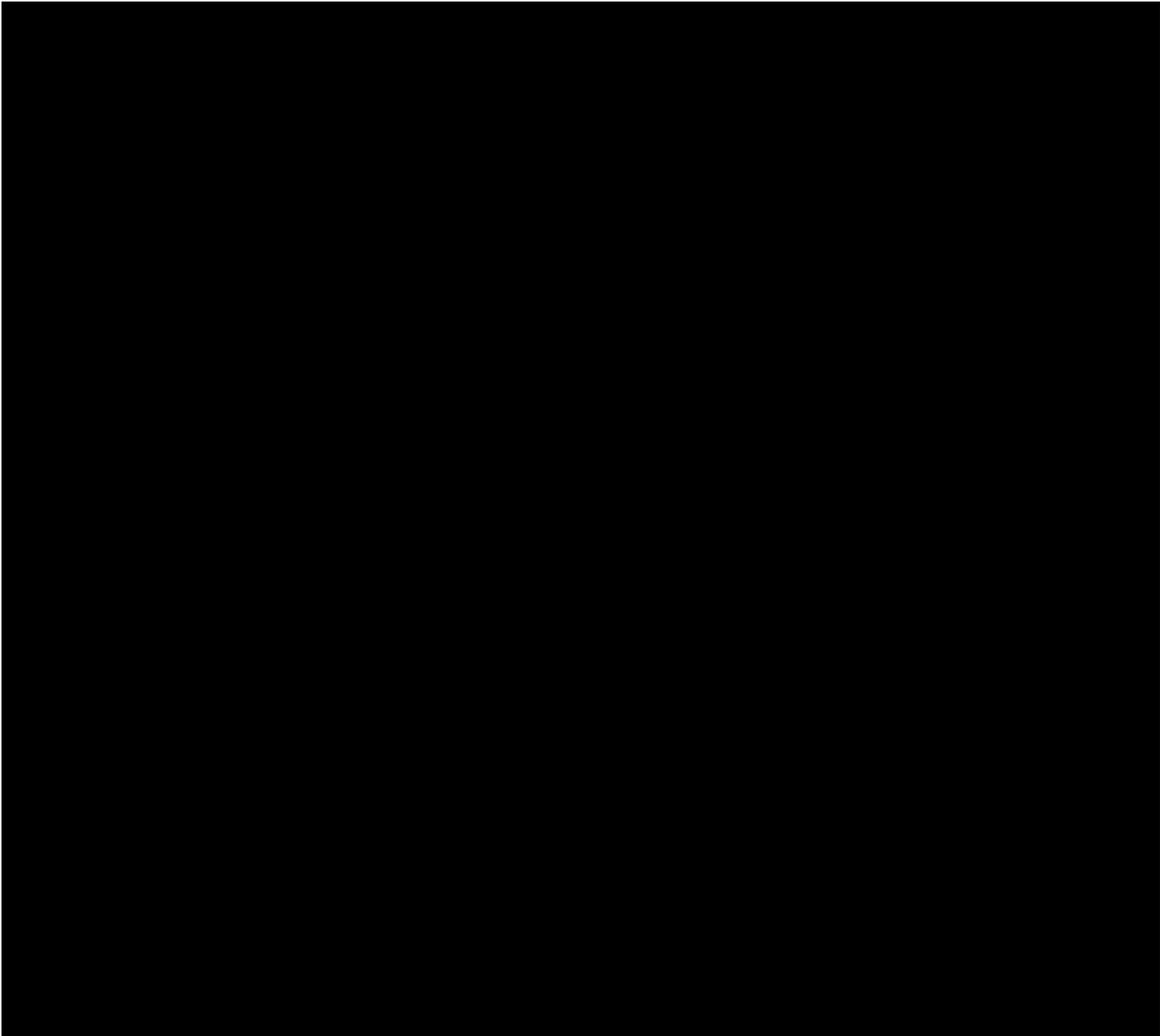
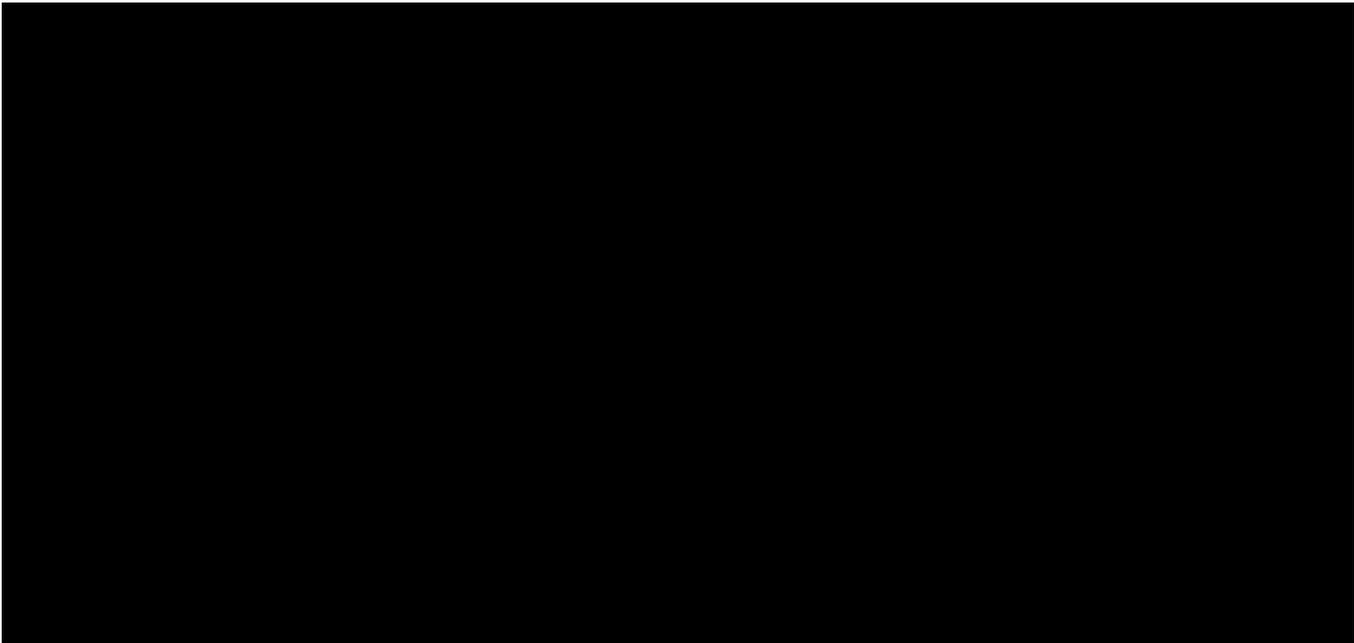
- 18.1 The TEC Package specified in Clause 13 and Schedule 2 shall be reviewed annually in conjunction with the performance review process.
- 18.2 The TEC Package review will be conducted within one month of the performance review set out in Clause 17 (if reasonably practicable), and any change to the TEC Package shall take effect from the date on which the performance review is concluded.
- 18.3 The review of the TEC Package will take into account the following:
- 18.3.1 The key performance indicators;
 - 18.3.2 The Employee's Position Description and Duties;
 - 18.3.3 Remuneration paid to CEOs of similar sized councils in South Australia;
 - 18.3.4 Any applicable range of remuneration rates determined by the RTSA; and
 - 18.3.5 Any other factor the Council considers relevant.

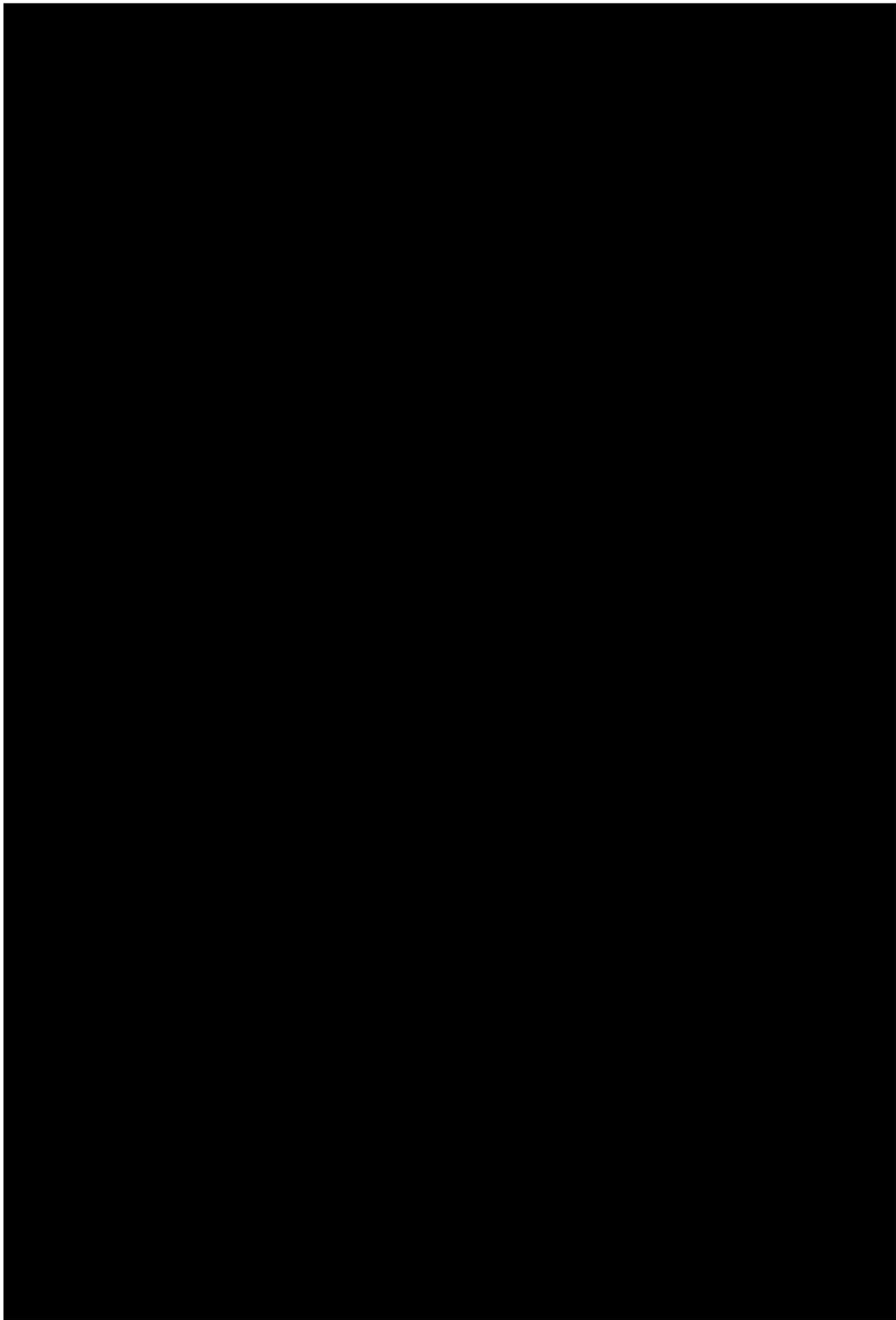
18.4 Despite the foregoing, the Employee is not entitled, by right, to any increase in the TEC Package during the Term.

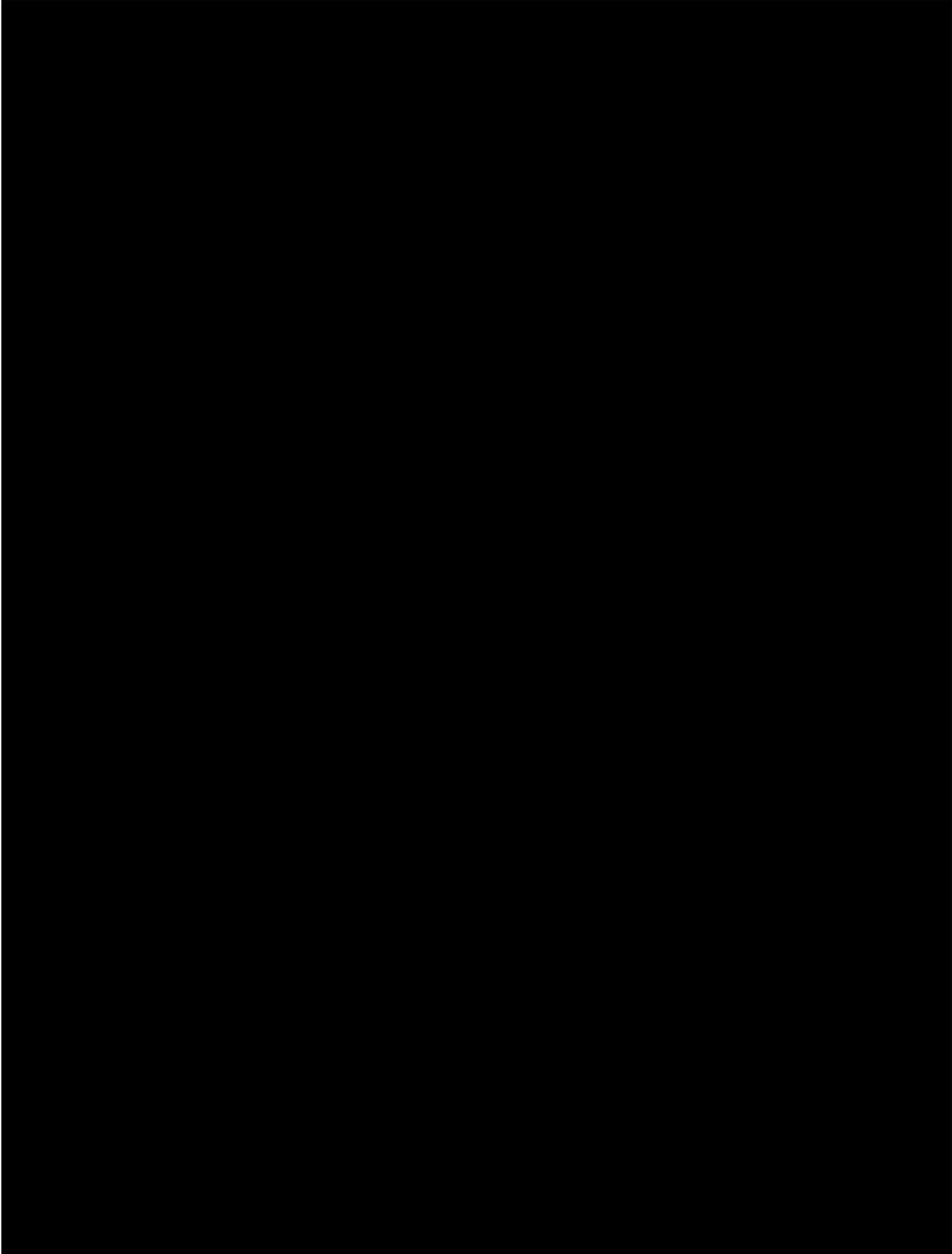


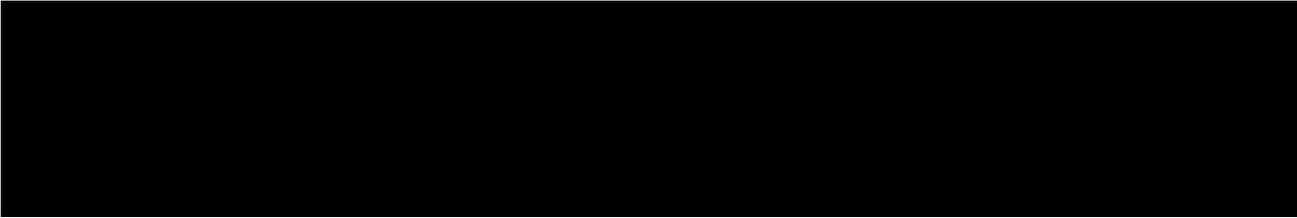






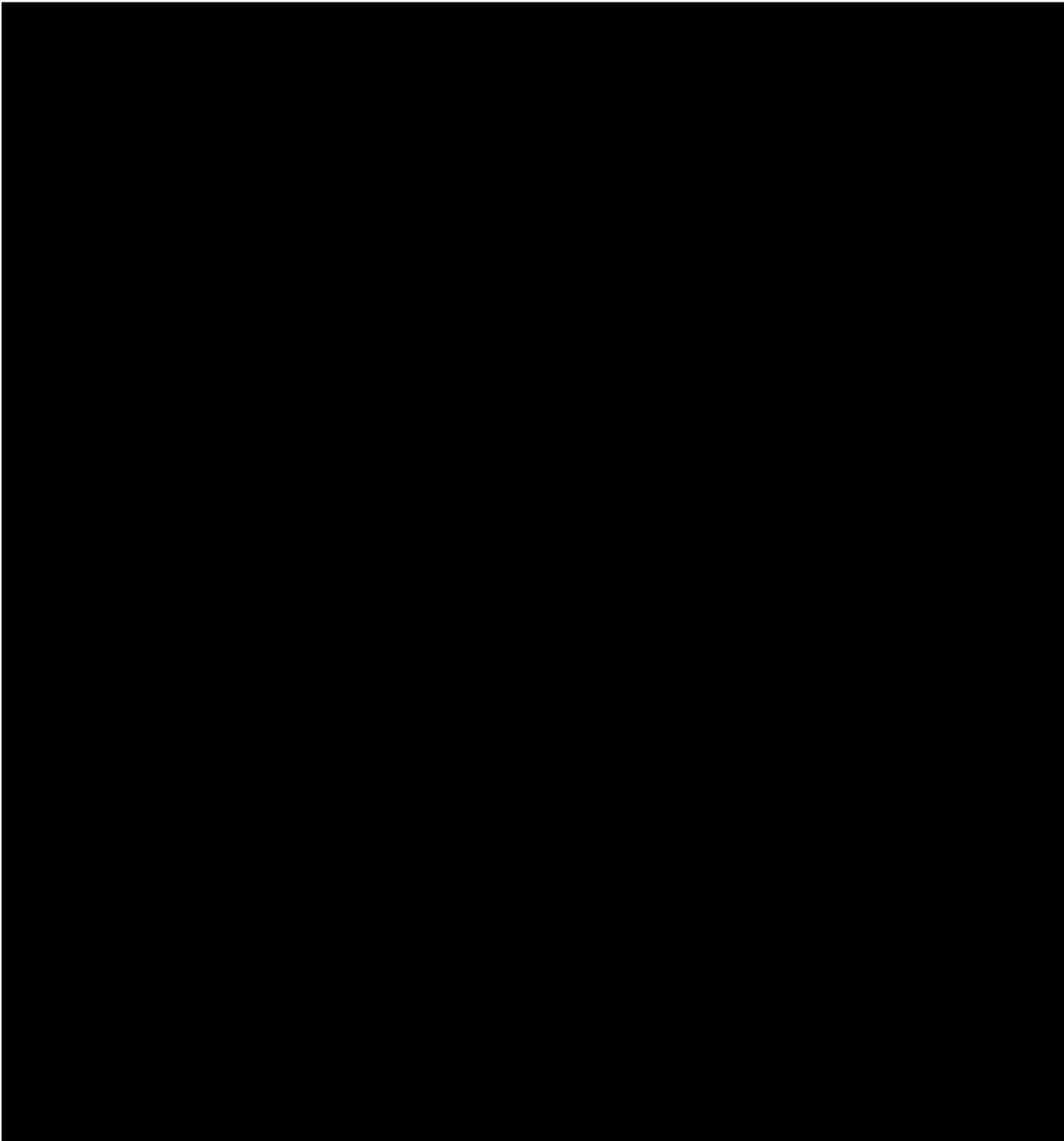






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APPENDIX 2



SCHEDULE 1 – DUTIES (POSITION DESCRIPTION)

APPENDIX 2



CEO POSITION DESCRIPTION AND CAPABILITY STATEMENT

POSITION SPECIFICATION

PURPOSE

The Chief Executive Officer (CEO) is responsible for the implementation of Adelaide Hills Council's (AHC) strategies, policies and decisions through effective leadership and strategic management of the organisation. The CEO is primarily responsible for ensuring all Council's activities are delivered to best practice standards and that they are compliant with all legislative and corporate governance requirements.

The CEO is accountable for:

1. Ensuring appropriate fiscal, asset and risk oversight
2. Positive stakeholder management and communication
3. Providing outstanding leadership for Council employees
4. Implementing and managing Council's direction and policies
5. Providing high-level policy advice and guidance to the Council Members
6. Ensuring the provision of effective and efficient customer/community focused services
7. Developing, implementing and monitoring the strategic management and annual business plans
8. Ensuring the promotion and marketing of the distinctive Council brand in the local and wider communities.
9. Ensuring Council meets its legislative responsibilities.

REPORTING / WORKING RELATIONSHIPS

The CEO reports to the Mayor and Council Members (CMs) and is responsible for communicating Council directives through the Executive Leadership Team to AHC employees, ensure their effective and timely implementation.

The CEO is also responsible for developing appropriate relationships in order to represent the interests of Council to federal and state government, appropriate agencies and industry bodies and maintain clear, open and effective communication with the Adelaide Hills community and stakeholder groups.

DELEGATIONS AND AUTHORITY

The Chief Executive Officer will make judgments and decisions in accordance with established AHC policy and within all legislative requirements. In particular:

1. Sign certificates, contracts, agreements and cheques issued or entered into by AHC in accordance with the relevant decisions and delegations
2. Ensure that employees, in carrying out their duties, act in accordance with legislative requirements and established policies, code of conduct and delegations
3. Spend monies in accordance with budgets and approved delegations
4. Handle industrial disputes, grievances and union issues
5. Determine matters relating to the appointment, remuneration and assessment of employees.

CEO POSITION DESCRIPTION AND CAPABILITY STATEMENT

KEY RESPONSIBILITIES

Advice to and Relationship with Council Members

1. Develop and maintain a collaborative, open and engaged working relationship with the Mayor and all CMs
2. Ensure a high degree of satisfaction with CMs in relation to support, guidance, service quality and accuracy of information, recommendations and related matters provided by the CEO and the Executive Leadership Team
3. Ensure the CMs are provided with an acceptable cycle of reporting actions that indicate the status, success and effectiveness of all operations and major projects
4. Ensure that the AHC's statutory and governance obligations are met in a timely and effective manner
5. Ensure CMs are provided with appropriate professional development opportunities, resources and services
6. Support the Mayor in upholding the mandated Behavioural Standards Framework
7. Ensure that effective communication and working relationships exist between the CMs and the administration, including attending meetings and regular and effective communication processes
8. Provide professional, thorough and objective advice to CMs
9. Remain up to date in regard to legislative and other major developments affecting local government and advising CMs as to the ramifications.

Leadership and Management of Councils Employees

1. Lead all aspects of AHC through contemporary people management styles and techniques
2. Coach and mentor staff in the delivery of high-quality community and customer services
3. Provide a positive, safe and engaging work environment which fosters a good working relationship between all employees
4. Provide approachable, visible and encouraging leadership
5. Ensure decision-making processes are clear, timely and innovative
6. Communicate decisions and all other relevant information to employees through a variety of mediums
7. Ensure employees are held accountable for their work
8. Promote equitable work practices
9. Promote a safe and healthy workplace
10. Provide an internal procedure for managing disputes and grievances
11. Support and encourage an environment where CMs and employees work together to create best practice services for the community.
12. Drive high performance standards across all operational areas and encourage ownership, dedication, integrity, professional growth and continuous improvement

Stakeholder Management and Communication

1. Liaise with the community and business groups to assist in the achievement of AHC's objectives
2. Develop and activate effective communication and engagement strategies to foster a positive reputation for AHC
3. Initiate and respond to media so that the AHC is positioned as a progressive and responsive entity
4. Ensure positive relationships are established with television, radio, press and various electronic media
5. Provide input to any commonwealth, state or local government initiatives affecting the council area to ensure the development of the local economy

CEO POSITION DESCRIPTION AND CAPABILITY STATEMENT

6. Effectively liaise with local government authorities, the Local Government Association and other government authorities and agencies
7. Ensure effective community consultation programs are developed, conducted, analysed and incorporated in the strategic planning process
8. Lobby the various arms of government and other stakeholders on behalf of the community
9. Liaise with community and business groups to facilitate economic growth and community development for the AHC district
10. Represent the AHC at appropriate events to maintain, and if necessary, enhance the AHC's public profile within the community and amongst stakeholders
11. Ensure Council activities and initiatives are appropriately promoted and communicated
12. Address public meetings in a positive and effective manner
13. Establish and maintain quality relationships with resident and business representative groups, educational institutions, community service providers, governmental agencies, regional development boards, local business leaders, individual residents and other customers
14. Promptly and diligently respond to requests for service and advice from employees and community
15. Act as a champion and advocate for the AHC

Financial and Asset Management

1. Optimise the grants and subsidies available to AHC and the broader community
2. Ensure the long-term financial sustainability of AHC
3. Ensure annual and long term financial plans are prepared, monitored and controlled
4. Oversee the annual budgeting process in close consultation with the management team
5. Ensure monitoring and control of budgets including variance analysis and reporting to the CMs
6. Ensure CMs are provided with timely and accurate financial reports
7. Ensure the financial systems and processes are sound and that technology is used effectively
8. Ensure long term asset management plans (community and corporate) are in place and closely monitored
9. Ensure well researched business cases / project plans are prepared to support major projects.
10. Ensure the efficient and effective management and monitoring of the Council's revenue and expenditure

Growth and Economic Development

1. Lead the development and delivery of strategies and initiatives designed to facilitate economic development.
2. Support and encourage continued growth, new investment and appropriate development, and the sustainability of existing business
3. Promote the Council area as the region of choice to live, work and invest.

Work, Health and Safety

1. As an Officer of the PCBU ensure Council complies with all relevant Work, Health and Safety legislation and regulations to ensure a safe and positive working environment

CEO POSITION DESCRIPTION AND CAPABILITY STATEMENT

Strategic Planning

1. Work with CMs to develop, implement and review the AHC Strategic Plan
2. Ensure Annual Business and other relevant strategies and plans are prepared to implement AHC's Strategic Plan
3. Effectively communicate the AHC vision and strategy to all key internal and external stakeholders
4. Ensure Annual Business Plans are completed and communicated on time
5. Ensure the preparation of Long Term Asset Management and Financial Management Plans
6. Ensure consultation with ratepayers and other key private and public stakeholders in the development of Strategic and Business Plans
7. Ensure positive progress towards sustainability in all council's activities
8. Ensure continuous review of the progress in attaining the objectives of Strategic Plans.

Human Resources Management

1. Nurture a positive organisational culture with a strong customer service focus
2. Lead, develop, motivate and manage the human resources of the organisation
3. Regularly review the organisational structure to ensure it meets the functional and business requirements of the AHC Strategic Plan
4. Ensure recruitment is undertaken in line with contemporary and equal opportunity principles and practices
5. Ensure strategies to attract and retain appropriately skilled employees are in place and position Council as an 'employer of choice'
6. Ensure professional development and training opportunities, programs, records and policies are in place
7. Ensure contemporary performance management procedures are in place and remuneration reviews are regularly conducted
8. Ensure that organisational development and associated plans are in place
9. Ensure a positive, inclusive, innovative and productive employee culture and consultative industrial relations environment
10. Be accountable for obligations in accordance with various legislation including: *Equal Opportunity Act 1984, Work Health & Safety Act 2012*, commonwealth / state industrial laws and various other statutory obligations.

Operational Management, Governance & Major Projects

1. Ensure regular reviews of policies, procedures, authorities, controls, workplace agreements, delegations, authorities and systems
2. Identify, manage and report on areas of risk
3. Provide a regular overview of the various operational areas of AHC
4. Report to CMs and section 41 committees on a regular and formal basis regarding the progress of the AHC's operations
5. Endeavor to have major projects completed on time and within budget and project statuses are regularly monitored and communicated to CMs
6. Improve performance of the Council by proactively embracing best practice and continuous improvement initiatives
7. Enhance AHC's systems and technology consistent with the Strategic Plan.

CAPABILITY STATEMENT

EDUCATION

Tertiary qualifications will be highly regarded &/or demonstrated experience at an executive level.

EXPERIENCE

1. Demonstrated success in a senior management position that has a similar level of complexity, size and diversity
2. A proven track record of working in an environment that delivers best practice methodology, in the way in which it operates, is considered highly desirable
3. Demonstrated capacity to think, plan and act strategically and to engage and influence across an organisation with diverse stakeholders
4. Excellent leadership with experience in creating high-performing teams and initiating and implementing change in a complex and politically sensitive environment
5. An in-depth understanding of local government legislation is highly desirable; however an appreciation of the workings of local government achieved through dealings in either a public or private sector organisation would be highly regarded.

KEY CAPABILITY ELEMENTS

OPERATIONAL

1. Able to motivate the employees to deliver high levels of performance
2. Has the capacity and willingness to create organisation efficiencies
3. Has a progressive leadership style which encourages a 'can do' attitude in the organisation and leads by example
4. Has highly developed Emotional Intelligence skills and understanding
5. Has innovative skills to identify opportunities and initiate new ideas and practices
6. Encourages an environment where feedback is constructive.

POLITICAL

1. Able to work with CMs in a constructive and positive way to deliver progressive outcomes for the community
2. Has sound business acumen and political nous
3. Able to provide well researched reports discussing all options with a firm recommendation.
4. Able to assist in the professional development of the CMs
5. Able to champion the interests of the community and promote the Adelaide Hills.

CEO POSITION DESCRIPTION AND CAPABILITY STATEMENT

STAKEHOLDERS

1. Able to actively listen and respond empathetically to the wants and needs of the community
2. Able to develop an effective partnership between AHC and the community
3. Has a strong customer service ethos
4. Able to be firm but fair with all internal and external stakeholders to create positive solutions for all parties
5. Able to foster and develop strong connections and partnerships with the community, government and other key stakeholders.

PERSONAL ATTRIBUTES

1. Is sociable
2. Is inspiring and outcome focused
3. Is a strategic thinker
4. Is enthusiastic and motivated
5. Is resilient and responsive
6. Has unwavering integrity and honesty
7. Has highly developed communication and interpersonal skills
8. Has a cooperative and consultative manner
9. Takes an innovative approach to decision making and problem solving
10. Has a strong, positive, collegial, open and engaging contemporary management style
11. Is entrepreneurial, has business skills and can see opportunities.

APPENDIX 2

SCHEDULE 2 – TOTAL EMPLOYMENT COST PACKAGE

| | |
|---|------------------|
| Annual base salary (gross) | \$252,252.25 |
| Employer superannuation contribution* | \$27,747.75 |
| Full and unrestricted private use of a fully maintained motor vehicle** | \$10,000 |
| Total Remuneration Package | \$290,000 |

*The employer superannuation contribution amount at the Commencement Date will be 11.00% in accordance with *Superannuation Guarantee (Administration) Act 1992*. The Council agrees to pay the CEO a superannuation contribution amount on the Annual Base Salary which may vary from time to time, in accordance with applicable legislation.

** If the CEO has chosen to provide their own personal vehicle in lieu of the Council vehicle, the CEO will be entitled to have the \$10,000 currently sacrificed for the vehicle in Schedule 2 above to be paid to the CEO as part of the TEC Package. Tax and superannuation will apply to the amount.

APPENDIX 2

2

Appendix 2

*2023 Inaugural Review of Minimum and Maximum
Remuneration for Local Government Chief
Executive Officers – Report*

APPENDIX



No. 4 of 2023

REPORT OF THE REMUNERATION TRIBUNAL

2023 Inaugural Review of Minimum and Maximum Remuneration for Local Government Chief Executive Officers

SUMMARY

1. On 20 September 2021, section 60 of the *Statutes Amendment (Local Government Review) Act 2021* (SA) came into operation. This inserted section 99A into the *Local Government Act 1999* (SA) conferring jurisdiction on the Tribunal to determine the minimum and maximum remuneration that may be paid or provided to chief executive officers of councils constituted under the *Local Government Act 1999* (SA).
2. The Tribunal collected data in relation to the current total remuneration package of chief executive officers by way of two surveys. This occurred over an extended period of time due to the lack of response and inconsistencies of the first survey and the inaccuracies and incomplete information provided through the second survey, which required further consultation with councils.
3. For this inaugural review, the Tribunal has determined to group 67 councils into eight bands. While these bands have some generally common characteristics, the Tribunal recognises differences and potential anomalies in terms of council characteristics within and between some of these bands. Each band is based on the data provided by councils in relation to the total remuneration package of their chief executive officer. The Tribunal has then applied assumptions in relation to the value of the provision of a motor vehicle and any additional leave entitlements beyond that of usual administrative staff. This has resulted in a figure described as an “adjusted total remuneration package” for each chief executive officer who is covered by this review.
4. For the future, the Tribunal proposes to progress toward a review of the minimum and maximum remuneration of chief executive officers on a four yearly basis that is commensurate with the timeframe for local government member allowances. However, because this is the first review of this nature and it is based on data that is conflicting and inconsistent, it is acknowledged that councils may need to refer specific instances to the Tribunal for consideration. The Tribunal proposes to review the minimum and maximum remuneration amounts in July 2024 to take account of any feedback from councils and chief executive officers

and annual wage and cost of living movements. The Tribunal expects any council who, as part of any future review, identifies significant differences in the remuneration package to provide sufficient detail and reasons as to why this is the case.

INTRODUCTION

5. Section 14 of the *Remuneration Act 1990* (SA) (**Act**) provides that the Remuneration Tribunal (**Tribunal**) has jurisdiction to determine the remuneration, or a specified part of the remuneration, payable in respect of certain offices, if such jurisdiction is conferred upon the Tribunal by any other Act or by the Governor by proclamation.
6. On 20 September 2021, section 60 of the *Statutes Amendment (Local Government Review) Act 2021* (SA) (**Amending Act**) came into operation. This inserted section 99A into the *Local Government Act 1999* (SA) (**LG Act**) to confer jurisdiction upon the Tribunal to determine the minimum and maximum remuneration that may be paid or provided to chief executive officers (**CEOs**) of councils constituted under the LG Act.
7. This review marks the first occasion on which the Tribunal has considered remuneration for local government CEOs.

LEGISLATIVE PROVISIONS

8. Section 99A of the LG Act states:

“99A—Remuneration of chief executive officer

- (1) *Subject to this section, the remuneration of the chief executive officer of a council will be determined by the council.*
- (2) *The Remuneration Tribunal will determine (from time to time) the minimum and maximum remuneration that may be paid or provided to chief executive officers of councils.*
- (3) *In making a determination under subsection (2), the Remuneration Tribunal must have regard to any matter prescribed by the regulations.*
- (4) *A determination under subsection (2)—*
 - (a) *may differ based on any factor including, for example, the geographical location of a council or group of councils (such that different minimum and maximum remuneration may be paid or provided to chief executive officers from different councils); and*
 - (b) *may provide for minimum and maximum remuneration that may be paid or provided to chief executive officers to be indexed in accordance with the determination.*
- (5) *The regulations—*
 - (a) *may make further provision in relation to a determination of the Remuneration Tribunal for the purposes of this section; and*
 - (b) *may modify the application of section 10 of the Remuneration Act 1990 in relation to a determination under this section.*
- (6) *Sections 17 and 19 of the Remuneration Act 1990 do not apply in relation to a determination under this section.*
- (7) *A reference in the Remuneration Act 1990 to determining remuneration payable in respect of an office will, for the purposes of this section, be taken to include a reference to determining the minimum and maximum remuneration payable in respect of the office.*

(8) *Despite any other Act or law, the reasonable costs of the Remuneration Tribunal in making a determination under this section are to be paid by the LGA under an arrangement determined by the Minister from time to time after consultation with the LGA and the President of the Tribunal.*

(9) *The LGA may recover the reasonable costs incurred by the Remuneration Tribunal in making a determination under this section as a debt from the councils to which the determination relates.*

(10) *A council must ensure that the remuneration of its chief executive officer is within the relevant minimum and maximum remuneration determined by the Remuneration Tribunal for the purposes of this section."*

9. The Tribunal has noted that some limited guidance about the intention of the above legislative provision can be drawn from the second reading speech in the following terms:

"The bill also proposes that the South Australian Remuneration Tribunal should set salaries for council chief executive officers to provide assurances to communities that CEOs are paid appropriately for the work that they do."¹

10. The Tribunal has considered the function of CEOs as these are expressed in the LG Act:

"99—Role of chief executive officer

(1) *The functions of the chief executive officer include—*

- (a) *to ensure that the policies and lawful decisions of the council are implemented in a timely and efficient manner;*
- (b) *to undertake responsibility for the day-to-day operations and affairs of the council;*
- (c) *to provide advice and reports to the council on the exercise and performance of its powers and functions under this or any other Act;*
- (d) *to co-ordinate proposals for consideration by the council for developing objectives, policies and programs for the area;*
- (e) *to provide information to the council to assist the council to assess performance against its strategic management plans;*
- (f) *to ensure that timely and accurate information about council policies and programs is regularly provided to the council's community, and to ensure that appropriate and prompt responses are given to specific requests for information made to the council;*
- (g) *to ensure that the assets and resources of the council are properly managed and maintained;*
- (h) *to ensure that records required under this or another Act are properly kept and maintained;*
- (i) *to give effect to the principles of human resource management prescribed by this Act and to apply proper management practices;*
- (j) *to exercise, perform or discharge other powers, functions or duties conferred on the chief executive officer by or under this or other Acts, and to perform other functions lawfully directed by the council.*

(2) *The chief executive officer must consult with the council (to a reasonable degree) when determining, or changing to a significant degree—*

- (a) *the organisational structure for the staff of the council; or*

¹ South Australia, Parliamentary Debates, House of Assembly, 17 June 2020 (Stephan Knoll).

- (b) *the processes, terms or conditions that are to apply to the appointment of senior executive officers; or*
- (c) *the appraisal scheme that is to apply to senior executive officers.”*

11. The Act provides a definition of remuneration, as follows:

“3—Interpretation

In this Act—

remuneration *includes—*

- (a) *salary; and*
- (b) *allowances; and*
- (c) *expenses; and*
- (d) *fees; and*
- (e) *any other benefit of a pecuniary nature;*

the Tribunal *means the Remuneration Tribunal established under Part 2.”*

12. The Tribunal has also noted the transitional provisions at section 147(5) of the Amending Act as follows:

“The remuneration of a chief executive officer holding office on the commencement of section 99A of the principal Act (as inserted by this Act) is not affected during the term of that office by a determination under section 99A.”

PROCEDURAL HISTORY

- 13. Section 10(2) of the Act provides that prior to making a determination affecting the remuneration of a particular person, or persons of a particular class, the Tribunal must allow that person, or the persons of that class, a reasonable opportunity to make submissions orally or in writing to the Tribunal.
- 14. Section 10(4) of the Act provides that the Minister responsible for the Act may intervene, personally or by counsel or other representative, in proceedings before the Tribunal for the purpose of introducing evidence, or making submissions, on any question relevant to the public interest.
- 15. On 13 December 2021, the Tribunal met with the Local Government Association of South Australia (**LGA**) to discuss the Tribunal’s proposed process and guidelines for submissions.
- 16. On 20 December 2021, the Tribunal wrote to the Premier of South Australia, as the Minister responsible for the Act, the Minister for Local Government, as the Minister responsible for the LG Act, the LGA and local government CEOs, inviting submissions.
- 17. Additionally, on 20 December 2021, a public notification of the review and a guideline for the making of submissions was published on the Tribunal’s website.
- 18. The guidelines advised the Tribunal would consider the following factors in making its determination:
 - 18.1. The role of local government CEOs generally, including the diversity and complexity of the functions and duties performed by CEOs.

- 18.2. Any factors that demonstrate effective service delivery and responsible expenditure of public resources, including, but not limited to, any observations on the significance of this consideration.
 - 18.3. The impact of council elected member code of conduct issues on the role of local government CEOs.
 - 18.4. The impact of any mergers or amalgamations of local government councils on the role of the CEO.
 - 18.5. Any regional issues, for example, housing entitlements or remote locality entitlements in regional local government areas.
 - 18.6. The geographical size (area) of the council.
 - 18.7. The revenue (\$) of the council.
 - 18.8. Number of electors (persons) of the council.
 - 18.9. The impact of council staff numbers (FTE) on the role of the CEO and the extent to which CEOs of smaller councils undertake a diversity of roles.
 - 18.10. The methodology by which any determination of minimum and maximum CEO remuneration bands should be indexed (CPI for example), and the frequency of further reviews of the remuneration bands by the Tribunal (4 yearly cycle as per elected members, for example).
 - 18.11. Any other relevant information for the Tribunal's consideration.
19. These guidelines took into account the provisions of section 99A of the LG Act which states:
- “(3) In making a determination under subsection (2), the Remuneration Tribunal must have regard to any matter prescribed by the regulations.*
- (4) A determination under subsection (2)—*
- (a) may differ based on any factor including, for example, the geographical location of a council or group of councils (such that different minimum and maximum remuneration may be paid or provided to chief executive officers from different councils); and*
- (b) may provide for minimum and maximum remuneration that may be paid or provided to chief executive officers to be indexed in accordance with the determination.”*
20. The closing date for written submissions was 11 March 2022.
21. On 10 January 2022, the LGA wrote to the Tribunal offering its support with this review and proposing to conduct a survey of CEOs remuneration. The Tribunal provided examples of the elements of remuneration that could be collected through a survey.
22. On 23 February 2022, the LGA provided an update to the Tribunal that it had received 30 responses from a total of 68 CEOs. The LGA advised it was uncertain as to whether the data from 30 councils constituted a fair and representative sample of CEOs remuneration. The Tribunal was of the view that a broader sample of information was required, noting there was real potential for a decision of the Tribunal to profoundly affect CEOs whose remuneration information had not been provided.
23. The Tribunal also noted that some CEOs may be reticent to provide information relating to their remuneration to the LGA and, on this basis, the Tribunal wrote to CEOs on 17 March 2022 requesting a spreadsheet be completed and returned directly to the Tribunal by 1 April 2022.

24. The Tribunal is sensitive to the potential confidentiality issues in relation to the information provided and as a result will not be disclosing individual names or information within this report or the accompanying determination.
25. As part of this process, the Tribunal received a further 12 surveys.
26. The Tribunal conducted a hearing on 2 May 2022 for councils and individuals seeking to make oral submissions to the Tribunal.
27. The Tribunal received eight submissions from the following councils and individuals:

| Council / Individual | Type of submission | Summary of Issues raised |
|---|--------------------|---|
| Coorong District Council | Council | <ul style="list-style-type: none"> • Data and information provided in relation to review criteria • Regional / remote locality issues |
| Adelaide Hills Council | Council | <ul style="list-style-type: none"> • Data and information provided in relation to review criteria • Indexation should be 3 to 4 years to align with local government members |
| Tim Jackson, Administrator, Coober Pedy Council | Individual | <ul style="list-style-type: none"> • Remote locality issues • Attraction and retention issues |
| District Council of Kimba | Council | <ul style="list-style-type: none"> • Data and information provided in relation to review criteria • Issues specific to smaller councils • Remote locality issues, such as remote housing consideration • Indexation should be ABS Wage Price Index over 4 years |
| City of Norwood, Payneham & St Peters Council | Council | <ul style="list-style-type: none"> • Data and information provided in relation to review criteria |
| Port Adelaide Enfield Council | CEO | <ul style="list-style-type: none"> • Data and information provided in relation to review criteria • Key result areas for CEO provided. • 4 yearly cycle for reviews is reasonable |
| City of Tea Tree Gully Council | Council | <ul style="list-style-type: none"> • Data and information provided in relation to review criteria • 4 yearly cycle should include a CPI increase similar to local government members |
| Whyalla Council | Council | <ul style="list-style-type: none"> • Data and information provided in relation to review criteria • Attraction and retention issues • Regional / remote locality issues • WA model should be considered |

28. This represents a small proportion of the councils and CEOs that were given the opportunity to make submissions.
29. While the submissions generally provided information about the characteristics of these councils against the guidelines provided by the Tribunal, the information provided did not assist the Tribunal to determine a coherent and sustainable approach to establishing minimum and maximum levels of remuneration.
30. The Tribunal noted information provided by the City of Port Adelaide Enfield's CEO. This information provided a useful summary of the role of the CEO, covering oversight of the diverse assets and effective service delivery to a demographically diverse community together with engagement with the local and broader communities, and the development of that council area. This submission incorporated consideration of unique geographic, demographic, social, historical characteristics of that council.
31. The Tribunal also noted the City of Norwood, Payneham and St Peters advice that CEO experience, performance reviews and annual remuneration reviews are pertinent issues when councils are considering CEO remuneration.

32. Additionally, the Tribunal noted submissions made by primarily regional councils that they expected their CEOs to be more operationally focussed because of fewer middle management levels within the organisation.
33. The regional council submissions also noted greater distance and travel commitments and challenges associated with staffing. Some councils argued strongly in favour of attraction and retention payments. The Tribunal particularly noted difficulties experienced by the Coober Pedy Council in attracting and retaining CEOs.
34. The Tribunal noted that councils have unique requirements of their CEOs and require flexibility to negotiate remuneration arrangements to best meet these needs. For example, some councils may require a strategic leader to lead a complex organisation, while a small council may prefer a leader with exceptional technical expertise.
35. The Tribunal was unable to identify any objective or standard approach to setting remuneration levels between councils.
36. On 15 September 2022, the Tribunal provided an update to the LGA that it had obtained information from all councils and had spent some time assessing the data. The Tribunal's capacity to reach accurate conclusions about the remuneration arrangements was severely limited by quite disparate approaches to different components of remuneration recorded by councils and their CEOs. This was exemplified in differing approaches to recording superannuation arrangements, including defined benefit superannuation arrangements and to motor vehicle costings which varied substantially. The Tribunal suggested it might engage an external professional consultancy to assist in this process.
37. The LGA provided a response on 11 October 2022 in which it expressed concern about the costs of an external consultancy. The LGA suggested the Tribunal contact CEOs with questions of clarification designed to fill in any gaps in the data already available, rather than undertaking the survey process anew, advising this would reduce the costs associated with the review.
38. On 29 November 2022, the Tribunal advised the LGA that the remuneration data it had was problematic in that the information provided by councils reflected very different approaches to calculating current significant elements of total remuneration and hence would result in a flawed and inconsistent assessment of maximum and minimum remuneration levels. The Tribunal also advised of its intention to conduct a further survey of CEO salary levels, requiring councils to provide costing instructions consistent with normal salary and accounting practices. Consistent with the request of the LGA, and to reduce the cost imposts on councils, the Tribunal agreed to conduct the further survey 'in house' using its own resources.
39. Prior to distributing the updated survey to all CEOs, the Tribunal tested the revised survey approach on a small number of CEOs to identify any issues that councils may have with it. The LGA nominated four CEOs for this purpose.
40. Following the conclusion of this trial process, the revised survey was sent to all CEOs on 16 December 2022. CEOs were requested to complete the survey by 25 January 2023.
41. All survey responses were ultimately received by 7 March 2023 but inaccuracies and incomplete information required further consultation with councils to clarify the information provided. In a small number of instances, particularly relating to vehicle costing approaches, the Tribunal has had to make an estimate of total costs, including Fringe Benefits Tax implications.

CONSIDERATION

42. The Tribunal's jurisdiction in relation to local government CEOs is confined to making determinations, from time to time, in relation to the minimum and maximum levels of remuneration only.
43. The Tribunal notes that individual councils can determine, within those minimum and maximum remuneration levels, the specific amount of remuneration to be paid to their CEO, as well as the various components of the remuneration package, such as superannuation, motor vehicles, allowances or other non-monetary benefits, provided that these total remuneration arrangements fall within the minimum and maximum amounts set by the Tribunal.
44. In determining what constitutes remuneration, the Tribunal has taken into account the following components:
- Monetary remuneration
 - Superannuation, including the statutory minimum employer contributions, any salary sacrifice component and any additional payments made by a council
 - Annual leave loading
 - Additional leave entitlements
 - Bonuses and performance incentives - in cash or otherwise
 - The private benefit value of any motor vehicle and/or equipment (excluding mobile telephones and portable computing equipment provided to the CEO by the council)
 - School or childcare fees, including school uniforms
 - Newspaper/magazine/online subscriptions
 - Personal travel or any other benefit taken in lieu of salary by the CEO (and immediate family at the discretion of the council)
 - Health insurance
 - Any and all allowances
 - Any other form of payment - cash or otherwise
 - Any Fringe Benefits Tax paid by council in respect of any of the above
45. The Tribunal concluded that mobile telephones and portable computing equipment provided to CEOs, fundamentally for work purposes, but which may be used for reasonable personal use, should not be regarded as remuneration for these purposes. The Tribunal considers that these items are inherent requirements for a CEO function and, in any event, any additional reasonable use represents a minimal additional cost such that separating personal and business use involves unreasonable administrative costs.
46. The Tribunal has not included professional development costs that directly relate to the performance of CEO duties and membership of professional associations related to the performance of CEO functions in its assessment of remuneration.
47. The Tribunal has not included one-off payments that relate directly and solely to relocation expenses in its consideration of remuneration.

(a) Motor Vehicles

48. The December 2022 survey required councils to include the annual amount of the personal benefit value of the provision of a motor vehicle for private use or cash in lieu of a motor vehicle. The personal benefit value was to be determined by multiplying the percentage of personal use of the vehicle, by the annual cost to the council for that vehicle, including all annual costs of maintenance, fuel, taxes, registration, running costs, as well as an annual depreciation.

Depreciation was to be calculated using the rate of 12.5% (prime cost method) or 25% (diminishing value method).

49. There were significant variations in motor vehicle arrangements amongst councils, reflecting different costing approaches, obvious differences in motor vehicles, the extent to which motor vehicle use was for business purposes and Fringe Benefits Tax recognition.
50. The Tribunal has concluded that a sustainable basis for some of these estimates has not been established and urges councils to review their costing methodologies. The Tribunal suggests the application of a consistent approach to motor vehicle costing arrangements for the future based on actual annual cost of provision of any motor vehicle provided by the council, less an assessed component for business use. The methodology outlined above is proposed as an appropriate approach for the future.
51. To assist the Tribunal in setting minimum and maximum levels of remuneration, for the purpose of this review, it has built an assumption into the data obtained for motor vehicles. Where the value of the motor vehicle and Fringe Benefits Tax was below \$20,000, the Tribunal added the difference to the total package of remuneration (i.e. if the council provided a value of \$15,000 for the motor vehicle and Fringe Benefits Tax, then the Tribunal has added \$5,000 to the total package of remuneration). Where a Council has not provided Fringe Benefits Tax information, the Tribunal has estimated that value and incorporated that estimate into its assessment of total remuneration. For clarity, this does not propose an actual increase in the remuneration payable to those CEOs, but rather, ensures a more consistent and realistic approach to the valuation of vehicles.
52. To the extent that councils negotiate new contractual arrangements, it is appropriate that motor vehicle costs that relate to all private use are separately recognised as remuneration components.

(b) Additional leave per year

53. Councils were requested to provide any additional leave entitlements that CEOs receive beyond the standard four week entitlement and to confirm if that additional leave was “purchased” through a salary deduction or whether it was simply an added employment benefit.
54. The total remuneration package of CEOs for the purpose of assessing minimum and maximum remuneration was then adjusted to take into account the monetary value of any additional leave entitlements.

(c) Superannuation

55. The Tribunal noted that some CEOs are members of defined benefit funds but access to these superannuation arrangements is not available to more recent appointees. The Tribunal has also recognised that some CEOs contribute extra payments to these defined benefit funds. The difficulties associated with comparing defined benefit funds with accumulation funds are significant. For the purposes of this assessment, the Tribunal has universally recognised the minimum Superannuation Guarantee legislative provisions, and any explicit amounts paid by councils in excess of these national minimum standards irrespective of whether a defined benefit scheme is in operation.

(d) Allowances

56. As discussed above, the Tribunal has considered any and all allowances to form part of remuneration. This includes any housing allowance, remote allowance, attraction or retention allowance, utilities allowance or reimbursement or direct payment, grooming or clothing allowance and any entertainment related allowances or entitlements.
57. The Tribunal recognises that the characteristics of some councils means they may place more significance on some allowances. For example, an additional remuneration element in the form of an allowance may need to be agreed between a council and its CEO to recognise either distance or remoteness issues.
58. The Tribunal has adopted the position that the Coober Pedy Council should be recognised as facing particular recruitment challenges given the combination of its remoteness and unique characteristics.
59. Whilst the current minimum and maximum amounts set for each remuneration level take into account all allowances, the Tribunal urges councils to notify it of any substantial issues or adjustments that may need to be made or taken into account in the next review.

(e) Fringe Benefits Taxes

60. The minimum and maximum remuneration amounts have been set on the basis that councils will recognise any applicable Fringe Benefits Tax in the total remuneration costing for CEOs.

(f) The Municipal Council of Roxby Downs

61. The Tribunal has noted the unique position of the Municipal Council of Roxby Downs. This reflects the indenture agreement applicable to that area and the unique funding arrangements that apply. Accordingly, the Tribunal has not included this council in this review.

REMUNERATION LEVELS

(a) Other Jurisdictions

62. In the conduct of this review, the Tribunal considered available information relating to local government CEO remuneration in other Australian jurisdictions.
63. The April 2023 determination of the Western Australian Salaries and Allowances Tribunal reviewed remuneration bands for local government CEOs and allowances for certain elected members. In that determination, a four-band structure was adopted with total reward package bands ranging from \$136,023 to \$404,488 per annum. In addition, maximum separate isolation allowance amounts for nominated councils were identified, taking into account the remoteness, cost of living, social disadvantage, the impact of a dominant industry, attraction and retention issues and community expectations. The quantum of these maximum payments depended on the assessed circumstances of the local council concerned. The determination provided for a discretionary housing allowance where there was a lack of suitable housing, or recruitment issues. The determination considered the private benefit value of motor vehicles provided to CEOs for reporting purposes.
64. Information relative to other States and Territories is not uniformly published, thereby limiting the usefulness of any comparative analysis, and there is no regulatory arrangement equivalent to the Western Australia Salaries and Allowances Tribunal.

65. The Tribunal has historically applied a six-level grouping system for the consideration of allowances applicable to members of councils. In its 2022 Report, the Tribunal expressed reservations about the usefulness of this arrangement and has indicated that it proposes to invite submissions about a review of that arrangement in 2026.² Notwithstanding these observations, the Tribunal has considered the extent to which the current groupings could provide a basis for the determination of minimum and maximum remuneration levels. There are significant impediments to such an approach. Firstly, the characteristics of councils within the established groups that may be particularly relevant to CEOs vary substantially within and between the groups such that use of the groups for this purpose appears illogical. Secondly, the Tribunal considers that exclusive reliance on factors such as overall staff numbers does not equate to a measure of CEO skill requirements.
66. The Tribunal has taken into account national salary surveys of the local government sector. Because of the substantial range between low and high remuneration levels, and uncertainties about just how employment benefits are assessed, this information is of limited value in setting minimum and maximum levels in South Australia, consistent with the legislative requirements. It has, however, confirmed that the CEO remuneration levels are generally consistent with the indicative survey data.

(b) Minimum and maximum remuneration levels in South Australia

67. The Tribunal's preference is to progress toward establishing minimum and maximum remuneration levels founded on an assessment of skill and competence levels. Such an approach would allow the flexibility to set remuneration consistent with the challenges confronting a given council. However, the limited information available to the Tribunal, combined with the very small number of submissions, simply does not support such an approach at this time. Councils are encouraged to make submissions about such an approach in the future.
68. The Tribunal is not in a position to determine the minimum and maximum remuneration levels based on factors such as the geographical size of the council, revenue of the council and other factors as listed in paragraph 18 above. It considers these factors to be sensible criterion to guide any future determinations of the Tribunal, however, under the current legislation such an approach requires the cooperation of councils.
69. For this inaugural review, the Tribunal has determined to group councils into eight bands. While these bands have some generally common characteristics, the Tribunal recognises differences and potential anomalies in terms of council characteristics within and between some of these bands. Each band is based on the data provided by councils in relation to the total remuneration package of their CEO. The Tribunal has then applied assumptions in relation to the value of the provision of a motor vehicle and any additional leave entitlements beyond that of usual administrative staff. This has resulted in a figure described as an "adjusted total remuneration package" for each CEO who is covered by this review.
70. With the exception of the band consisting of the City of West Torrens, City of Charles Sturt and City of Port Adelaide Enfield, the bandwidths range from \$17,680 to \$32,240. This group of three councils has a much smaller bandwidth because its total remuneration amounts are significantly higher than most other metropolitan councils. The Tribunal was cognisant of the fact that remuneration discrepancies between councils meant that clearly definable criterion

² South Australian Remuneration Tribunal, *Report of the Remuneration Tribunal: 2022 Allowances for Members of Local Government Councils, Report 2 of 2022*, p.9 [<https://www.remtribunal.sa.gov.au/documents/2022/20220705-Report-2-of-2022-Members-of-Local-Government.pdf>]

such as that listed in paragraph 18 could not be used to define bands without resulting in very large band remuneration diversity inconsistent with the function of the legislation.

71. The Tribunal has determined that the Adelaide City Council should be separated from councils generally for the purpose of considering CEO remuneration. This recognises that separate legislation covers that council. As no submission was received from the Adelaide City Council in relation to this review, the Tribunal's consideration is entirely based on the current total remuneration for the Adelaide City Council CEO.
72. The Tribunal has differentiated between the City of West Torrens, City of Charles Sturt and City of Port Adelaide Enfield and other significant metropolitan councils. This distinction is entirely based on current remuneration arrangements which differ substantially from other significant metropolitan councils and large provincial centres.
73. A further group of metropolitan, near metropolitan councils and larger regional councils have been grouped together. The Tribunal has placed the Corporation of the Town of Walkerville in this group but notes that the characteristics of that Corporation are fundamentally different from all other metropolitan councils. Finally, the Tribunal has established two groupings of regional councils, largely distinguished by population characteristics.
74. While the approach the Tribunal has taken in this review restricts the extent to which exceptional circumstances of a particular council can be properly recognised and provides limited explanation of the basis for existing remuneration levels to the community, this reflects the disparate current remuneration levels and lack of information about how these were arrived at. A more accurate assessment of remuneration bands based on council characteristics and performance measures is not possible on the information made available to the Tribunal. The Tribunal suggests that it may be appropriate for discussions with the LGA in advance of the next review to identify minimum and maximum remuneration levels based on agreed council criteria, with the potential for separate recognition of attraction incentives and defined performance measures.
75. The Tribunal considers that wage price movements should be recognised within the framework of minimum and maximum remuneration levels, particularly given the time period that has lapsed between the commencement of the inaugural review and the operative date of the Determination.
76. The Tribunal has considered the wage movements and current rate of inflation and has factored these into the minimum and maximum amounts of remuneration but notes that the increase applied is substantially less than CPI.
77. Any decision in relation to an annual increase for CEO remuneration within the bands set by the Tribunal remains a matter for each council in accordance with section 99A(1) of the LG Act.
78. Furthermore, in accordance with section 147(5) of the *Statutes Amendment (Local Government Review) Act 2021 (SA)*, if the current remuneration level for a CEO is below the minimum band level set by the Tribunal, this may be increased to within the band limits at the discretion of the council. Conversely, if the remuneration level for a CEO is above the band level maximum, the Tribunal would expect no further increase in remuneration during the term of that appointment unless the remuneration level was to fall below the maximum remuneration level following any annual adjustments established by the Tribunal.

FREQUENCY OF REVIEWS

79. The Tribunal proposes to progress toward a review of the minimum and maximum remuneration of CEOs on a four yearly basis that is commensurate with the timeframe for local government member allowances. However, because this is the first review of this nature and it is based on data that is conflicting and inconsistent, it is acknowledged that councils may need to refer specific instances to the Tribunal for consideration. The Tribunal will review the minimum and maximum remuneration levels in July 2024 to take account of any feedback from councils or CEOs and wage and cost of living adjustments. The Tribunal expects any council who, as part of any future review, identifies significant differences in the remuneration package to provide sufficient detail and reasons as to why this is the case.

OPERATIVE DATE

80. The accompanying Determination will come into operation on and from 1 July 2023.



Matthew O'Callaghan
PRESIDENT



Deborah Black
MEMBER



Peter de Cure AM
MEMBER

Dated this 16th day of June 2023

APPENDIX 2

Appendix 3

*2023 Inaugural Review of Minimum and Maximum
Remuneration for Local Government Chief
Executive Officers – Determination 4-2023*



No. 4 of 2023

DETERMINATION OF THE REMUNERATION TRIBUNAL Minimum and Maximum Chief Executive Officer Remuneration

SCOPE OF DETERMINATION

1. This Determination applies to Chief Executive Officers of Local Government Councils to whom section 99A of the *Local Government Act 1999* (SA) applies.
2. For the reasons provided in the accompanying report, The Municipal Council of Roxby Downs is not covered by this Determination.

MINIMUM AND MAXIMUM REMUNERATION

3. In accordance with section 99A of the *Local Government Act 1999* (SA) (**LG Act**) the Remuneration Tribunal hereby determines the following rates of minimum and maximum remuneration for Chief Executive Officers of Local Government Councils in South Australia:

| Band | Total Remuneration Package |
|------|----------------------------|
| 1 | \$414,000 - \$431,600 |
| 2 | \$396,240 - \$402,480 |
| 3 | \$357,760 - \$380,640 |
| 4 | \$319,280 - \$351,520 |
| 5 | \$299,520 - \$317,200 |
| 6 | \$272,480 - \$292,240 |
| 7 | \$235,040 - \$265,200 |
| 8 | \$197,600 - \$229,840 |

4. Remuneration figures are expressed on a total remuneration package basis.
5. A list of council groupings is included at attachment 1.
6. Any decision in relation to an annual increase for CEO remuneration within the bands set by the Tribunal remains a matter for each council in accordance with section 99A(1) of the LG Act.

DATE OF OPERATION

7. This Determination shall have operative effect on and from 1 July 2023.



Matthew O'Callaghan
PRESIDENT



Deborah Black
MEMBER



Peter de Cure AM
MEMBER

Dated this 16th day of June 2023

APPENDIX 2

ATTACHMENT 1

| Council | Band |
|--|-------------|
| Adelaide Hills Council | 5 |
| Adelaide Plains Council | 6 |
| Alexandrina Council | 5 |
| Barunga West Council | 7 |
| Berri Barmera Council | 7 |
| Campbelltown City Council | 3 |
| City of Adelaide | 1 |
| City of Burnside | 4 |
| City of Charles Sturt | 2 |
| City of Holdfast Bay | 4 |
| City of Marion | 4 |
| City of Mitcham | 3 |
| City of Mount Gambier | 5 |
| City of Norwood Payneham & St Peters | 4 |
| City of Onkaparinga | 3 |
| City of Playford | 4 |
| City of Port Adelaide Enfield | 2 |
| City of Port Lincoln | 7 |
| City of Prospect | 5 |
| City of Salisbury | 3 |
| City of Tea Tree Gully | 4 |
| City of Unley | 3 |
| City of Victor Harbor | 6 |
| City of West Torrens | 2 |
| City of Whyalla | 4 |
| Clare & Gilbert Valleys Council | 7 |
| Coorong District Council | 7 |
| Copper Coast Council | 6 |
| Corporation of the Town of Walkerville | 5 |
| District Council of Ceduna | 6 |
| District Council of Cleve | 7 |
| District Council of Coober Pedy | 8 |
| District Council of Elliston | 8 |
| District Council of Franklin Harbour | 7 |
| District Council of Grant | 7 |
| District Council of Karoonda East Murray | 8 |

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| District Council of Kimba | 8 |
| District Council of Lower Eyre Peninsula | 7 |
| District Council of Loxton Waikerie | 7 |
| District Council of Mount Remarkable | 7 |
| District Council of Orroroo Carrieton | 8 |
| District Council of Peterborough | 8 |
| District Council of Robe | 8 |
| District Council of Streaky Bay | 8 |
| District Council of Tumby Bay | 7 |
| District Council of Yankalilla | 7 |
| Kangaroo Island Council | 7 |
| Kingston District Council | 8 |
| Light Regional Council | 5 |
| Mid Murray Council | 6 |
| Mount Barker District Council | 3 |
| Naracoorte Lucindale Council | 7 |
| Northern Areas Council | 7 |
| Port Augusta City Council | 6 |
| Port Pirie Regional Council | 6 |
| Regional Council of Goyder | 6 |
| Renmark Paringa Council | 6 |
| Southern Mallee District Council | 7 |
| Tatiara District Council | 7 |
| The Barossa Council | 4 |
| The Flinders Ranges Council | 8 |
| The Rural City of Murray Bridge | 5 |
| Town of Gawler | 4 |
| Wakefield Regional Council | 7 |
| Wattle Range Council | 7 |
| Wudinna District Council | 8 |
| Yorke Peninsula Council | 4 |