



AGENDA

**FOR GOVERNANCE AND COMPLIANCE COMMITTEE MEETING TO BE HELD
ON**

**21 OCTOBER 2024 AT THE CONCLUSION OF THE FINANCE AND CORPORATE
SERVICES COMMITTEE**

**IN WITTBER & DR RUBY DAVY ROOMS, SALISBURY COMMUNITY HUB,
34 CHURCH STREET, SALISBURY**

MEMBERS

Cr P Jensen (Chairman)
Mayor G Aldridge (ex officio)
Cr L Brug
Cr J Chewparsad
Cr K Grenfell
Cr D Hood (Deputy Chairman)
Cr S McKell

REQUIRED STAFF

Chief Executive Officer, Mr J Harry
Deputy Chief Executive Officer, Mr C Mansueto
General Manager City Infrastructure, Mr J Devine
General Manager Community Development, Mrs A Pokoney Cramey
General Manager City Development, Ms M English
Manager Governance, Mr R Deco

APOLOGIES

LEAVE OF ABSENCE

PRESENTATION OF MINUTES

Presentation of the Minutes of the Governance and Compliance Committee Meeting held on 16 September 2024.

REPORTS

Administration

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For Decision

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QUESTIONS ON NOTICE

There are no Questions on Notice.

MOTIONS ON NOTICE

There are no Motions on Notice

OTHER BUSINESS

(Questions without notice, motions without notice, CEO update)

CLOSE



**MINUTES OF GOVERNANCE AND COMPLIANCE COMMITTEE MEETING HELD IN
WITTBER & DR RUBY DAVY ROOMS, SALISBURY COMMUNITY HUB,**

34 CHURCH STREET, SALISBURY ON

16 SEPTEMBER 2024

MEMBERS PRESENT

Cr P Jensen (Chairman)
Mayor G Aldridge (ex officio)
Cr L Brug
Cr J Chewparsad
Cr K Grenfell
Cr D Hood (Deputy Chairman)
Cr S McKell

STAFF

Deputy Chief Executive Officer, Mr C Mansueto
A/General Manager City Development, Ms S Klein
Governance Administration Officer, Ms K Hernen

The meeting commenced at 6:41pm.

The Chairman welcomed the Elected Members, members of the public and staff to the meeting.

APOLOGIES

Nil.

LEAVE OF ABSENCE

Nil.

PRESENTATION OF MINUTES

Moved Cr D Hood
Seconded Cr K Grenfell

The Minutes of the Governance and Compliance Committee Meeting held on 19 August 2024, be taken as read and confirmed.

CARRIED
UNANIMOUSLY

REPORTS

Administration

3.0.1 Future Reports for the Governance and Compliance Committee

Moved Cr L Brug
Seconded Cr S McKell

That Council:

1. Notes the report.

CARRIED
UNANIMOUSLY

For Decision

3.1.1 Election for the Position of Local Government Association President

Moved Mayor G Aldridge
Seconded Cr D Hood

That Council:

1. Approves for Lord Mayor Jane Lomax Smith to be selected on the Local Government Association (LGA) ballot paper for the position of LGA President and authorises the City of Salisbury LGA delegate, Deputy Mayor Cr Chad Buchanan, or in his absence Cr Peter Jensen, to complete the LGA ballot paper accordingly.

CARRIED
UNANIMOUSLY

3.1.2 Nominations Sought for the Local Government Finance Authority Board of Trustees (via the LGA)

Moved Cr P Jensen
Seconded Mayor G Aldridge

That Council:

1. Notes the City of Salisbury will not be putting forward a nomination for consideration as a Local Government representative on the Local Government Finance Authority of South Australia Board of Trustees via the Local Government Association call for nominations.

CARRIED
UNANIMOUSLY

3.1.3 Election of Two Representative Members on the Local Government Finance Authority Board of Trustees (via the LGFA)

Moved Cr P Jensen
Seconded Cr L Brug

That Council:

1. Notes the report.
2. Request a further information report be presented to the September 2024 Council meeting to provide further advice on the nominations process.

CARRIED
UNANIMOUSLY

QUESTIONS ON NOTICE

There were no Questions on Notice.

MOTIONS ON NOTICE

There were no Motions on Notice

OTHER BUSINESS

(Questions without notice, motions without notice, CEO update)

There were no Other Business items.

The meeting closed at 6:55pm.

CHAIRMAN.....

DATE.....

ITEM	3.0.1
	GOVERNANCE AND COMPLIANCE COMMITTEE
DATE	21 October 2024
HEADING	Future Reports for the Governance and Compliance Committee
AUTHOR	Monika Prasad, Governance Support Officer, CEO and Governance
CITY PLAN LINKS	4.2 We deliver quality outcomes that meet the needs of our community
SUMMARY	This item details reports to be presented to the Governance and Compliance Committee as a result of a previous Council resolution. If reports have been deferred to a subsequent month, this will be indicated, along with a reason for the deferral.

RECOMMENDATIONThat Council:

1. Notes the report.

ATTACHMENTS

There are no attachments to this report.

1. BACKGROUND

- 1.1 A list of resolutions requiring a future report to Council are presented to each committee for noting.

2. EXTERNAL CONSULTATION / COMMUNICATION

- 2.1 No external consultation was required in the development of this report.

3. REPORT

- 3.1 The following table outlines the reports to be presented to the Governance and Compliance Committee as a result of a Council resolution:

23/10/2023	Consideration of Adoption of Employee Behavioural Standards	Kia Logan
3.1.4	2. Gives further consideration to the adoption of additional behavioural standards in 12 months time.	
Due:	October 2024	
Deferred:	November 2024	
Reason:	To allow Administration additional time to review Behavioral Standards.	

26/08/2024 **Dog and Cat Management (Cat Management) Amendment Bill 2024** John Darzanos

3.1.2 4. Requests the Administration present a report on the potential merits of a Cat By-Law, should the deficiencies as identified in Council's submission relating to cat management and managing cat nuisances not be rectified through amendments to the Dog and Cat Management (Cat Management) Amendment Bill 2024.

Due: March 2025

4. CONCLUSION / PROPOSAL

4.1 Future reports for the Governance and Compliance Committee have been reviewed and are presented for noting.

ITEM	3.1.1
	GOVERNANCE AND COMPLIANCE COMMITTEE
DATE	21 October 2024
HEADING	Appointment of an Elected Member to the Council Assessment Panel
AUTHOR	Chris Zafiroopoulos, Assessment Manager, City Development
CITY PLAN LINKS	4.3 Have robust processes that support consistent service delivery and informed decision making.
SUMMARY	This report provides information for Council to appoint an Elected Member to the Council Assessment Panel for the next term of two years.

RECOMMENDATION

That Council:

1. Appoints _____ as the Elected Member appointment to the Council Assessment Panel for the term 1 December 2024 to 30 November 2026.
2. Appoints _____ as the Deputy Elected Member appointment to the Council Assessment Panel for the term 1 December 2024 to 30 November 2026 (Optional).

ATTACHMENTS

This document should be read in conjunction with the following attachments:

1. Council Assessment Panel Terms of Reference

1. BACKGROUND

- 1.1 Council is required to establish a Council Assessment Panel (CAP) to determine development applications under the *Planning, Development and Infrastructure Act 2016* (the Act).
- 1.2 The CAP is comprised of five members and one of the members may be a member of the Council. Council can choose not to appoint an Elected Member on the Panel. This will however require appointment of a fifth independent member.
- 1.3 Council is able to determine the conditions of appointment for members on the CAP. This includes the term of office, remuneration and grounds for the removal of a member. Council's CAP Terms of Reference are provided in Attachment 1.
- 1.4 The CAP determines its own meeting procedures that are published on Council's website.

2. REPORT

- 2.1 The CAP is currently comprised of four independent members in addition to an Elected Member. The term of appointment of the current independent members is provided below.

Mr Terry Mosel (Presiding Member)	1 September 2023 – 30 August 2025
Mr Ross Bateup	1 September 2024 – 30 August 2025
Ms Cherie Gill	1 September 2024 – 30 August 2026
Mr James Botten	1 September 2024 – 30 August 2026

- 2.2 Council has previously resolved fixed term appointments of the Elected Member to the CAP to also coincide with the timing of Local Government elections – which can be half-term (2 years) or full-term (4 years), and the timing of the usual post-election Committee appointment cycle.
- 2.3 Councillor B Brug is the current Elected Member and Councillor S Reardon is the current Deputy Elected Member. Their terms expire on 30 November 2024.
- 2.4 The Act requires that Council be satisfied that the Elected Member who is appointed to the CAP is appropriately qualified to act as a member of the assessment panel on account of the person's experience in Local Government. The Elected Member will be required to complete a financial disclosure statement that is prescribed in Schedule 1 of the Act.
- 2.5 The Elected Member on the CAP is appointed to make decisions in accordance with the legislative framework under the Act. A member of CAP must not engage in any act or omission which may give rise to a reasonable presumption of pre-judgement of a development proposal or application. The member is generally unable to advocate for community members on planning considerations that are considered by the CAP, and if they do so the Elected Member should declare the fact and not participate in the debate or decision-making process in relation to that matter by declaring a conflict of interest.
- 2.6 The member is bound by the following:
- 2.6.1 Code of Conduct adopted by the Minister for Planning.
 - 2.6.2 Objects, Planning Principles and General Responsibilities under the *Planning, Development and Infrastructure Act 2016*.
 - 2.6.3 Operating Procedures established by the Panel.
- 2.7 As Council's terms of reference seek to ensure the Panel consists of equal numbers of women and men, the appointment could seek to improve this balance.
- 2.8 The existing Elected Members on the Panel, Cr Brug and Cr Reardon, may be reappointed. In the event a new member is appointed, a training session will be provided for the Elected Member.
- 2.9 The CAP meetings are ordinarily held every fourth Tuesday of the month, commencing at 6.30pm in the Salisbury Community Hub. The Panel may also convene special meetings to deal with urgent matters. The remuneration for the Elected Member on CAP is \$370 per meeting.

2.10 The Act provides for the establishment of Deputy Members for the CAP. This effectively provides a proxy for members. While this option is provided, Council has not always appointed Deputy Members as attendance at CAP meetings has historically been very high. Cr Reardon was appointed as Deputy Elected Member in the previous term but was not required to attend any meetings in her capacity as Deputy Member over this period.

3. CONCLUSION / PROPOSAL

3.1 It is recommended that Council determine the Elected Member and, if considered necessary, a Deputy Elected Member for the Council Assessment Panel.



COUNCIL ASSESSMENT PANEL

Terms of Reference

June 2023

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1. Background

- 1.1. The Salisbury Council Assessment Panel (**CAP**) was appointed as a relevant authority under Section 82 and 83 of the *Planning, Development and Infrastructure Act 2016 (Act)* by resolution of the City of Salisbury (**the Council**) on 21 August 2017.

2. Membership of CAP

Appointment of Members

- 2.1. The CAP will be constituted of five (5) Members (CAP Members), to be appointed by the Council, comprising:
 - 2.1.1. One (1) Member of the Council (Council Member); and
 - 2.1.2. Four (4) Independent Members (Independent Members), not being Members of the Council or State Parliament.
- 2.2. The Council may determine that the CAP will be constituted by a different number of members for different clauses of development, in which case the relevant details will be specified by the Council.
- 2.3. When appointing CAP Members, the Council may have regard to the following:
 - 2.3.1. The candidate's knowledge of the operation and requirements of the Act;
 - 2.3.2. In relation to Independent Members, the candidate's qualifications or experience in a field that is relevant to the activities of the CAP;
 - 2.3.3. In relation to the Council Member, the candidate's experience in local government;
 - 2.3.4. That a balance of qualifications and experience among CAP Members is desirable;
 - 2.3.5. That insofar as is reasonably practicable, ensure that the Panel consists of equal numbers of women and men; and
 - 2.3.6. Such other matters as the Council considers relevant.

Appointment of Deputy Members

- 2.4. The Council may appoint Deputy Members to the CAP for the purpose of filling in for a CAP Member who is unable to attend a CAP meeting or part of a CAP meeting.
- 2.5. Subject to clause 2.6, a Deputy Member must not be a Member of the Council or State Parliament.
- 2.6. Where a Deputy Member appointed for the Council Member is also a member of the Council, that person may not act as a deputy for any other CAP Member (whereas a

Deputy Member who is not a member of the Council may act as a deputy for any CAP Member).

- 2.7. Where more than one Deputy Member is appointed, the Council must specify the circumstances in which each Deputy Members (or any one or more of them) will be invited to attend a CAP meeting.
- 2.8. In appointing a Deputy Member, the Council may have regard to the matters in clause 2.3, as well as to the qualifications and experience of the CAP Member or CAP Members to whom the candidate will be a deputy.
- 2.9. Unless the context otherwise requires, a reference to a CAP Member in this document includes a Deputy Member.

Expression of Interest

- 2.10. The Council will call for expressions of interest for appointment of CAP Members.
- 2.11. The Council may reappoint an existing member for a subsequent term without calling for expressions of interest.

Presiding Member and Acting Presiding Member

- 2.12. The Council will appoint an Independent Member to be the Presiding Member of the CAP for such term and on such conditions as determined by the Council.
- 2.13. The Presiding Member will preside at any CAP meeting at which he or she is present.
- 2.14. That the CAP appoint an Acting Presiding Member for the remainder of the CAP term. If both the Presiding Member and Acting Presiding Member are absent from a CAP meeting (or part thereof), a CAP Member will be appointed from those CAP Members present by means of resolution, and will preside over the meeting.
- 2.15. A Presiding Members is eligible to be reappointed as the Presiding Member at the expiry of his or her term of office as Presiding Member.
- 2.16. In the event that the Presiding Member resigns or is removed from office, the Council will appoint an Independent Member to be the Presiding Members for such term and on such conditions as determined by the Council.

Term of Appointment

- 2.17. Subject to clause 5, Independent Members will be appointed for a term as determined by Council and on such other conditions as determined by the Council.

- 2.18. Subject to clause 5, the Council Member will be appointed for a term for a term as determined by Council and on such other conditions as determined by the Council.
- 2.19. Deputy Members will be appointed for a term as determined by Council and on such other conditions as determined by the Council.
- 2.20. A CAP Member is eligible for reappointment for a further term, or further terms, upon the expiry of his or her current term.
- 2.21. A CAP Member whose term of office has expired may nevertheless continue to act as a Member until the vacancy is filled or for a period determined by Council.
- 2.22. The term of appointment of the Independent Panel Members' shall be staggered so that two positions expire in each two year period, to provide a balance of continuity and refreshment of Panel Members across the term.

3. Vacancy in Membership

- 3.1. In the event of a vacancy arising in the office of a CAP Member, the Council may appoint a person to be a CAP Member for the balance of the original CAP Member's term of office as soon as is reasonably practicable in the same manner as the original CAP Member was appointed.
- 3.2. The CAP Member appointed to fill a vacancy may be a Deputy Member in which case that person will automatically cease to be a Deputy Member.
- 3.3. In appointing a CAP Member pursuant to clause 3.1, the Council may have regard to the matters in clause 2.2 or 2.88 as the case requires.
- 3.4. A vacancy in the membership of the CAP will not invalidate any decisions of the CAP, provided a quorum is maintained during meetings.

4. Conditions of Appointment

- 4.1. At all times, CAP Members must act honestly, lawfully, in good faith, and in accordance with any code of conduct applicable to CAP Members.
- 4.2. CAP Members may be remunerated as determined by the Council for the reasonable time and costs incurred by CAP Members in attending CAP meetings.
- 4.3. Different levels of remuneration may be fixed by the Council for Independent Members, the Council Member, the Presiding Member and Deputy Members.
- 4.4. Upon the commencement of Section 83(1)(c) of the Act:

- 4.4.1. CAP Members, excluding a Member who is a Member or former Member of the Council, must be accredited professionals under the Act; and
- 4.4.2. CAP Members who are Members or former Members of the Council must have sufficient experience in local government to satisfy the Council that they are appropriately qualified to act as a Member of the CAP.

5. Removal from Office

- 5.1. A CAP Member will automatically lose office where:
 - 5.1.1. the CAP Member has become bankrupt or has applied to take the benefit of a law for the relief of insolvent debtors;
 - 5.1.2. the CAP Member has been convicted of an indictable offence punishable by imprisonment;
 - 5.1.3. in the case of a Council Member, the Member ceases to be a member of the Council.
- 5.2. Subject to Clause 5.4, the Council may by resolution remove a CAP Member from office where, in the opinion of the Council, the behaviour of the CAP Member amounts to:
 - 5.2.1. a breach of a condition of his or her appointment as a CAP Member;
 - 5.2.2. misconduct;
 - 5.2.3. a breach of any legislative obligation or duty of a CAP Member;
 - 5.2.4. neglect of duty in attending to role and responsibilities as a CAP Member;
 - 5.2.5. a failure to carry out satisfactorily the duties of his or her office;
 - 5.2.6. a breach of fiduciary duty that arises by virtue of his or her office;
 - 5.2.7. inability to carry out satisfactorily the duties of his or her office.
 - 5.2.8. except in relation to Deputy Members, a failure without reasonable excuse to attend three consecutive CAP meetings without the CAP previously having resolved to grant a leave of absence to the CAP Member; or
 - 5.2.9. in relation to a Deputy Member, a failure without reasonable excuse on three consecutive occasions to attend a meeting of the CAP when requested to do so; or
 - 5.2.10. for any other reason the Council considers appropriate.

5.3. The removal of the CAP Member pursuant to clause 5.2 will take effect upon the Council passing a resolution to remove the CAP Member from office (unless the Council resolves otherwise), and such resolution will be confirmed in writing to the CAP Member within 7 days of being passed.

5.4. Prior to resolving to remove a CAP Member from office pursuant to clause 5.2, the Council must:

5.4.1. give written notice to the CAP Member of:

5.4.1.1. its intention to remove the CAP Member from office pursuant to clause 5.2; and

5.4.1.2. the alleged behaviour of the CAP Member falling within clause 5.2.1 or reason the Council considers it appropriate to remove the CAP Member,

not less than 7 days before the meeting of the Council at which the matter is to be considered;

5.4.2. give the CAP Member an opportunity to make submissions to the Council on its intention to remove the CAP Member from office either orally at the Council meeting at which the matter is to be considered, or in writing by such date as the Council reasonably determines; and

5.4.3. have due regard to the CAP Member's submission in determining whether to remove the CAP Member from office.

ITEM	3.2.1
	GOVERNANCE AND COMPLIANCE COMMITTEE
DATE	21 October 2024
PREV REFS	Governance and Compliance Committee 3.1.1 20/11/2023
HEADING	Pitman Park
AUTHOR	John Darzanos, Manager Environmental Health & Community Compliance, City Development
CITY PLAN LINKS	1.2 The health and wellbeing of our community is a priority 4.2 We deliver quality outcomes that meet the needs of our community
SUMMARY	The Administration has been monitoring reports associated with inappropriate behaviours and public safety concerns at Pitman Park to determine whether the restriction or implementation of alcohol bans would be required. This report provides a summary of the incidents reported since December 2023 for a 6-month period and recommends that no changes are required for the site due to the low number of concerns.

RECOMMENDATION

That Council:

1. Notes that the low number and type of nuisance incidents that have occurred at Pitman Park during the last six months does not necessitate the implementation of any bans on the consumption of alcohol at this time.

ATTACHMENTS

There are no attachments to this report.

1. BACKGROUND

- 1.1 At the Governance and Compliance Committee on 20 November 2023, Council considered Item 3.1.1 Pitman Park as Council and the South Australian Police had received several complaints regarding the use of the Pitman Park area on the northern side of Little Para River in 2023. Complaints predominantly related to public nuisance and littering associated with gatherings, alcohol consumption, drug use and some incidents of rough sleeping. It was resolved that Council:
 - 1.1.1 *Notes the Administration will continue to monitor reports of anti-social behaviour associated with the consumption of alcohol in Pitman Park to determine the need to introduce an alcohol-free area under City of Salisbury by-law 4 of 2022 - Local Government Land. (0524/2023).*
- 1.2 The area was monitored over the summer periods and into autumn across Field Services, Community Compliance and Security teams to assess the type and volume of complaints being received.

2. DISCUSSION

- 2.1 Reports of anti-social behaviour in this location of Pitman Park were significantly lower than those that have been reported regarding other precincts. Including the Salisbury Oval Precinct, as presented to *Governance and Compliance Committee, in Item 3.1.3 Salisbury Oval and Surrounds, 15 May 2023*, where alcohol has now been prohibited on the Local Government land known as:
 - 2.1.1 Salisbury Oval and inclusive of the Grandstand area;
 - 2.1.2 Neales Green;
 - 2.1.3 War Memorial Park; and
 - 2.1.4 Salisbury Bowling Club.
- 2.2 The review of reports over the monitoring period, which was extended from December 2023 to June 2024, did not show any significant variance to the historical reporting and incident numbers have remained relatively low.
- 2.3 Over the monitoring period there were no reports relating to alcohol consumption, with the documented reports related to the following incidents associated with usage, including:
 - 2.3.1 4 x waste pickups / dumped rubbish (trolleys and rough sleeper paraphernalia).
 - 2.3.2 3 x syringes near toilets.
 - 2.3.3 2 x graffiti.
 - 2.3.4 8 x maintenance tasks associated with the toilet block and other infrastructure on site.
 - 2.3.5 1 x incident involving an assault of member of public that was referred to SAPOL.
- 2.4 Staff will continue to monitor the area and any pattern or increase in reports of anti-social behaviour associated with the consumption of alcohol will be considered for future reports and recommended action.

3. CONCLUSION

- 3.1 Consequently, it is recommended that no changes be applied to the use of Pitman Park and no additional controls are required relating to alcohol consumption due to the low frequency and type of incidents that have occurred.