

# Council Meeting Minutes

**1 May 2023**

## **Our Vision**

*A City which values its heritage, cultural diversity,  
sense of place and natural environment.*

*A progressive City which is prosperous, sustainable  
and socially cohesive, with a strong community spirit.*

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City of  
Norwood  
Payneham  
& St Peters

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**VENUE** Council Chambers, Norwood Town Hall

**HOUR** 7.00pm

**PRESENT**

**Council Members** Mayor Robert Bria  
Cr Kester Moorhouse  
Cr Claire Clutterham  
Cr Garry Knoblauch  
Cr Hugh Holfeld  
Cr Josh Robinson  
Cr Kevin Duke  
Cr Connie Granozio  
Cr Victoria McFarlane  
Cr Scott Sims  
Cr Grant Piggott  
Cr Sue Whittington  
Cr John Callisto  
Cr Christel Mex

**Staff** Mario Barone (Chief Executive Officer)  
Carlos Buzzetti (General Manager, Urban Planning & Environment)  
Lisa Mara (General Manager, Governance & Civic Affairs)  
Teri Hopkins (Manager, Governance & Legal)  
Simonne Whitlock (Manager, Communications & Community Relations)  
Sharon Francis (Acting Manager, Finance)  
Marina Fischetti (Executive Assistant, Governance & Civic Affairs)

**APOLOGIES** Nil

**ABSENT** Nil

**1. KAURNA ACKNOWLEDGEMENT**

**2. OPENING PRAYER**

The Opening Prayer was read by Cr Christel Mex.

**3. CONFIRMATION OF THE MINUTES OF THE SPECIAL COUNCIL MEETING HELD ON 11 APRIL 2023**

*Cr Knoblauch moved that the minutes of the Special Council meeting held on 11 April 2023 be taken as read and confirmed. Seconded by Cr Holfeld and carried unanimously.*

**4. MAYOR'S COMMUNICATION**

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Monday, 3 April	<ul style="list-style-type: none"><li>Presided over a Council meeting, Council Chamber, Norwood Town Hall.</li></ul>
Tuesday, 4 April	<ul style="list-style-type: none"><li>Presided over an Economic Development Advisory Committee meeting, Mayor's Parlour, Norwood Town Hall.</li></ul>
Thursday, 6 April	<ul style="list-style-type: none"><li>Attended the pre-match function followed by the Norwood versus Sturt football match, Norwood Oval.</li></ul>
Sunday, 9 April	<ul style="list-style-type: none"><li>Radio interview with Ken Cunningham and Josh Sampson, Fiveaa.</li></ul>

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Tuesday, 11 April	<ul style="list-style-type: none"> <li>• Radio interview with David Penberthy and Will Goodings, Fiveaa.</li> </ul>
Tuesday, 11 April	<ul style="list-style-type: none"> <li>• Television Interview with Ella Duffy (Channel 9).</li> </ul>
Tuesday, 11 April	<ul style="list-style-type: none"> <li>• Attended an Information Session: Arts &amp; Culture Plan, Mayor's Parlour, Norwood Town Hall.</li> </ul>
Tuesday, 11 April	<ul style="list-style-type: none"> <li>• Presided over a Special Council meeting, Council Chamber, Norwood Town Hall.</li> </ul>
Tuesday, 12 April	<ul style="list-style-type: none"> <li>• Interview with Peter Goers, ABC Radio 891.</li> </ul>
Wednesday, 12 April	<ul style="list-style-type: none"> <li>• Pre-recorded radio interview with Mix and Cruise FM.</li> </ul>
Wednesday, 12 April	<ul style="list-style-type: none"> <li>• Meeting with Manager, Communications &amp; Community Relations, Mayor's Parlour, Norwood Town Hall.</li> </ul>
Thursday, 13 April	<ul style="list-style-type: none"> <li>• Participated in an AFL 'Gather Round' Media Conference with the Hon Peter Malinauskas MP, Premier of South Australia, Mr Andrew Dillon (Executive General Manager of Football Operations, Legal &amp; Integrity and General Counsel, Australian Football League), Mr Paul Di Iulio (President, Norwood Football Club), and Mr James Aish (Fremantle Football Club), Norwood Oval.</li> </ul>
Friday, 14 April	<ul style="list-style-type: none"> <li>• Radio interview with Stacey Lee and Nikolai Beilharz, ABC 891.</li> </ul>
Friday, 13 April	<ul style="list-style-type: none"> <li>• Radio Interview with Matthew Pantelis, Fiveaa.</li> </ul>
Friday, 14 April	<ul style="list-style-type: none"> <li>• Attended the Gold Coast versus Fremantle AFL match, Norwood Oval, Norwood.</li> </ul>
Friday, 14 April	<ul style="list-style-type: none"> <li>• Radio interview with Jules Schiller, ABC 891.</li> </ul>
Friday, 14 April	<ul style="list-style-type: none"> <li>• Television Interviews with Tiffany Warne, Channel 10, Norwood Oval.</li> </ul>
Sunday, 16 April	<ul style="list-style-type: none"> <li>• Attended the Greater Western Sydney versus Hawthorn AFL football match, Norwood Oval.</li> </ul>
Monday, 17 April	<ul style="list-style-type: none"> <li>• Radio interview with Stacy Lee and Nikolai Beilharz, ABC Radio 891.</li> </ul>
Monday, 17 April	<ul style="list-style-type: none"> <li>• Presided over an Audit &amp; Risk Committee meeting, Mayor's Parlour, Norwood Town Hall.</li> </ul>
Wednesday, 19 April	<ul style="list-style-type: none"> <li>• Presided over the Eastside Business Awards 2023, St Peters Banquet Hall, St Peters.</li> </ul>
Monday, 24 April	<ul style="list-style-type: none"> <li>• On-site meeting with owners of The Nourish'd Kitchen SA, Stepney.</li> </ul>
Monday, 24 April	<ul style="list-style-type: none"> <li>• Presentation of Eastside Business Awards 2023 'Hall of Fame' Award to owner of Gelato Bello, Gelato Bello, Glynde.</li> </ul>
Monday, 24 April	<ul style="list-style-type: none"> <li>• Participated in a Zoom meeting with the Chief Executive Officer, Manager, Chief Executive's Office, representatives of the Australian Football League and representatives of the Norwood Football Club, Norwood Town Hall.</li> </ul>
Tuesday, 25 April	<ul style="list-style-type: none"> <li>• Attended the ANZAC Day Dawn Service, Soldier's Memorial, Norwood.</li> </ul>
Tuesday, 25 April	<ul style="list-style-type: none"> <li>• Attended the pre-match function followed by the Norwood versus North Adelaide football match, Norwood Oval.</li> </ul>
Wednesday, 26 April	<ul style="list-style-type: none"> <li>• Radio Interview with Spence Denny, ABC 891.</li> </ul>
Friday, 28 April	<ul style="list-style-type: none"> <li>• Attended the Art on Parade closing event, 30 Acres, Norwood.</li> </ul>
Monday, 1 May	<ul style="list-style-type: none"> <li>• Attended a meeting with Cr Garry Knoblauch and Cr Hugh Holfeld, Mayor's Office, Norwood Town.</li> </ul>

- **Eastside Business Awards**

Mayor Bria congratulated all of the finalists and winners of the 2023 Eastside Business Awards and thanked Council staff for their efforts in delivering a great event. Mayor Bria said the feedback from business owners who attended the awards was positive and they enjoyed the opportunity to meet other traders from the Council area.

- **ANZAC Day Dawn Service**

Mayor Bria advised that he attended the Dawn Service at the Soldiers Memorial, Osmond Terrace Norwood. He thanked all Elected Members who attended Dawn Services, in particular those who laid wreaths on behalf of the Council at the Prisoners of War Memorial, Norwood Oval, Norwood (Cr Sue Whittington), the Soldier's Memorial, St Peters Street, St Peters (Cr Claire Clutterham) and the Cross of Sacrifice Memorial, Felixstow (Cr Kevin Duke).

**5. DELEGATES COMMUNICATION**

- Cr Piggott advised that on Friday 14 April 2023, he attended on behalf of Mayor Bria, the Local Government Association Annual General Meeting, Adelaide Convention Centre, North Terrace, Adelaide.

**6. QUESTIONS WITHOUT NOTICE**

**7. QUESTIONS WITH NOTICE**

## 7.1 QUESTIONS WITH NOTICE - STAFF VACANCIES - SUBMITTED BY CR GRANT PIGGOTT

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**QUESTION WITH NOTICE:** Staff Vacancies  
**SUBMITTED BY:** Cr Grant Piggott  
**FILE REFERENCE:** qA1040  
**ATTACHMENTS:** Nil

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### BACKGROUND

Cr Piggott has submitted the following Question with Notice:

What were the staff vacancies outstanding at the City of Norwood Payneham & St Peters as at 15 April 2023?  
What is the current status and likely date for their resolution?

### REASONS IN SUPPORT OF QUESTION

Nil

### RESPONSE TO QUESTIONS PREPARED BY CHIEF EXECUTIVE OFFICER

As at 15 April 2023, the following staff positions were unfilled:

- **Field Staff & Depot Operations**

There are currently nine (9) vacant positions in the Field Staff and Depot Operations area. Over the last 12 months, this number of vacancies has remained fairly constant, due to the current labour shortages.

Where such positions are vacant, temporary contract staff are engaged, subject to availability – noting that temporary labour hire agencies are experiencing similar difficulties in finding staff.

The vacant positions are set out below:

- One (1) x Leading Worker (Tree Services) - Recruitment for this position is pending, again due to labour shortage.
- Senior Mechanic & Mechanic – These positions have become vacant following retirement of the incumbents. Interviews for the replacement of the Mechanic position are currently being held. The Senior Mechanic position will not be replaced and funds allocated to this position will be used to employ a staff member to work in one of the Field Staff areas (ie. Civil Maintenance, Parks & Gardens or Tree Services).
- Five (5) vacant positions in Civil Maintenance. An offer for one (1) position has been made and accepted and the person will commence on 8 May 2023 and one (1) person is currently undertaking pre-employment medical.

- **General Manager, Corporate & Community Services**

As Elected Members may recall, the functions within the Corporate & Community Services have been separated and a new Finance Unit reporting to the Chief Executive Officer has been created.

This Unit will be headed up by the Principal Finance Officer who will officially commence duties on 1 May 2023.

- **Manager, Finance**

This position will not be replaced. Rather, in addition to the Principal Finance Officer, two (2) Finance Business Partner positions have been created – one of which will be an external appointment. Recruitment for these Finance Business Partner positions will commence shortly.

- **Manager, Library Services**

Recruitment for this position will commence within the next couple of weeks with the appointment scheduled to be made by mid-June 2023.

- **General Manager, Urban Services**

Recruitment for this position was scheduled for late April/early May. Recruitment commenced on 26 April 2023

- **Project Manager, Information, Communications & Tech Solutions**

As part of the restructure that was implemented in 2022, this position is no longer required.

Funds which have been allocated to this position, will be used to assist with the funding of the new positions set out in the draft 2023-2024 Budget submission.

- **Manager, City Projects**

As part of the restructure that was implemented in 2022, Jared Barnes was appointed to the position of Manager, City Projects as an internal appointment. Funds which have been allocated to this position will be used to recruit a Project Manager in 2023-2024 as set out in the draft 2023-2024 Budget submission. This position will be located in the City Projects Unit.

- **Strategic Planner**

There have been two (2) attempts to recruit for this position and no suitable candidates have been sourced.

To undertake the projects which have been assigned to this position, funds allocated for this position are being used to outsource work on the various projects which this position is responsible for completing.

At this stage, recruitment for this position will be undertaken post-30 June 2023.

- **Administration Assistant**

This position is currently filled by contract temporary staff.

8. **DEPUTATIONS**  
Nil

9. **PETITIONS**



## 9.1 PETITION – PERCIVAL STREET NORWOOD – PEDESTRIAN WARNING SIGNS

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**REPORT AUTHOR:** Executive Assistant, Governance & Civic Affairs  
**GENERAL MANAGER:** Chief Executive Officer  
**CONTACT NUMBER:** 8366 4549  
**FILE REFERENCE:** qA120318  
**ATTACHMENTS:** A

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### PURPOSE OF REPORT

The purpose of this report is to present a petition which has been received requesting the removal of the Pedestrian Warning Signs located in Percival Street, Norwood.

### BACKGROUND

The petitioners are requesting the removal of the Pedestrian Warning Signs (Aged) located in Percival Street, Queen Street and Portrush Road.

A copy of the petition is contained in **Attachment A**.

In accordance with the Council's *Privacy Policy*, the personal information of the petitioners, (i.e., the street addresses) have been redacted from the petition. The names of the signatories and the suburb which have been included on the petition have not been redacted from the petition.

### RELEVANT STRATEGIC DIRECTIONS & POLICIES

The relevant Goals contained in *CityPlan 2030* are:

#### **Outcome 1: Social Equity**

*Objective 1.2: A people friendly, integrated and sustainable transport network.*

#### **Strategy:**

*1.2.4 Provide appropriate traffic management to enhance residential amenity.*

### DISCUSSION

The petitioners have advised that the Pedestrian Warning Signs, which have the wording "AGED", are causing the residents to feel unsafe and vulnerable by indicating that the residents in the area are elderly.

The signs are located at both ends of Percival Street, Norwood.

The petition has been signed by a total of 28 people, including the Convenor of the petition.

It is important to note, that of the 28 signatures, 23 signatures are in support of the removal of the Pedestrian Warning Signs, and 5 signatures are against the removal of the signs.



**Pedestrian Warning Sign –  
Percival Street Norwood  
(Entering from Queen Street)**



**Pedestrian Warning Sign –  
Percival Street Norwood  
(Entering from Portrush Road)**

The Council's *Local Area Traffic Management Policy* sets out the following process in respect to petitions which are received regarding traffic management issues:

### ***Petitions***

*Petitions regarding traffic management issues which are received by the Council, will be referred to the Committee for consideration.*

*The Committee shall acknowledge the petition and note that Council staff will then investigate the issues which are raised through the petition. The process which will be used by Council staff in addressing the matter shall be the same as that which is set out in the Traffic Management Investigations Section of this Policy.*

### **RECOMMENDATION**

That the Convenor of the petition be advised that this matter will be referred to the Council's Traffic Management & Road Safety Committee, in accordance with the Council's *Local Area Traffic Management Policy*.

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*Cr Piggott moved:*

*That the Convenor of the petition be advised that this matter will be referred to the Council's Traffic Management & Road Safety Committee, in accordance with the Council's Local Area Traffic Management Policy.*

*Seconded by Cr Whittington and carried unanimously.*

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**10. WRITTEN NOTICES OF MOTION**

**10.1 WRITTEN NOTICE OF MOTION - 2024 AUSTRALIAN FOOTBALL LEAGUE (AFL) GATHER ROUND - SUBMITTED BY MAYOR ROBERT BRIA**

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**NOTICE OF MOTION:** 2024 AFL Gather Round  
**SUBMITTED BY:** Mayor Robert Bria  
**FILE REFERENCE:** qA1039  
**ATTACHMENTS:** A

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Pursuant to Regulation 12(1) of the *Local Government (Procedures at Meetings) Regulations 2013*, the following Notice of Motion has been submitted by Mayor Robert Bria.

**NOTICE OF MOTION**

1. The Council advises the South Australian Government, the Australian Football League (AFL), Norwood Football Club and South Australia National Football League (SANFL), that it would like Norwood Oval to be selected as a venue for matches as part of the 2024 AFL Gather Round and beyond.
2. The Council authorises the Mayor and Chief Executive Officer to engage with relevant stakeholders as required, including the South Australian Government, the Norwood Football Club, the SANFL, the AFL and AFL football clubs (ie, Hawthorn Football Club), to assist in facilitation of matches being played at the Norwood Oval as part of the 2024 AFL Gather Round.
3. That \$100,000 be allocated as part of the Draft 2023-2024 Budget to meet the costs of events and activities associated with the 2024 Gather Round, should Norwood Oval be selected as a venue to host matches as part of the 2024 Gather Round.

**REASONS IN SUPPORT OF MOTION**

The 2023 AFL Gather Round has been an outstanding success for South Australia, with all nine (9) matches sold out and more than 200,000 tickets sold, including 60,000 to interstate fans and supporters. The two (2) matches that were played at Norwood Oval (Gold Coast versus Fremantle on Friday 14 April and Hawthorn versus GWS on Sunday 16 April), had more than 9,000 patrons attend each match, generating significant print, television, radio and social media coverage for the City of Norwood Payneham & St Peters and the Norwood Football Club. Examples of the media coverage have been included in the Elected Members' Weekly Communique.

As a result of this success, on Sunday 15 April 2023, the Premier announced that South Australia will host Gather Round again in 2024, 2025 and 2026 (although it will be some time before the dates and venues for next year's matches are announced).

In the brief discussions the Chief Executive Officer and I had with Mr Gillon McLachlan, Chief Executive Officer, Australian Football League and the Premier during the Gather Round weekend, both were complimentary of the Council regarding its professional relationship with the AFL, its investment in legacy infrastructure at Norwood Oval and its work with the Norwood Football Club to prepare the Norwood Oval for AFL football. Both Mr McLachlan and the Premier also made suggestions about how the Council can enhance the cultural experience on The Parade to capitalise on the large number interstate visitors coming to the precinct for football.

On Monday 17 April 2023, I was also pleased to learn through the media ([sen.com.au](http://sen.com.au)) that the Hawthorn Football Club has expressed an interest in playing its 2024, 2025 and 2026 Gather Round matches at Norwood Oval and has approached the AFL to commence those discussions.

A copy of the Media Announcement is contained within **Attachment A**.

It is within this context that I believe it is prudent for the Council to commence discussions and negotiations early and formally register its interest that Norwood Oval again host matches as part of the 2024 AFL Gather Round. Similarly, it is important that the Council demonstrates its commitment by approving funding as part of its 2023-2024 Budget in the event that Norwood Oval is selected as a venue in 2024. Given the interest which is being shown by the Hawthorn Football Club, Part 3 of the Motion is to allow the Chief Executive Officer and I to open lines of communication with the Hawthorn Football Club to better understand the Club's views and ideas for the match and activities on The Parade with the aim of helping to facilitate a positive outcome regarding a future announcement for next year's Gather Round fixture.

**STAFF COMMENT  
PREPARED BY THE CHIEF EXECUTIVE OFFICER**

It is clear that as a result of the of the outstanding success of the 2023 Gather Round, other venues will seek opportunities to take advantage of hosting matches.

With this Council's significant investment in new infrastructure at the Norwood Oval, the facilities are in place to host future AFL matches. Norwood Oval is a flexible venue to the extent that it can host both day and/or night matches which will assist in scheduling fixtures for the 2024 Gather Round.

In addition, as well as the 2023 Gather Round being successful from a Match Day and spectator experience, the impact on both the State and Local economy cannot be underestimated.

Overall, football is part of most Australian communities and Gather Round at Norwood Oval, brought back suburban football that was reminiscent of the community events pre-AFL.

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*Cr Callisto moved:*

- 1. The Council advises the South Australian Government, the Australian Football League (AFL), Norwood Football Club and South Australia National Football League (SANFL), that it would like Norwood Oval to be selected as a venue for matches as part of the 2024 AFL Gather Round and beyond.*
- 2. The Council authorises the Mayor and Chief Executive Officer to engage with relevant stakeholders as required, including the South Australian Government, the Norwood Football Club, the SANFL, the AFL and AFL football clubs (ie, Hawthorn Football Club), to assist in facilitation of matches being played at the Norwood Oval as part of the 2024 AFL Gather Round.*
- 3. That \$100,000 be allocated as part of the Draft 2023-2024 Budget to meet the costs of events and activities associated with the 2024 Gather Round, should Norwood Oval be selected as a venue to host matches as part of the 2024 Gather Round.*

*Seconded by Cr Granzio.*

Amendment

Cr Piggott moved:

1. *The Council advises the South Australian Government, the Australian Football League (AFL), Norwood Football Club and South Australia National Football League (SANFL), that it considers that Norwood Oval is appropriate to be selected as a venue for two (2) matches as part of the 2024 AFL Gather Round and beyond.*
2. *The Council authorises the Mayor and Chief Executive Officer to engage with relevant stakeholders as required, including the South Australian Government, the Norwood Football Club, the SANFL, the AFL and AFL football clubs (ie, Hawthorn Football Club), to assist in facilitation of matches being played at the Norwood Oval as part of the 2024 AFL Gather Round.*
3. *That \$100,000 be allocated as part of the Draft 2023-2024 Budget to meet the costs of events and activities associated with the 2024 Gather Round, should Norwood Oval be selected as a venue to host matches as part of the 2024 Gather Round.*
4. *That a report be presented to the Council in July 2023, setting out the final costs of the Council's support for the 2023 AFL Gather Round and including an estimate of its economic impact to the City, including Spendmapp data and any other relevant information.*

Seconded by Cr Moorhouse.

*The amendment was put and carried unanimously and on becoming the motion was again put and carried unanimously.*

**11. STAFF REPORTS**

## **Section 1 – Strategy & Policy**

### **Reports**



## 11.1 BEHAVIOURAL SUPPORT POLICY- SECTION 75F OF THE *LOCAL GOVERNMENT ACT 1999*

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**REPORT AUTHOR:** Manager, Governance & Legal  
**GENERAL MANAGER:** General Manager, Governance & Civic Affairs  
**CONTACT NUMBER:** 8336 4626  
**FILE REFERENCE:** qA64306  
**ATTACHMENTS:** A - B

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### PURPOSE OF REPORT

The purpose of this report is to provide advice to the Council to enable it to determine its position on whether the Council should adopt a *Behavioural Support Policy* as part of the *Behavioural Management Framework* for the purposes of Section 75F of the *Local Government Act 1999*.

### BACKGROUND

As Elected Members may be aware, there were a number of reforms to the *Local Government Act 1999* (“the Act”), as specified under the *Statutes Amendment (Local Government Review) Act 2021*. These reforms have been implemented in stages during 2022 and will continue throughout 2023.

A number of reforms were proclaimed on 17 November 2022, with immediate effect to coincide with the 2022 Local Government Elections. Primarily, these reforms relate to the legislative scheme surrounding the *Behavioural Management Framework*, which incorporates the following:

- 1) the legislative framework under the Act;
- 2) the *Behavioural Standards for Council Members* (Behavioural Standards) pursuant to section 75E of the Act;
- 3) the mandatory *Behavioural Management Policy* adopted pursuant to Section 262B of the Act; and
- 4) *Behavioural Support Policy* (optional)(“the Support Policy”) adopted pursuant to Section 75F of the Act.

The main change to the *Behavioural Management Framework* was the replacement of the *Code of Conduct for Council Members* with the *Behavioural Standards*. Some of the provisions under the former Part 3 of the Code, are now specified in Part 4 Division 1 of the Act.

A copy of the *Behavioural Standards for Elected Members* is contained within **Attachment A**.

The Behavioural Standards Panel has also been established, which is an independent statutory authority comprising of three (3) Members with powers to impose sanctions on Elected Members who breach legislative and policy requirements, including alleged breaches of the former Part 2 of the Code.

The Council, must, also, prior to 10 November 2023, adopt a *Behavioural Management Policy* pursuant to Section 262B of the Act. The Local Government Association of South Australia (“LGA”) have prepared a “Model Behavioural Policy” which was approved on 23 August 2022, for the Council to use in accordance with the *Local Government (Transitional Provisions)(Conduct) Amendment Regulations 2022*. The transitional provisions deem that the *LGA Model Behavioural Policy* approved on 23 August 2022 is the applicable policy for the Council, until the Council has adopted a *Behavioural Management Policy*.

A copy of the *LGA Behavioural Management Policy* is contained within **Attachment B**.

The *Behavioural Management Policy* relates to the management of behaviour of members of the Council, and must include a number of provisions relating to the management of complaints. The policy must include the process and procedures for the making of, the assessment of, and the determination of complaints concerning the behaviour of Elected Members.

### RELEVANT STRATEGIC DIRECTIONS & POLICIES

Not Applicable.

## FINANCIAL AND BUDGET IMPLICATIONS

Not Applicable.

## EXTERNAL ECONOMIC IMPLICATIONS

Not Applicable.

## SOCIAL ISSUES

Not Applicable.

## CULTURAL ISSUES

Not Applicable.

## ENVIRONMENTAL ISSUES

Not Applicable.

## RESOURCE ISSUES

The LGA has and is assisting Councils with the implementation of the reforms to the *Behavioural Management Framework*, by providing model policies, information on the reforms and other template documents, until such time that Councils have established their own policies and templates. This includes a *Model Behavioural Support Policy* dated March 2023, which has been prepared by the LGA to assist Councils consider whether to adopt a *Support Policy* within the statutory timeframe.

## RISK MANAGEMENT

Elected Members have an obligation to serve in the best interests of the community and to discharge their duties conscientiously. This includes having knowledge of both the statutory requirements and the required standards relevant to their position, such as the principles of good governance. For example, it is good governance to implement the legislative framework under the Act.

While giving consideration to adopting a *Support Policy* is good governance, the Council is not mandated to do so under the Act. The Act allows the Council to consider adopting a *Support Policy* at any time in the future, and the Council **must** do so six (6) months after the next periodic election. The discretion of the Council to adopt a *Support Policy* needs to be balanced with the risk of potentially losing community confidence if a *Support Policy* is not adopted.

## CONSULTATION

- **Elected Members**  
Not Applicable.
- **Community**  
Not Applicable.
- **Staff**  
Chief Executive Officer  
General, Manager, Governance & Civic Affairs
- **Other Agencies**  
Local Government Association of South Australia.

## DISCUSSION

Commencing from 17 November 2022, the reforms to the *Behavioural Standards Framework* now apply to Elected Members. Part of the reforms include Councils giving consideration to adopting a *Support Policy* to support the Behavioural Standards within six (6) months from the conclusion of the election, which for this Council is **18 May 2023**. The *Support Policy* must be consistent with the Behavioural Standards and must comply with any provision of the Behavioural Standards.

Section 75F of the Act is the relevant provision that provides for the adoption of a Support Policy. Section 75F states:

### **75F - Council behavioural support policies**

- (1) *A council may prepare and adopt policies designed to support appropriate behaviour by members of the council ("behavioural support policies").*
- (2) *A behavioural support policy may –*
  - (a) *specify directions relating to behaviour that must be observed by members of the council; and*
  - (b) *set out guidelines relating to compliance by members with the behavioural standards and directions under paragraph (a); and*
  - (c) *include any other matter relating to behaviour of members considered appropriate by the council.*
- (3) *A behavioural support policy –*
  - (a) *must not be inconsistent with the behavioural standards; and*
  - (b) *must comply with any requirement specified by the behavioural standards.*
- (4) *A member of a council must comply with the council's behavioural support policies.*
- (5) *A council may from time to time alter a behavioural support policy, or substitute a new policy.*
- (6) *Before a council –*
  - (a) *adopts a behavioural support policy; or*
  - (b) *alters, or substitutes, a behavioural support policy,*  
*the council must undertake public consultation on the behavioural support policy, alteration or substituted policy (as the case may be).*
- (7) *A council must, within 6 months after the conclusion of each periodic election –*
  - (a) *in the case of a council that has 1 or more behavioural support policies in effect under this section— review the operation of the behavioural support policies and consider whether it should adopt additional behavioural support policies; or*
  - (b) *in any other case—consider whether it should adopt behavioural support policies.*

Section 75F(2) of the Act sets out the intent of the *Support Policy*, which is to specify the direction relating to behaviours, setting guidelines relating to compliance with the Behavioural Standards and include any other matters relating to the behaviour of Elected Members considered appropriate by the Council.

For example, the *LGA Model Behavioural Support Policy*, dated March 2023, contains the following:

- 1) The Legal Framework, which explains all of the components of the Behavioural Framework;
- 2) The relevant provisions of the Act that apply to the *Support Policy*;
- 3) Elected Member commitments, which outlines the shared values and behaviours of Elected Members. These shared values and behaviours include a commitment to:
  - a. Recognition that the duty of an Elected Member carries a high degree responsibility and trust of the community to act and make decisions in the best interests of the Council, and the community.
  - b. Establishing and maintaining relationships of trust, respect, confidentiality, collaboration, cooperation with other Elected Members and Council employees.
  - c. Taking care in expressing views regarding Council business and the conduct of other Elected Members and Council employees.
  - d. Conduct of Elected Members at Council meetings.
  - e. The continuing review of the values and behaviours by Elected members through the four-year term.
- 4) Other matters relating to the behaviour of Elected Members which include:
  - a. The use of the media as an Elected Member, which includes guidelines for the expression of personal views through the media and the parameters around this.
  - b. Community and engagement, which includes the expectations on Elected Members to communicate and engage with the community on Council's key directions and other Council matters.

If a *Support Policy* is adopted by the Council, an Elected Member must comply with the Policy. A breach of the *Support Policy* will be dealt with under the *Behavioural Management Policy*.

As this is the first time this provision has been in operation following a periodic election, the obligation is **only for the Council to consider** whether it will adopt a *Support Policy* (or polices). There is no obligation on the Council to adopt a *Support Policy* under the Act.

In addition, if the Council determines to adopt a *Support Policy*, Section 75F(6) of the Act requires the Council to undertake public consultation on the contents of the *Support Policy*. Public consultation consists of providing Notice of the proposed Policy on the Council's website, The Advertiser and the South Australian Government Gazette, and invite submissions from the community about the merits of the Council adopting a *Support Policy*.

If the Council resolves to consider adopting a *Support Policy*, the following process is proposed:

- 1) An Information or Briefing Session with Elected Members to discuss the scope and the content of the *Support Policy*, including the intended behaviours to be addressed in the *Support Policy*.
- 2) Based on the Information or Briefing Session, the Chief Executive Officer will prepare a draft *Support Policy* will be prepared for the Council's consideration and endorsement for the purposes of undertaking public consultation.
- 3) Undertake Public Consultation.
- 4) Present the summary of the comments received as part of the Public Consultation to the Council for consideration.
- 5) Prepare the final *Support Policy* for the Council's consideration and adoption.

It is intended to present the *Behavioural Management Policy* and the *Support Policy* (if adopted) as one "document" comprising of separate polices that are relevant to the *Behavioural Standards Framework*. This will ensure that the *Behavioural Standards Framework* is easily accessible by Elected Members and the community.

As part of the reforms to the legislative scheme relating to the *Behavioural Management Framework*, the Council will be updating its *Elected Member Code of Conduct Complaints Handling Policy*. This is likely to require a fresh policy incorporating the requirements of a *Behavioural Management Policy*. The reforms to the *Behavioural Management Framework* may also require amendments to other Council policies that refer to the *Elected Member Code of Conduct Complaints Handling Policy*.

## OPTIONS

The Council has two (2) options in respect to this matter. The Council can resolve **to** consider adopting a *Support Policy*, or resolve **not to** consider adopting a *Support Policy*. As discussed, any resolution of the Council not to consider adopting a *Support Policy*, does not preclude the Council from adopting a *Support Policy* in the future.

An advantage of adopting a *Support Policy*, is that the policy can address matters that will not be covered under the *Behavioural Management Policy* or other Council policies. For example, the *Support Policy*, may include provisions relating to Elected Member and staff interactions, which provides protocols for Elected Members when interacting and requesting information from staff. Developing a clear process for interactions between Elected Members and staff will ensure that appropriate channels are used by Elected Members when making requests from staff, and that staff respond to these requests in a timely manner.

However, the Council can determine that given the number of reforms relating to the *Behavioural Management Framework*, it may be appropriate to defer adopting a *Support Policy* to the future to allow time for the current reforms to be implemented and established. However, the legislative scheme does contemplate that a *Support Policy* will support or supplement the Behavioural Standards.

## CONCLUSION

As foreshadowed, a decision of the Council to not consider adopting a *Support Policy* does not prevent the Council from considering adopting a *Support Policy* at some stage in the future. All that is mandated under the Act, is for Councils to establish a *Behavioural Management Policy* relative to the management of Elected Member behaviour by the Council.

## COMMENTS

The General Manager, Governance & Civic Affairs and the Manager, Governance & Legal will be responsible for facilitating public consultation and for drafting the *Behavioural Support Policy* (if required).

## RECOMMENDATION

That the Council resolve to consider adopting a *Behavioural Support Policy* pursuant to section 75F of the *Local Government Act 1999*.

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Cr Sims left the meeting at 7.35pm  
Cr Sims returned to the meeting at 7.36pm

*Cr Whittington moved:*

*That the Council resolve to consider adopting a Behavioural Support Policy pursuant to section 75F of the Local Government Act 1999.*

*Seconded by Mex.*

*Cr Whittington as the mover of the motion and with the consent of the seconder, Cr Mex withdrew the motion.*

*Cr Piggott moved:*

*That the Council resolves to endorse in principle the adoption of a Behavioural Support Policy pursuant to section 75F of the Local Government Act 1999.*

*Seconded by Cr Callisto and carried unanimously.*

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**Section 2 – Corporate & Finance**  
**Reports**

## 11.2 AUDIT & RISK COMMITTEE – CONSIDERATION OF THE DRAFT 2023-2024 BUDGET

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**REPORT AUTHOR:** General Manager, Governance & Civic Affairs  
**GENERAL MANAGER:** Chief Executive Officer  
**CONTACT NUMBER:** 8366 4549  
**FILE REFERENCE:** qA115335  
**ATTACHMENTS:** A

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### PURPOSE OF REPORT

The purpose of this report is to advise the Council of the recommendation from the Council's Audit & Risk Committee regarding the Council's Draft 2023-2024 Budget.

### BACKGROUND

At its meeting held on 11 April 2023, the Council considered the Draft 2023-2024 Budget and resolved the following:

1. *That the proposed Operating and Capital Projects as set out in Attachment A be endorsed "in principle".*
2. *That the Council endorses "in principle", the Draft 2023 -2024 Budget set out in the Financial Statements contained in Attachment D, which incorporates the proposed Operating and Capital Projects;*
3. *The Council requests that the following information be provided to the Council at its meeting to be held on 1 May 2023 as part of the Council's consideration of the Draft 2023-2024 Annual Business Plan and Budget:*
  - a. *review of projected income from Statutory Charges, User Charges & Other Income, noting their overall decline and to include any income gains achievable from planned resource increase noting that statutory charges for 2023-2024 will not be known until the State Budget has been handed down;*
4. *The Council requests that a meeting of the Audit & Risk Committee be convened to enable the Committee to provide comment on the Draft 2023-2024 Budget prior to the Council Meeting to be held on 1 May 2023.*

In accordance with the Council's resolution, a meeting of the Council's Audit & Risk Committee was held on Monday, 17 April 2023, to enable the Committee to consider and provide comments to the Council prior to the Council Meeting to be held on 1 May 2023.

### RELEVANT POLICIES & STRATEGIC DIRECTIONS

Not Applicable.

### FINANCIAL IMPLICATIONS

Not Applicable.

### SOCIAL ISSUES/IMPACT

Nil

### ENVIRONMENTAL ISSUES

Nil

### RESOURCE ISSUES

Nil

## RISK MANAGEMENT

Not Applicable.

## CONSULTATION

- **Elected Members**  
At its meeting held on 11 April 2023, the Council endorsed “in principle” the Draft 2023-2024 Budget.
- **Community**  
Not Applicable.
- **Staff**  
Chief Executive Officer.
- **Other Agencies**  
Not Applicable.

## DISCUSSION

The Council's Draft 2023-2024 Budget is based on the continuation of existing services and priorities, as determined by the Council, being appropriately resourced as well as maintaining existing service standards to support the delivery of the Strategic Objectives outlined in *CityPlan 2030: Shaping our Future* and that those services receive appropriate funding.

The Draft Budget comprises the Recurrent Budget, which incorporates the revenue and expenditure which is required to provide the “Business as Usual” services and programs. The second component incorporates the Capital and Operating Project Budget. The Operating Projects Budget encompasses services, programs and activities that are additional to the “Business as Usual” services and are considered discretionary in nature, (ie the Council is under no obligation to provide the services, activities or programs or if required to undertake the activity, for example the Representation Reviews are irregular in nature). Operating Projects generally include one off activities or programs, an expansion of an existing service or program or proposals to introduce a new service or program. Operating Projects are funded from Rate Revenue or a fee for service charge.

The Capital Works Budget encompasses Capital Projects which renew, upgrade or create new infrastructure assets.

Following the Council Meeting held on 11 April 2023, the Draft 2023-2024 Budget was updated to reflect the Council's allocation to the Quadrennial Major Public Artwork of \$75,000 per year, in accordance with the *Public Art Policy* and the estimated additional income associated with the Council's Regulatory Services functions (ie the additional Compliance Officers).

As resolved by the Council, the updated Draft 2023-2024 Budget was presented to the Audit & Risk Committee at its meeting held on Monday 17 April 2023.

The Audit & Risk Committee are of the view that the scheduled Capital Projects as set put in the Council's Long Term Financial Plan beyond 2023-2024 is ambitious and expressed concerns regarding the timing of those projects contained in the Long Term Financial Plan on the basis of the Capital Projects to be undertaken during 2023-2024 (ie Payneham Memorial Swimming Centre, Trinity Valley Stormwater Drainage Program, Burchell Reserve and Cruikshank Reserve), and the impact on the Council's capacity to meet its financial obligations.

In short, the Audit & Risk Committee are of the view that the Capital Projects as set out in the Long Term Financial Plan, should be appropriately scheduled/timed to ensure that the Council is in a sound financial position prior to undertaking further Capital Projects beyond the 2023-2024 financial year.

The Audit & Risk Committee also agreed that it was important for the Council to achieve an Operating Surplus and not an Operating Deficit to ensure the Council can meet its financial obligations and deliver on its financial objectives.



Following consideration of the Draft 2023-2024 Budget, the Audit & Risk Committee resolved the following:

*That the Audit & Risk Committee recommends to the Council that it considers the following matters when endorsing the Draft 2023-2024 Annual Business Plan & Budget for the purpose of undertaking public consultation:*

- *the 2023-2024 Budget should result in a minimum Operating Surplus of \$500,000, taking into consideration that CPI for the March 2023 Quarter, was 6.8%; and*
- *the timing and scheduling of the Capital Projects that are set out in the Long Term Financial Plan beyond the 2023-2024 financial year, as part of the Council's review of the Long Term Financial Plan taking into account the current interest rate environment and the Council's ability to service ongoing debt.*

A copy of the Minutes of the Audit & Risk Committee Meeting held on 17 April 2023, is contained within **Attachment A**.

In terms of considering the impact of achieving a \$500,000 surplus, the Council will consider the Draft 2023-2024 Annual Business Plan and Budget as part of this meeting. More detailed information regarding the 2023-2024 Annual Business Plan and Budget has been provided within the associated report.

However, Elected Members may recall that for the 2023-2024 Financial Year, the Long Term Financial Plan estimates an Operating Surplus of \$1.355 million, based on a Rate Revenue increase of 4.55%.

The Draft 2023-2024 Budget which is based on an increase in the Rate Revenue of 4.55% as set out in the Long-Term Financial Plan, will deliver an Operating Deficit of \$141,624.

To achieve an Operating Surplus of \$1.355 million as set out in the Long Term Financial Plan, a Rate Revenue increase of 8.78% would be required.

To achieve an Operating Surplus of \$500,000, as recommended by the Audit & Risk Committee, a Rate Revenue increase of 7.5% would be required (prior to the inclusion of the Operating results from Regional Subsidiaries).

On the basis of the Audit & Risk Committee's recommendation and the timing associated with the Council's consideration of the Draft 2023-2024 Annual Business Plan & Budget, the Minutes of the Audit & Risk Committee Meeting held on 17 April 2023 are presented to enable the Council to consider and if the Council so determines, adopt the recommendation of the Audit & Risk Committee at this point in the meeting (ie prior to the Council's consideration of the Draft 2023-2024 Annual Business Plan & Budget).

## **OPTIONS**

Essentially the Council has two (2) options in respect to this matter:

- **Option One**

The Council can determine to adopt the recommendation as set out in the Minutes of the Audit & Risk Committee Meeting as a decision of the Council.

The adoption of the recommendation from the Audit & Risk Committee does not "bind" the Council as the Audit & Risk Committee have recommended that the Council "considers" the matters raised by the Audit & Risk Committee.

However, in the event the Council does adopt the recommendation of the Audit & Risk Committee, the Council is essentially agreeing to give consideration to the advice of the Audit & Risk Committee when endorsing the Draft 2023-2024 Annual Business Plan & Budget for the purpose of undertaking public consultation and as part of its review of the Long Term Financial Plan.

- **Option Two**

The Council can determine not to adopt the recommendation as set out in the Minutes of the Audit & Risk Committee Meeting as a decision of the Council.

Whilst the Audit & Risk Committee can provide “advice” and make recommendations to the Council, ultimately the Council is responsible for the Budget and therefore the Council can determine not to adopt the recommendations of the Audit & Risk Committee.

However, this Option is not recommended. The Audit & Risk Committee has been established to provide independent assurance and advice to the Council on accounting, financial management, internal controls, risk management and governance matters, and it would be prudent of the Council to consider the advice as part of its Budget deliberations before making a final decision to adopt the 2023-2024 Annual Business Plan & Budget.

It is therefore recommended that the Council adopt the recommendations as set out in the Minutes of the Audit & Risk Committee Meeting held on 17 April 2023, as contained within Attachment A.

## **RECOMMENDATION**

That the Minutes of the Audit & Risk Committee Meeting held on 17 April 2023, be received and that the resolution set out therein as a recommendation to the Council regarding the Draft 2023-2024 Annual Business Plan & Budget is adopted as a decision of the Council.

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*Cr Duke moved:*

*That the Minutes of the Audit & Risk Committee Meeting held on 17 April 2023, be received and that the resolution set out therein as a recommendation to the Council regarding the Draft 2023-2024 Annual Business Plan & Budget is adopted as a decision of the Council.*

*Seconded by Cr Holfeld and carried unanimously.*

### 11.3 MONTHLY FINANCIAL REPORT – MARCH 2023

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**REPORT AUTHOR:** Manager, Finance  
**GENERAL MANAGER:** General Manager, Governance & Civic Affairs  
**CONTACT NUMBER:** 8366 4585  
**FILE REFERENCE:** qA101554  
**ATTACHMENTS:** A

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#### **PURPOSE OF REPORT**

The purpose of this report is to provide the Council with information regarding its financial performance for the year ended March 2023.

#### **BACKGROUND**

Section 59 of the *Local Government Act 1999* (the Act), requires the Council to keep its resource allocation, expenditure and activities and the efficiency and effectiveness of its service delivery, under review. To assist the Council in complying with these legislative requirements and the principles of good corporate financial governance, the Council is provided with monthly financial reports detailing its financial performance compared to its Budget.

#### **RELEVANT STRATEGIC DIRECTIONS AND POLICIES**

Not Applicable.

#### **FINANCIAL AND BUDGET IMPLICATIONS**

Financial sustainability is as an ongoing high priority for the Council. The current Council adopted Budget forecasts an Operating Surplus of \$867,032 for the 2022-2023 Financial Year.

For the period ended March 2023, the Council's Operating Surplus is \$602,000 against a budgeted Operating Deficit for the period ending March 2023 of \$412,000, resulting in a favourable variance of \$1,015,000.

#### **EXTERNAL ECONOMIC IMPLICATIONS**

Not Applicable.

#### **SOCIAL ISSUES**

Not Applicable.

#### **CULTURAL ISSUES**

Not Applicable.

#### **ENVIRONMENTAL ISSUES**

Not Applicable.

#### **RESOURCE ISSUES**

Not Applicable.

#### **RISK MANAGEMENT**

Not Applicable.

## CONSULTATION

- **Elected Members**  
Not Applicable.
- **Community**  
Not Applicable.
- **Staff**  
Responsible Officers and General Managers.
- **Other Agencies**  
Not Applicable.

## DISCUSSION

For the period ended March 2023, the Council's Operating Surplus is \$602,000 against a budgeted Operating Deficit of \$412,000, resulting in a favourable variance of \$1,015,000.

Investment income continues to be favourable against budget due to current interest rates which are being received from the Local Government Finance Authority for "cash at bank" as this is higher than budgeted when the 2022-2023 Budget was adopted in 2022. In addition, the quantum of funds being held are higher than expected due to the timing of expenditure on projects.

User Charges are \$152,000 unfavourable to the Adopted Budget. This is largely due to the St Peters Childcare Centre & Preschool showing a \$142,289 deficit in revenue compared to the 2022-2023 Adopted Budget. The reduction in income (i.e., fees) is however, offset by a reduction in staff costs and other costs of \$46,134.

Reimbursements are \$196,000 favourable to the Adopted Budget due to Federal funding being received by the Council for Boost Apprenticeship Commencement Wage Subsidies Program (\$120,105). In addition, the Council has received reimbursement of 2021-2022 insurance payments for Income Protection and Workcover schemes totalling \$81,682.

Employee expenses are \$541,000 (4%) favourable to the Revised Budget. The driving factors of this variance are a result of budgeted staff positions that were vacant at the commencement of the financial year. Some of these positions are now filled and others are currently undergoing recruitment. Where required, activities and functions have been back filled by utilisation of temporary staff, consultants or contractors.

The Monthly Financial report is contained in **Attachment A**.

## OPTIONS

Not Applicable.

## CONCLUSION

Not Applicable.

## COMMENTS

Not Applicable.

## RECOMMENDATION

That the March 2023 Monthly Financial Report be received and noted.

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*Cr Moorhouse moved:*

*That the March 2023 Monthly Financial Report be received and noted.*

*Seconded by Cr Granozio and carried unanimously.*

## 11.4 EASTERN HEALTH AUTHORITY DRAFT 2023-2024 ANNUAL BUSINESS PLAN AND BUDGET

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**REPORT AUTHOR:** General Manager, Governance & Civic Affairs  
**GENERAL MANAGER:** Chief Executive Officer  
**CONTACT NUMBER:** 8366 4585  
**FILE REFERENCE:** qA11472  
**ATTACHMENTS:** A

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### PURPOSE OF REPORT

The purpose of this report is to present to the Council, the Eastern Health Authority (EHA) Draft 2023-2024 Annual Business Plan and Budget for endorsement.

### BACKGROUND

The Eastern Health Authority (EHA) is a Regional Subsidiary established pursuant to Section 43 of the *Local Government Act 1999*, for the purpose of providing environmental health services to the Constituent Councils. The other Constituent Councils are the Cities of Burnside, Campbelltown and Prospect and the Town of Walkerville.

Pursuant to Clause 8 of the Eastern Health Authority Charter (the Charter), EHA must prepare an Annual Business Plan which informs and supports the Authority's Annual Budget.

Upon completion of the draft Annual Business Plan and Budget, pursuant to Clause 8.1 (c) of the Charter, EHA must provide the draft Annual Plan to Constituent Councils for the purposes of obtaining consent from the Constituent Councils.

The Annual Business Plan and Budget can only be adopted by the EHA Board, with absolute majority approval of the Constituent Councils.

### RELEVANT STRATEGIC DIRECTIONS & POLICIES

Not Applicable.

### FINANCIAL AND BUDGET IMPLICATIONS

As a Constituent Council, there are financial implications for the Council's Budget, emanating from the EHA Draft 2023-2024 Annual Business Plan and Budget.

As a receiver of services from EHA, the Council's Budget includes an annual fee of \$623,601 for the provision of the environmental health services which are provided by EHA. In addition, the Council must also account for its share of EHA's operating result.

The financial implications are discussed in detail in the Discussion section of this report.

### EXTERNAL ECONOMIC IMPLICATIONS

Nil

### SOCIAL ISSUES

Nil

### CULTURAL ISSUES

Nil

## ENVIRONMENTAL ISSUES

Nil

## RESOURCE ISSUES

Nil

## RISK MANAGEMENT

Nil

## CONSULTATION

- **Elected Members**  
Councillors Whittington and Moorhouse are the Council appointed Members to the Eastern Health Authority Board.
- **Community**  
Not Applicable.
- **Staff**  
General Manager, Urban Planning & Environment
- **Other Agencies**  
Not Applicable.

## DISCUSSION

EHA's draft 2023-2024 Annual Business Plan is based on the four (4) focus issues set out in the Regional Public Health and Wellbeing Plan, '*Better Living, Better Health*', which encompass:

- Public and environmental health services.
- Immunisation.
- Food safety.
- Governance and organisational development.

The key priorities outlined in the Annual Business Plan for each focus area include:

### *Public and Environmental Health Services*

- Actively collaborate and participate in the newly formed State Interagency Hoarding and Squalor group.
- Develop educational material to be communicated to swimming pool operators.
- Continue to provide feedback to SA Health on the review of Public Health Regulations review as required.
- Investigate the potential to educate the risks associated with high-risk Personal Care and Body Art activities within local schools.

### *Immunisation*

- Promotion of EHA's public immunisation clinic program through channels identified in the EHA Marketing Plan.
- Continue to ensure the effective governance and delivery of EHA's public clinic immunisation program in accordance with the National Immunisation Program (NIP) Schedule.
- Deliver School Immunisation Program (SIP) in accordance with the SA Health Service Agreement contract.
- Develop a business case for the provision of immunisation services on behalf of non-Constituent Councils (dependent on available opportunities)

#### *Food Safety*

- Communicate and assist food businesses where required in understanding and preparing for the new legislative food management tools Standard 3.2.2a: that will come into effect within 12 months: food safety supervisor, food handler training and records or evidence.
- Develop new food safety educational videos to be made available on EHA's website.
- Continue to collate a biennial food safety newsletter training be distributed to EHA's food businesses.
- Investigate the potential to promote food safety within local schools.

#### *Governance and Organisational Development*

- In consultation with Constituent Councils, review and revise the EHA business planning and reporting framework.
- Work with the Audit Committee and the Board to review and revise the financial indicators in the Long-Term Financial Plan.
- Create a Chief Executive group with Constituent Council CEOs to channel information and bilateral communication.
- Development of targeted quarterly performance report for Constituent Councils.
- Develop a presentation highlighting strengths and benefits of centralised service delivery model for Constituent Council Elected Members.

EHA's main source of income to fund its operations is from contributions from its Constituent Councils. To deliver the 2023-2024 Annual Business Plan, EHA requires contributions of \$1,970,200 (which is a 7.7% increase on 2022-2023) to fund its proposed operational expenditure.

Elected Members may recall that following the 2021 EHA Service Review, it was recommended that the administration fee of 12.5% be divided into fixed and variable components. The fixed portion of the administration fee of 5%, is now shared equally (1% per Constituent Council), while the variable component is calculated on a proportional basis, dependent on activity use. The impact of the change in methodology is that the larger Constituent Councils now pay a slightly higher proportion of the administrative fee and smaller Councils pay less. As such, this Council's contribution has increased from 31.3% to 31.96%.

The Council's Draft 2023-2024 Budget includes a funding allocation for the provision of environmental health services of \$623,601, a 6.74% or \$39,391 increase on 2022-2023.

EHA are forecasting a "break even" Operating Result for 2023-2024.

A copy of the Eastern Health Authority's draft Annual Business Plan and Budget is contained in **Attachment A**.

#### **OPTIONS**

The Council can choose not to endorse the Draft 2023-2024 Annual Business Plan and Budget, however, there are no specific issues or activities which present a financial or risk management issue for this Council to take this course of action.

#### **CONCLUSION**

EHA's Annual Business Plan is consistent with its previous Annual Business Plans and is in-line with the objectives which are set out in its Charter. Whilst the Authority's Charter does not require the Constituent Councils to endorse the Draft Budget, by virtue of the endorsement of the Annual Business Plan, the Council is also ostensibly endorsing the EHA Draft Budget. The Annual Business Plan, as contained in **Attachment A** does not present any specific issues or activities which would create a financial or risk management issue for this Council,

#### **COMMENTS**

Nil



**RECOMMENDATION**

That the Eastern Health Authority be advised that pursuant to Clause 8 of the Charter, the Council has considered and hereby approves the Eastern Health Authority Draft 2023-2024 Annual Business Plan.

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*Cr Mex moved:*

*That the Eastern Health Authority be advised that pursuant to Clause 8 of the Charter, the Council has considered and hereby approves the Eastern Health Authority Draft 2023-2024 Annual Business Plan.*

*Seconded by Cr Whittington and carried unanimously.*

## 11.5 EAST WASTE DRAFT 2023-2024 ANNUAL BUSINESS PLAN

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**REPORT AUTHOR:** General Manager, Governance & Civic Affairs  
**GENERAL MANAGER:** Chief Executive Officer  
**CONTACT NUMBER:** 8366 4549  
**FILE REFERENCE:** qA87860  
**ATTACHMENTS:** A

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### PURPOSE OF REPORT

The purpose of this report is to present to the Council the East Waste Draft 2023-2024 Annual Business Plan for endorsement.

### BACKGROUND

East Waste (the Authority) is a Regional Subsidiary established pursuant to Section 43 of the *Local Government Act 1999*, for the purpose of providing waste management services to Constituent Councils. The City of Norwood Payneham & St Peters, together with the Adelaide Hills Council, the City of Burnside, the City of Campbelltown, the City of Mitcham, the City of Prospect, the City of Unley and the Town of Walkerville, make up the Constituent Councils of East Waste.

Pursuant to Clause 51 of the East Waste Charter (the Charter), East Waste must prepare an Annual Plan which informs and supports the Authority's Annual Budget.

Upon completion of the draft Annual Plan and Budget, pursuant to Clause 52.3 of the Charter, the Authority must provide the draft Plan to Constituent Councils for the purposes of obtaining approval from the Constituent Council's on or before 31 May.

The Annual Plan can only be adopted by the East Waste Board, with absolute majority approval of the Constituent Councils.

### RELEVANT STRATEGIC DIRECTIONS & POLICIES

Not Applicable

### FINANCIAL AND BUDGET IMPLICATIONS

As a Constituent Council, there are financial implications for the Council's budget, emanating from the East Waste Draft Annual Business Plan (the Plan) and Budget and while Constituent Councils are not required, pursuant to the East Waste Charter, to approve the East Waste Budget, by virtue of the endorsement of the Plan, the Constituent Councils ostensibly endorse the Authority's draft Budget.

The Authority's draft Budget is based on a Common Fleet Costing methodology, with Common Fleet Costs, which predominately relate to collection costs, being charged to Constituent Councils based on the cost to undertake the collection of each Constituent Council's waste streams. The allocation of the Common Fleet Costs is based on the East Waste's GPS System. It should be noted that as per the Authority's Budget Policy, the Common Fleet Cost includes an additional charge to incorporate a return on revenue, which is currently set at 1% of the Common Fleet Costing Charge.

In addition, where Constituent Councils utilise East Waste for other services such as Contract Management Services (Disposal and Resource processing) and Waste Bin Maintenance, these services are on-charged to the respective Councils at cost.

The Draft 2023-2024 Budget is reporting an Operating Surplus of \$148,000. The Council's share of the draft Operating Surplus is \$21,164, which is based on this Council's ownership share of the Authority of 14.3%.

The Authority's overall collection costs have increased by 7.2% on the 2022-2023 Budget, however for this Council, the collection cost has increased by 2.4%.

The Council's Draft Waste Management Budget, reflects a proposed Common Fleet fee of \$2.336 million (\$2.270 million in 2022-2023) to be charged for the collection of this Council's waste streams, which include Domestic waste, Green Organics, Recyclables, Public Litter Bins, Illegal Dumping and pre-booked Hard Rubbish Collection.

The Council's Draft 2023-2024 Budget has been amended to include these increased charges which have been proposed by East Waste.

#### **EXTERNAL ECONOMIC IMPLICATIONS**

Nil

#### **SOCIAL ISSUES**

Nil

#### **CULTURAL ISSUES**

Nil

#### **ENVIRONMENTAL ISSUES**

Nil

#### **RESOURCE ISSUES**

Nil

#### **RISK MANAGEMENT**

Nil

#### **CONSULTATION**

- **Elected Members**  
Cr Claire Clutterham is a member of the East Waste Board and Cr Victoria McFarlane is the Deputy Board Member.
- **Community**  
Not Applicable.
- **Staff**  
Representatives from East Waste have held discussions with the Council's Manager, City Services regarding the collection costs.
- **Other Agencies**  
Not Applicable.

#### **DISCUSSION**

The *East Waste 2030 Strategic Plan* is based on the following objectives:

- deliver cost-effective and efficient services facilities;
- maximise source separation and recycling;
- provide leading and innovative behaviour change and education;
- help develop a local circular economy; and
- provide leadership.

A summary of the key activities planned for 2022-2023 are detailed below:

Deliver Cost Effective and Efficient Services

- Continue and expand core services.
- Investigate opportunities outside of existing Member Councils.
- Undertake a review of Business Facilities.
- Establish Service Level Agreements.
- Increase Customer Engagement Opportunities.

Maximise Source Separation and Recycling

- Continue to advance 'Choice & Flexibility model'. This program will draw together the latest research and findings to develop an "off-the-shelf" framework which will drive reduced material to landfill, particularly food waste.
- Identify options for identified problematic waste (ie soft plastic), and the role East Waste can play in providing viable solutions for the community.

Provide Leading and Innovative Behaviour Change and Education

- Delivery of the "Why Waste It?" behaviour change program and associated social media.
- Household Reporting.

Help Drive a Local Circular Economy

- Engage with Recycling and Organics Processors to identify research, markets and opportunities for the strengthening of circular economy opportunities.

Provide leadership

- Fleet Replacement.
- Enterprise Agreement.
- WHS Responsibility and Accountability.
- Risk Mitigation and Governance.
- Implementation of Service Vision, Values and Standards.

A copy of the Draft 2023-2024 Annual Business Plan & Budget is contained in **Attachment A**.

## **OPTIONS**

The Council can choose not to endorse the draft 2023-2024 Annual Business Plan, however, there are no specific issues or activities which present a financial or risk management issue for this Council to take this course of action.

## **CONCLUSION**

In line with the East Waste Charter, Constituent Councils are not required to endorse the draft Budget however by virtue of the endorsement of the Annual Plan, the Council is also ostensibly endorsing the East Waste Budget.

## **COMMENTS**

Nil

## **RECOMMENDATION**

That the Eastern Waste Management Authority Incorporated be advised that pursuant to Clause 52 of the Charter, the Council has considered and hereby approves the Authority's Draft 2023-2024 Annual Business Plan.

*Cr Duke moved:*

*That the Eastern Waste Management Authority Incorporated be advised that pursuant to Clause 52 of the Charter, the Council has considered and hereby approves the Authority's Draft 2023-2024 Annual Business Plan.*

*Seconded by Cr Callisto and carried unanimously.*

## 11.6 Highbury Landfill Authority Draft 2023-2024 Budget

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**REPORT AUTHOR:** General Manager, Governance & Civic Affairs  
**GENERAL MANAGER:** Chief Executive Officer  
**CONTACT NUMBER:** 8366 4549  
**FILE REFERENCE:** fA22034  
**ATTACHMENTS:** A

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### PURPOSE OF REPORT

The purpose of this report is to present to the Council the Draft 2023-2024 Highbury Landfill Budget for endorsement.

### BACKGROUND

The Highbury Landfill Authority (the Authority) is a Regional Subsidiary established pursuant to Section 43 of the *Local Government Act 1999*, for the purpose of facilitating the closure and post closure management of the former Highbury Landfill site. The City of Norwood Payneham & St Peters, together with the City of Burnside and the Town of Walkerville make up the Constituent Councils of the Authority.

The Highbury Landfill was previously used by East Waste. At the time, the East Waste Constituent Councils were the City of Norwood Payneham & St Peters, City of Burnside and the Town of Walkerville.

As such these Councils have continued ownership of the landfill and established the Highbury Landfill Authority to manage the closure on behalf of the Constituent Councils.

Pursuant to Clause 4.5 of the Authority's Charter (the Charter), the Authority must prepare an Annual Budget.

Pursuant to Schedule 2 Clause 25 (3) of the *Local Government Act 1999* a subsidiary, may with the approval of the Constituent Councils, amend its adopted budget at any time prior to the completion of the financial year.

The Draft Budget must be adopted by the Authority's Board by 30 June of each year.

### RELEVANT STRATEGIC DIRECTIONS & POLICIES

Not Applicable.

### FINANCIAL AND BUDGET IMPLICATIONS

The financial implications for the Council associated with the Draft Budget relate to the cash which is required to fund the required post-closure works and management of the former landfill and the recognition of the Authority's Operating Result within the Council's Statement of Comprehensive Income.

Based on the Authority's projected expenditure for 2023-2024, this Council's contribution will be \$80,714, which includes monitoring and site maintenance costs.

Upon approval by the Council and adoption by the Authority's Board, the Council's Draft 2023-2024 Budget will be updated accordingly.

### EXTERNAL ECONOMIC IMPLICATIONS

Not Applicable.

### SOCIAL ISSUES

Not Applicable.

## **CULTURAL ISSUES**

Not Applicable.

## **ENVIRONMENTAL ISSUES**

Not Applicable.

## **RESOURCE ISSUES**

Not Applicable.

## **RISK MANAGEMENT**

As an owner, the Council is responsible to meet the liabilities of the Authority, should the Authority not be in a position to meet those liabilities. The extent of the Council's exposure is however limited to its ownership share, which is currently 40.4%.

## **CONSULTATION**

- **Elected Members**  
Cr Piggott is this Council's appointee on the Highbury Landfill Authority Board.
- **Community**  
Not Applicable.
- **Staff**  
Not Applicable.
- **Other Agencies**  
Not Applicable.

## **DISCUSSION**

The Authority is required to oversee the management of the landfill until a steady state of conditions in respect to the gas emissions is maintained.

The Authority's Draft Budget includes expenditure items associated with the post-closure requirements which include:

- monthly monitoring of landfill gas and annual monitoring of ground water across the landfill site;
- site maintenance, which includes ongoing maintenance for fire control, fencing and access track maintenance; and
- administration costs such as insurance, utilities, Council rates and general administration of the Authority.

The Authority is required to oversee the management of the landfill until a steady state of conditions in respect to the gas emissions is maintained, which could be more than 25 years. The Authority is thirteen (13) years into the post-closure period.

The Post-Closure Provision, relates to anticipated future liabilities to manage the post closure of the landfill. The Authority requires a Capital Contribution of \$200,000 from the Constituent Councils to fund the Post-Closure Provision expenditure, which includes monitoring and site maintenance costs.

A copy of the Draft 2023-2024 Budget is contained in **Attachment A**.

## **OPTIONS**

The Council can choose to endorse or not to endorse the Authority's Draft 2023-2024 Budget. There are no specific issues or activities which present a financial or risk management issue for this Council, and as such it is recommended that the Council endorse the Authority's Draft 2023-2024 Budget.

## **CONCLUSION**

Nil

## **COMMENTS**

Nil

## **RECOMMENDATION**

That the Highbury Landfill Authority be advised that pursuant to Clause 4.5 of the Charter, the Council has considered and hereby approves the Authority's Draft 2023-2024 Budget.

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*Cr Sims moved:*

*That the Highbury Landfill Authority be advised that pursuant to Clause 4.5 of the Charter, the Council has considered and hereby approves the Authority's Draft 2023-2024 Budget.*

*Seconded by Cr Duke and carried unanimously.*



## **Section 3 – Governance & General Reports**

## 11.7 BUSINESS & ECONOMIC DEVELOPMENT ADVISORY COMMITTEE – 2023 SCHEDULE OF MEETINGS

**REPORT AUTHOR:** General Manager, Governance & Civic Affairs  
**GENERAL MANAGER:** Chief Executive Officer  
**CONTACT NUMBER:** 8366 4549  
**FILE REFERENCE:** qA109047  
**ATTACHMENTS:** A

### PURPOSE OF REPORT

The purpose of this report is to advise the Council of the Business & Economic Development Advisory Committee's 2023 Schedule of Meetings and to seek the Council's adoption of the 2023 Schedule of Meetings.

### BACKGROUND

At its meeting held on 4 April 2023, the Business & Economic Development Advisory Committee (the Committee), considered the proposed Schedule of Meetings for 2023.

In respect to meetings of the Committee, the Committee's Terms of Reference state that:

- 7.2 *The Committee shall meet a minimum of four (4) times in every calendar year on dates to be set out in advance for each year or as determined by the Chief Executive Officer, at the Council's Principal Office, the Norwood Town Hall, 175 The Parade, Norwood or as determined by the Chief Executive Officer and in accordance with the responsibilities imposed upon them within these Terms of Reference.*

Following consideration of the matter, the Committee resolved the following:

*That the Business & Economic Development Advisory Committee's Schedule of Meetings for 2023 as set out below, be approved.*

### ***BUSINESS & ECONOMIC DEVELOPMENT ADVISORY COMMITTEE SCHEDULE OF MEETINGS 2023***

<b><i>Meeting</i></b>	<b><i>Date</i></b>	<b><i>Start Time</i></b>
2	Tuesday, 13 June 2023	6.15pm
3	Tuesday, 12 September 2023	6.15pm
4	Tuesday, 28 November 2023	6.15pm

A copy of the Minutes of the Business & Economic Development Advisory Committee Meeting held on Tuesday, 4 April 2023 are contained within **Attachment A**.

The second meeting of the Committee as set out above is scheduled for Tuesday, 13 June 2023, however this meeting coincides with the Special Council Meeting scheduled for the purpose of considering the Public Submissions on the Annual Business Plan.

As the meeting of the Committee scheduled for Tuesday, 13 June 2023, is required to be rescheduled, the Council should not be adopting the recommendation of the Committee in respect to this matter.

### RELEVANT POLICIES & STRATEGIC DIRECTIONS

Not Applicable.

### FINANCIAL IMPLICATIONS

Not Applicable.

## DISCUSSION

It is the usual practise of the Council to adopt the Minutes of Committee Meetings at Item 12 of the Council Meeting Agenda. However, on the basis that the resolution of the Committee regarding the 2023 cannot be adopted as recommended to the Council, it is recommended that the Council resolve the following to address this matter:

*That the Business & Economic Development Advisory Committee's Schedule of Meetings for 2023 as set out below, be approved.*

### ***BUSINESS & ECONOMIC DEVELOPMENT ADVISORY COMMITTEE SCHEDULE OF MEETINGS 2023***

<b><i>Meeting</i></b>	<b><i>Date</i></b>	<b><i>Start Time</i></b>
<i>2</i>	<i>Tuesday, 4 July 2023</i>	<i>6.15pm</i>
<i>3</i>	<i>Tuesday, 12 September 2023</i>	<i>6.15pm</i>
<i>4</i>	<i>Tuesday, 28 November 2023</i>	<i>6.15pm</i>

## OPTIONS

There are no options available to the Council in respect to this matter, as the meeting of the Committee is required to be rescheduled to ensure the Special Council Meeting to be held on Tuesday, 13 June 2023 can proceed.

## RECOMMENDATION

That the minutes of the meeting of the Business & Economic Development Advisory Committee held on 4 April 2023, as contained within Attachment A, be received and that the resolutions set out therein as recommendations to the Council are adopted as decisions of the Council with the exception of the following:

Item 5.3:

That the Business & Economic Development Advisory Committee's Schedule of Meetings for 2023 as set out below, be approved.

### ***BUSINESS & ECONOMIC DEVELOPMENT ADVISORY COMMITTEE SCHEDULE OF MEETINGS 2023***

<b><i>Meeting</i></b>	<b><i>Date</i></b>	<b><i>Start Time</i></b>
<i>2</i>	<i>Tuesday, 13 June 2023</i>	<i>6.15pm</i>
<i>3</i>	<i>Tuesday, 12 September 2023</i>	<i>6.15pm</i>
<i>4</i>	<i>Tuesday, 28 November 2023</i>	<i>6.15pm</i>

which is to be replaced with the following:

That the Business & Economic Development Advisory Committee's Schedule of Meetings for 2023 as set out below, be approved.

### ***BUSINESS & ECONOMIC DEVELOPMENT ADVISORY COMMITTEE SCHEDULE OF MEETINGS 2023***

<b><i>Meeting</i></b>	<b><i>Date</i></b>	<b><i>Start Time</i></b>
<i>2</i>	<i>Tuesday, 4 July 2023</i>	<i>6.15pm</i>
<i>3</i>	<i>Tuesday, 12 September 2023</i>	<i>6.15pm</i>
<i>4</i>	<i>Tuesday, 28 November 2023</i>	<i>6.15pm</i>

Cr Moorhouse moved:

That the minutes of the meeting of the Business & Economic Development Advisory Committee held on 4 April 2023, as contained within Attachment A, be received and that the resolutions set out therein as recommendations to the Council are adopted as decisions of the Council with the exception of the following:

Item 5.3:

That the Business & Economic Development Advisory Committee's Schedule of Meetings for 2023 as set out below, be approved.

**BUSINESS & ECONOMIC DEVELOPMENT ADVISORY COMMITTEE SCHEDULE OF MEETINGS 2023**

<b>Meeting</b>	<b>Date</b>	<b>Start Time</b>
2	Tuesday, 13 June 2023	6.15pm
3	Tuesday, 12 September 2023	6.15pm
4	Tuesday, 28 November 2023	6.15pm

which is to be replaced with the following:

That the Business & Economic Development Advisory Committee's Schedule of Meetings for 2023 as set out below, be approved.

**BUSINESS & ECONOMIC DEVELOPMENT ADVISORY COMMITTEE SCHEDULE OF MEETINGS 2023**

<b>Meeting</b>	<b>Date</b>	<b>Start Time</b>
2	Tuesday, 4 July 2023	6.15pm
3	Tuesday, 12 September 2023	6.15pm
4	Tuesday, 28 November 2023	6.15pm

Seconded by Cr Callisto and carried unanimously.

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## 11.8 COUNCIL ASSESSMENT PANEL – TERMS OF REFERENCE

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**REPORT AUTHOR:** Manager, Development Assessment  
**GENERAL MANAGER:** General Manager, Urban Planning & Environment  
**CONTACT NUMBER:** 83664567  
**FILE REFERENCE:** qA63668  
**ATTACHMENTS:** A - B

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### PURPOSE OF REPORT

This report seeks the Council's endorsement of an updated version of the Terms of Reference for the Council Assessment Panel.

### BACKGROUND

Section 83 of the *Planning, Development & Infrastructure Act 2016* (PDI Act), requires a designated authority (in this case, the Council) to establish a Council Assessment Panel. The PDI Act requires that:

- (b) *a designated authority must determine-*
  - (i) *the membership of the assessment panel, being no more than 5 members, only 1 of which may be a member of a council, and, if the designated authority thinks fit, on the basis that the assessment panel will be constituted by a different number of members depending on the particular class of development that is being assessed by the assessment panel; and*
  - (ii) *the procedures to be followed with respect to the appointment of members; and*
  - (iii) *the terms of office of members; and*
  - (iv) *conditions of appointment of members, or the method by which those conditions will be determined, (including as to their remuneration) and the grounds on which, and the procedures by which, a member may be removed from office; and*
  - (v) *the appointment of deputy members; and*
  - (vi) *who will act as the presiding member of the panel and the process for appointing an acting presiding member.*

The Council specifies the requirements and processes around these matters in the Terms of Reference which are applicable to the Council Assessment Panel.

The current Terms of Reference were adopted by Council Assessment Panel on 10 February 2021, however for reasons explained later in this report, the Terms of Reference require updating and endorsement by the Council.

### RELEVANT STRATEGIC DIRECTIONS & POLICIES

The relevant Goals contained in *CityPlan 2030* are:

#### **Outcome 2: Cultural Vitality**

*Objective 2.4: Pleasant, well designed, and sustainable urban environments*

*Objective 2.5: Dynamic community life in public spaces and precincts*

#### **Strategy:**

*Strategy 2.4.1: Encourage development that complements our City's built heritage and character areas.*

*Strategy 2.4.2: Encourage sustainable and quality urban design outcomes.*

*Strategy 2.5.1: Facilitate a mix of land uses and activities in appropriate locations in balance with amenity and character.*

## **FINANCIAL AND BUDGET IMPLICATIONS**

There are no applicable financial or budget implications arising as a result of this report.

## **EXTERNAL ECONOMIC IMPLICATIONS**

There are no external economic implications arising as a result of this report.

## **SOCIAL ISSUES**

There are no social issues arising as a result of this report.

## **CULTURAL ISSUES**

There are no cultural issues arising as a result of this report.

## **ENVIRONMENTAL ISSUES**

There are no environmental issues arising as a result of this report.

## **RESOURCE ISSUES**

The maintenance of updated and contemporary Terms of Reference provides clarity to Members of the Council Assessment Panel, the Council and citizens, regarding the procedures and conditions applicable to Council Assessment Panel Members. Clear guidance minimises the impacts on resources through unnecessary enquiries and customer requests.

## **RISK MANAGEMENT**

The key risks associated with setting Terms of Reference for the Council Assessment Panel relate to accuracy, legislative compliance and ensuring appropriate, best practice, Terms of Reference are set and maintained at all times.

The above risks all primarily relate to the Terms of Reference being inaccurate or becoming obsolete. Such risks could lead to challenges to the validity of meetings or decisions and accordingly, without mitigation, such risks would lead to a risk rating of Medium (17) in accordance with the Council Risk Management Framework.

Such risks can be appropriately mitigated through the following measures:

- Ensuring the Terms of Reference are based on the templates developed by the Local Government Association of South Australia;
- Ensuring the Terms of Reference are drafted in accordance with legal advice;
- Ensuring the Terms of Reference are generally consistent with the Terms of Reference applicable to other Council Assessment Panels across local government;
- Scheduling in regular reviews (i.e. once every two years); and
- Having staff and Panel Members attend regular training.

Taking into consideration the above-mentioned mitigation measures, the risk rating associated with this matter would be Low (25) in accordance with the Council's Risk Management Framework.

## **CONSULTATION**

- **Elected Members**  
Elected Members consider the Terms of Reference when presented for endorsement. The Terms of Reference are reviewed periodically.
- **Community**  
Not required as legislation does not provide for, nor anticipate consultation in respect of the Terms of Reference.

- **Staff**  
General Manager, Urban Planning and Environment
- **Other Agencies**  
Not Applicable.

## DISCUSSION

As noted in the *Background* section above, the applicable legislation (in this case the *Planning, Development & Infrastructure Act 2016*), clearly anticipates that the designated authority (i.e. the Council) must establish the parameters and procedures applicable to the constitution of the Council Assessment Panel.

The manner in which the Council Assessment Panel operates (i.e. the Meeting Procedures) is a matter for the Panel itself, as anticipated by Regulation 18 in the *Planning Development & Infrastructure (General) Regulations 2017*:

### **18 – Other Matters**

*Except insofar as a procedure is prescribed by the Act or these regulations, the procedures of an assessment panel in relation to the conduct of its business will be as determined by the assessment panel (and an assessment panel is accordingly a specified body for the purposes of section 246(6)(d) of the Act).*

The Terms of Reference for the Council Assessment Panel are currently combined with the Meeting Procedures to form one document.

To comply with the advice that the Council has received through both the Local Government Association of South Australia and the Council's solicitors (Norman Waterhouse), it is necessary to separate the Terms of Reference and Meeting Procedures into separate documents, as both documents require endorsement from different entities (i.e. the Council for the Terms of Reference and the Council Assessment Panel for the Meeting Procedures).

Should the attached, updated version of the Terms of Reference be endorsed, a report will be presented to the Council Assessment Panel seeking the Panel's endorsement of the updated Meeting Procedures.

In separating the documents, it is also prudent to undertake a review of the provisions to ensure that these are up-to-date and reflect best practice applicable across Local Government.

An updated version of the Terms of Reference is contained in **Attachment A** for the Council's consideration and endorsement. The original version of the Terms of Reference (to be superseded) is contained in **Attachment B**.

The changes that have been made to the Terms of Reference are summarised below:

- Separation of the Terms of Reference from the Meeting procedures.
- Change of the term "Specialist External Members" to "Independent Members". This change ensures conformity with the Model Meeting Procedures issued by the Local Government Association of South Australia and assists with consistency of language.
- Clause 2.10 – Altered to reflect the option that the Council has to re-appoint existing Members for a further term should they choose to do so. This addition does not prevent the Council's power to call for expressions of interest at the expiry of the term of CAP Members. It simply allows the Membership to "roll over" to another term, should the Council deem that course of action appropriate.
- Addition of Clause 2.11 – Reflects the fact that Council will call for nominations of interest for the Elected Member position on the CAP (rather than a formal external EOI process as is the case for Independent Members).

- Clause 2.14 – Added clarification that only an Independent Member can act as the Presiding Member.
- Addition of Clause 2.15 – Adds clarification of the role of the Presiding Member and what is expected.
- Clause 2.16 – the addition of the words “*as determined by the Council*” at the end of the clause to clarify that a Presiding Member is eligible for re-appointment at the end of their term, but only if the Council resolves accordingly.
- Clause 2.19 – this addition reflects that an Elected Member (and Deputy Elected Member) are to be appointed for two (2) years or the expiry of the current elected term, whichever occurs first.

This simply reflects the fact that an Elected Member should not continue to be a CAP Member if their elected term has expired.

- Clause 2.20 – Addition of the words “*as determined by the Council*” at the end of the clause to clarify that a CAP Member is eligible for re-appointment at the end of their term, but only if the Council resolves accordingly.
- Clause 2.22 – 2.28 – These additional Clauses provide clarification regarding the requirements which are applicable to Independent Members for their accreditation (all Independent Members must be accredited at Level 2 under the Accredited Professionals Scheme). The Clauses reflect the fact that Independent Members are responsible for their accreditation, for notifying the Council of any changes to their accreditation status and for the training costs, which they incur in maintaining their accreditation.
- Clause 4.2 – Addition of the words “*and training if agreed to by the Assessment Manager at his or her absolute discretion*”.

This Clause enables CAP Members to be remunerated not only for their time in attending meetings, but also to attend training, only where approved by the Council’s Assessment Manager. The intention of this change is to enable CAP Members to receive reimbursement if they attend training which is organised by the Council. This would be rare (expected to be once or less per annum) and would only occur where the Council considers the Panel would benefit from additional training.

Members are still responsible for the training costs which they incur as part of maintaining their accreditation in accordance with Clause 2.24.

There are no budget implications from this suggested amendment. The budget already accommodates the required number of meetings and this current arrangement of reimbursement for training organised by the Council already exists.

- Clause 5.4.1.2 – Within this clause, a further clause (5.2.1) is referenced and this is proposed to be changed to Clause 5.2 to reflect the extent of reasons that a CAP Member may be removed from office.

## OPTIONS

The Council has the following options in respect to this matter:

1. endorse the amended Terms of Reference as contained in **Attachment A**;
2. suggest / require changes to the amended Terms of Reference; or
3. refuse to endorse the amended Terms of Reference (in which case the current Terms of Reference would remain in place).

Option 1 is recommended for the reasons outlined in this report.

Option 3 would carry some risk as the Council has received advice that the current Terms of Reference are out of date and do not align with the suggested templates issued by the Local Government Association of South Australia and the legal advice which has been received from the Council’s solicitors.



## CONCLUSION

Under the *Planning, Development & Infrastructure Act 2016*, the Council Assessment Panel is a relevant authority (i.e. decision making body) for the assessment of Development Applications, which require public notification. It is important that the Panel is constituted correctly in accordance with clear parameters and procedures.

Endorsement of the recommendation set out below will enable this to occur.

## COMMENTS

Nil.

## RECOMMENDATION

1. That the updated Terms of Reference for the Council Assessment Panel, as contained in Attachment A, be endorsed and adopted.
  2. That a copy of the endorsed Terms of Reference be provided to Members of the Council Assessment Panel for their information.
- 

*Cr Granozio moved:*

1. *That the updated Terms of Reference for the Council Assessment Panel, as contained in Attachment A, be endorsed and adopted.*
2. *That a copy of the endorsed Terms of Reference be provided to Members of the Council Assessment Panel for their information.*

*Seconded by Cr Duke and carried unanimously.*

**12. ADOPTION OF COMMITTEE MINUTES**  
Nil

**13. OTHER BUSINESS**

**13.1 State Heritage Listed Places**

*Cr Mex moved:*

*That Council writes to The Hon. Robert Simms MLC and all Members of Parliament, the Local Government Association of South Australia, the State Heritage Council and the National Trust, advising of the Council's support for greater powers to be provided to the South Australian Government for enforcement of the up-keep of State Heritage listed places.*

*Seconded by Cr Robinson and carried unanimously.*

Cr Granozio left the meeting at 8.19pm and did not return.

**14. CONFIDENTIAL REPORTS**

## 14.1 COUNCIL RELATED MATTER

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### RECOMMENDATION 1

That pursuant to Section 90(2) and (3) of the *Local Government Act 1999*, the Council orders that the public, with the exception of the Council staff present, be excluded from the meeting on the basis that the Council will receive, discuss and consider:

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

and the Council is satisfied that, the principle that the meeting should be conducted in a place open to the public, has been outweighed by the need to keep the receipt/discussion/ consideration of the information confidential.

### RECOMMENDATION 2

Under Section 91(7) and (9) of the *Local Government Act 1999*, the Council orders that the report, discussion and minutes be kept confidential until such time that the Land Management Agreement Deed is noted on Certificate of Title.

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*Cr Knoblauch moved:*

*That pursuant to Section 90(2) and (3) of the Local Government Act 1999, the Council orders that the public, with the exception of the Council staff present [Chief Executive Officer, General Manager, Governance & Civic Affairs, General Manager, Urban Planning & Environment, Acting Manager, Finance, Manager, Communications & Community Relations, Manager, Governance & Legal and Executive Assistant, Governance & Civic Affairs], be excluded from the meeting on the basis that the Council will receive, discuss and consider:*

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

*and the Council is satisfied that, the principle that the meeting should be conducted in a place open to the public, has been outweighed by the need to keep the receipt/discussion/ consideration of the information confidential.*

*Seconded by Cr Callisto and carried unanimously.*

*Cr Duke moved:*

*Under Section 91(7) and (9) of the Local Government Act 1999, the Council orders that the report, discussion and minutes be kept confidential until such time that the Land Management Agreement Deed is noted on the Certificate of Title.*

*Seconded by Cr Piggott and carried unanimously.*

## 14.2 COUNCIL RELATED MATTER

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### RECOMMENDATION 1

That pursuant to Section 90(2) and (3) of the *Local Government Act 1999*, the Council orders that the public, with the exception of the Council staff present, be excluded from the meeting on the basis that the Council will receive, discuss and consider:

- (h) legal advice; and
- (i) information relating to litigation that the Council believes on reasonable grounds will take place, involving the Council;

and the Council is satisfied that, the principle that the meeting should be conducted in a place open to the public, has been outweighed by the need to keep the consideration of the information confidential.

### RECOMMENDATION 2

Under Section 91(7) and (9) of the *Local Government Act 1999* the Council orders that the report, minutes and discussion to be kept confidential until this matter is finalised.

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*Cr Knoblauch moved:*

*That pursuant to Section 90(2) and (3) of the Local Government Act 1999, the Council orders that the public, with the exception of the Council staff present [Chief Executive Officer, General Manager, Governance & Civic Affairs, General Manager, Urban Planning & Environment, Acting Manager, Finance, Manager, Communications & Community Relations, Manager, Governance & Legal and Executive Assistant, Governance & Civic Affairs], be excluded from the meeting on the basis that the Council will receive, discuss and consider:*

- (h) legal advice; and*
- (i) information relating to litigation that the Council believes on reasonable grounds will take place, involving the Council;*

*and the Council is satisfied that, the principle that the meeting should be conducted in a place open to the public, has been outweighed by the need to keep the consideration of the information confidential.*

*Seconded by Cr Duke and carried unanimously.*

Cr Clutterham declared an actual conflict of interest in this matter and left the meeting at 8.28pm.

*Cr Callisto moved:*

*Under Section 91(7) and (9) of the Local Government Act 1999 the Council orders that the report, minutes and discussion to be kept confidential until this matter is finalised.*

*Seconded by Cr Knoblauch and carried unanimously.*

Cr Clutterham returned to the meeting at 8.29pm.

**15. CLOSURE**

There being no further business, the Mayor declared the meeting closed at 8.29pm.

\_\_\_\_\_  
**Mayor Robert Bria**

**Minutes Confirmed on** \_\_\_\_\_  
(date)