



**MINUTES OF COUNCIL MEETING HELD IN THE COUNCIL CHAMBER,
34 CHURCH STREET, SALISBURY ON
25 SEPTEMBER 2023**

MEMBERS PRESENT

Mayor G Aldridge
Cr B Brug
Cr L Brug
Cr C Buchanan
Cr J Chewparsad
Cr A Graham
Cr K Grenfell
Cr D Hood
Cr P Jensen
Cr S Reardon

STAFF

Chief Executive Officer, Mr J Harry
General Manager Business Excellence, 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
Team Leader Council Governance, Ms J O'Keefe-Craig
A/Manager Community Experience and Relationships, Ms H Atkins

The meeting commenced at 6:34pm.

OPENING PRAYER AND WELCOME

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

The Mayor advised that for security purposes, CCTV is used in the Council Chamber. In accordance with the City of Salisbury's meeting procedures, no audio or video recording is allowed without prior written permission from the Presiding Member.

The Mayor read the Kaurna Acknowledgement.

The Chief Executive Officer read the Opening Prayer.

APOLOGIES

Apologies were received from Cr M Mazzeo, Cr S McKell and Cr S Ouk.

LEAVE OF ABSENCE

LOA1 Leave of Absence Request: Cr Moni Mazzeo

Moved Cr J Chewparsad

Seconded Cr K Grenfell

That Council:

1. Approves the leave of absence request for Cr Moni Mazzeo for the 25 September 2023 Council Meeting.

**CARRIED
0466/2023**

PUBLIC QUESTION TIME

The Mayor advised there were no questions received for Public Question Time.

DEPUTATIONS

No Deputations were received.

PRESENTATION OF MINUTES

Moved Cr K Grenfell

Seconded Cr L Brug

The Minutes of the Council Meeting held on 28 August 2023, be taken as read and confirmed.

**CARRIED
0467/2023**

PETITIONS

No Petitions were received.

COMMITTEE REPORTS

1 Policy and Planning Committee Meeting

Moved Cr B Brug
Seconded Cr L Brug

That Council:

Adopts the recommendations of the Policy and Planning Committee meeting held on 18 September 2023, listed below, with the exception of items:

- **1.2.1 Annual Report of the Council Assessment Panel for 2022/23** which was withdrawn to be considered separately.

**CARRIED
0468/2023**

Administration

1.0.1 Future Reports for the Policy and Planning Committee

Moved Cr B Brug
Seconded Cr L Brug

That Council:

1. Notes the report.

**CARRIED
0468/2023**

The meeting then proceeded to consider Item 1.2.1, which was withdrawn to be considered separately.

For Information

Pursuant to section 75(1)(c) of the Local Government Act 1999, Cr B Brug declared a material conflict of interest on the basis of being a member of the Council Assessment Panel. Cr B Brug advised that he would manage the conflict by leaving the meeting.

Cr B Brug left the meeting at 6:39 pm.

Pursuant to section 75(1)(h) of the Local Government Act 1999, Cr L Brug declared a material conflict of interest on the basis of her husband being a member of the Council Assessment Panel. Cr L Brug advised that she would manage the conflict by leaving the meeting.

Cr L Brug left the meeting at 6:39 pm.

1.2.1 Annual Report of the Council Assessment Panel for 2022/23

Moved Cr K Grenfell
Seconded Cr D Hood

That Council:

1. Notes the Annual Report of the Council Assessment Panel for 2022/23 as included in Attachment 1 (Policy and Planning Committee, 18 September 2023, Item 1.2.1).

**CARRIED
0469/2023**

Cr L Brug returned to the meeting at 6:40 pm.

Cr B Brug returned to the meeting at 6:40 pm.

Confidential Items

Refer to CONFIDENTIAL ITEMS section of Council Minutes

1.4.1 Dry Creek Government Working Group Meetings - Update

2 Finance and Corporate Services Committee Meeting

Moved Cr P Jensen
Seconded Cr S Reardon

That Council:

Adopts the recommendations of the Finance and Corporate Services meeting held on 18 September 2023, listed below.

**CARRIED
0470/2023**

Administration

2.0.1 Future Reports for the Finance and Corporate Services Committee

Moved Cr P Jensen
Seconded Cr S Reardon

That Council:

1. Notes the report.

**CARRIED
0470/2023**

For Decision

2.1.1 Loan Borrowings 2022/23 and 2023/24

Moved Cr P Jensen
Seconded Cr S Reardon

That Council:

1. Approves the balance of the Property Disposal Reserve of \$4,335k be applied to reduce required borrowings for the 2023/24 year to nil, with the balance of the reserve retained to support working capital requirements.

**CARRIED
0470/2023**

2.1.2 Treasury Report for the Year Ended 30 June 2023

Moved Cr P Jensen
Seconded Cr S Reardon

That Council:

1. Notes the report.

**CARRIED
0470/2023**

2.1.3 2022-2023 Carried Forward Funds and Budget Adjustments

Moved Cr P Jensen
Seconded Cr S Reardon

That Council:

1. Approves the 2023/24 budget be increased with \$28,182,698 funds carried forward to be applied as detailed in the Schedule of Funds Carried Forward from 2022/2023 to 2023/2024 in Attachment 1 to this report (Item No. 2.1.3, Finance and Corporate Services 18/09/2023).
2. Approves the 2022/2023 project expenditure budgets be reduced to reflect returned funds totalling \$4,482,201, and the total includes a return to the developer reserve of \$399,865 as per the Schedule of Funds Returned to Council 2022/23 in Attachment 2 to this report (Item No. 2.1.3, Finance and Corporate Services 18/09/2023).
3. Approves the 2022/23 project expenditure budgets be increased to reflect additional actual expenditure of \$1,311,065, as per the Schedule of Budget Adjustments 2022/23 in Attachment 3 to this report (Item No. 2.1.3, Finance and Corporate Services 18/09/2023).
4. Approves transfers of \$546,869 Capital to Operating and \$516,210 Operating to Capital to balance completed programs and projects, and \$549,590 Operating to Operating to consolidate operational budgets, and align to planned 2023/24 expenditure, as per the Schedule of Budget Transfers 2022/23 in Attachment 4 to this report (Item No. 2.1.3, Finance and Corporate Services 18/09/2023).
5. Approves the 2022/23 project income and expenditure budgets be adjusted for unsuccessful grant applications totalling \$350,000, as detailed in Attachment 5 to this report Schedule of Grant Funding Adjustments (Item No. 2.1.3, Finance and Corporate Services 18/09/2023).
6. Approves the 2022/23 Budget be adjusted for grants and other funding adjustments of \$80,872 Capital, with expenditure budgets carried forward, as detailed in Attachment 5 to this report Schedule of Grant Funding Adjustments (Item No. 2.1.3, Finance and Corporate Services 18/09/2023).
7. Approves the non-discretionary allocation of \$495,834 to the Sportsfield Lighting Program (PR17754) to balance the 2022/23 budget for this program, with funds provided as follows:
 - a) A non-discretionary allocation of \$206,000 from 2025/26 into 2022/23 for Sportsfield Lighting Program (PR17754), (Council Resolution 1442/2022 – August

2022), to include this item omitted from the 2022/23 Second Quarter Budget Review; and

- b) A non-discretionary return of \$289,834 of \$600,000 of 2022/23 funds retimed to 2023/24 (Council Resolution 0335/2023 May 2023 – Retimed Budget Funding associated with Lindblom Park Sportsfield Lighting) back into 2022/23 for Sportsfield Lighting Program (PR17754) to provide balancing funds for actual expenditure in 2022/23, and conversely to reduce the 2023/24 budget from retimed funds for Sportsfield Lighting Program (PR17754) by \$289,834.
8. Approves the 2022/23 project expenditure budgets be increased to reflect additional actual expenditure of \$288,317 for Minor Capital Works itemised in the table below, to reflect operating expenditure transferred to capital as part of the end of financial year review of expenditure.

Work Detail	Total Cost
Airolator motor and dual control box with under/over voltage/current protection etc. - Clearwater Lake	\$21,745.60
Dry Creek Drainage, G/Derby Park - PUMP-405	\$79,726.00
New Security System at CoS Dog Pound & Leased Yard	\$19,904.44
Supply and install membrane slide on boomerang at St. Kilda	\$24,370.00
Supply and install yellow rope system on boomerang	\$10,650.00
Operations Centre - Build a new wall 11 metres x 6 metres floor to ceiling	\$28,587.14
Bld Cross Keys Road Operations Centre - store upgrade	\$20,182.17
Heyford Reserve - remove and replace Double Spring Rocker	\$7,860.00
Supply and install new Cyclone swing - St Kilda Adventure Playground	\$28,575.00
Greenfields Wetlands - New irrigation in Car Park Area	\$7,546.99
The Paddocks Sportsfield - supply and install new sporting shelter scorers box	\$5,965.00
The Paddocks Sportsfield - remove old shelter and install new sporting shelter coaches box	\$7,065.00
The Paddocks Sportsfield - remove old shelter and install new sporting shelter coaches box	\$7,065.00
Evaporative Cooler replacement - Parafield Gardens Recreation Centre	\$19,075.00
Total Cost to be Capitalised	\$288,317.34

9. Approves the transfer of the following amounts to the Business Transformation Future Fund Provision (BTFFP) for the 2022/23 financial year, in accordance with the Business Transformation Future Fund Policy:

Expenditure / Income Category	Savings / Gains
Interest Expense	1,050,100
Other Rates revenue budget variances	242,500
Unspent 2022/23 BT Funds	
• PR26698 Employee Life Cycle Management	110,000
Total	1,402,600

and notes CEO approval of transfer of \$715,000 from the Salary and Wages Provision to the BTFFP, and administration be authorised to update these figures to reflect changes necessitated through end of financial year processes.

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10. Approves a 2023/24 non-discretionary funds transfer of \$100k from the Business Transformation Future Fund Provision to GL 550-100-3200 Business Transformation Consulting Services to provide funds for ERP records management consulting.
 11. Approves a non-discretionary 2022/2023 capital budget bid of \$95,548 for PR27141 Pooraka Resource Recovery Centre Upgrade, included in Attachment 3 Schedule of Budget Adjustments 2022/23, to provide for fire safety requirements (with works completed) at the Pooraka Resource Recovery Centre at Research Road, Pooraka as per Council Resolution 1430/2022, 25 July 2022.

**CARRIED
0470/2023**

3 Governance and Compliance Committee Meeting

Moved Cr K Grenfell
Seconded Cr D Hood

That Council:

Adopts the recommendations of the Governance and Compliance meeting held on 18 September 2023, listed below:

**CARRIED
0471/2023**

Administration

3.0.1 Future Reports for the Governance and Compliance Committee

Moved Cr K Grenfell
Seconded Cr D Hood

That Council:

1. Notes the report.

**CARRIED
0471/2023**

For Decision

3.1.1 Policy Review - Disposal of Assets other than Land

Moved Cr K Grenfell
Seconded Cr D Hood

That Council:

1. Adopts the revised Disposal of Assets other than Land Policy as set out in Attachment 1 to this report (Item No. 3.1.1, Governance and Compliance Committee, 18 September 2023).

**CARRIED
0471/2023**

3.1.2 Policy Review - Procurement Policy

Moved Cr K Grenfell
Seconded Cr D Hood

That Council:

1. Adopts the revised Procurement Policy as set out in Attachment 1 to this report (Item No. 3.1.2, Governance and Compliance Committee, 18 September 2023).

CARRIED
0471/2023

4 **Urban Services Committee**

Moved Cr C Buchanan
Seconded Cr B Brug

That Council:

Adopts the recommendations of the Urban Services Committee meeting held on 18 September 2023, listed below, with the exception of item:

- **4.1.11 NAWMA Proposed Revised Service Level Agreement**

which was withdrawn to be considered separately.

**CARRIED
0472/2023**

Administration

4.0.1 Recommendations of the Asset Management Sub Committee meeting held on Monday 11 September 2023

Moved Cr C Buchanan
Seconded Cr B Brug

That Council:

Receives and notes the information contained in the minutes of the Asset Management Sub Committee meeting held on 11 September 2023 and that the following recommendations contained therein to be adopted by Council:

**CARRIED
0472/2023**

AMSC1 Future Reports for the Asset Management Sub Committee

Moved Cr C Buchanan
Seconded Cr B Brug

That Council:

1. Notes the report.

**CARRIED
0472/2023**

AMSC2 2024/25 Strategic Asset Management Plan Development

Moved Cr C Buchanan
Seconded Cr B Brug

That Council:

1. Notes the report.

**CARRIED
0472/2023**

AMSC3 Playspaces Survey Results Recommendations

Moved Cr C Buchanan
Seconded Cr B Brug

That Council:

1. Notes the financial information and consultation recommendations highlighted in the report.
2. Notes that the recommended process improvements related to community consultation will be considered in the revision of the Playspace Policy that will be submitted to Council in November 2023.

**CARRIED
0472/2023**

4.0.2 Recommendations of the Environmental Sustainability and Trees Sub Committee meeting held on Monday 11 September 2023

Moved Cr C Buchanan
Seconded Cr B Brug

That Council:

Receives and notes the information contained in the minutes of the Environmental Sustainability and Trees Sub Committee meeting held on 11 September 2023 and that the following recommendations contained therein to be adopted by Council:

**CARRIED
0472/2023**

ESATS1 Future Reports for the Environmental Sustainability and Trees Sub Committee

Moved Cr C Buchanan
Seconded Cr B Brug

That Council:

1. Notes the report.

**CARRIED
0472/2023**

ESATS2 Tree Removal Requests - Monthly Update for July 2023

Moved Cr C Buchanan
Seconded Cr B Brug

That Council:

1. Notes the report.
2. Notes the outcome of the development application for removal of the tree at 6 Vanessa Drive, Burton and requests Administration to undertake further assessment, noting that the tree has been subjected to similar issues with termites as the trees located a 8 Vanessa Drive Burton for which removal approval was granted.
3. Requests the Manager of Field Services contact the resident at 6 Vanessa Drive, Burton to discuss what further support can be provided in line with relevant Council policies regarding damage to private property and the possibility of installing root barriers.

That the Environmental Sustainability and Trees Sub Committee, in accordance with its delegated powers set out in the adopted Terms of Reference:

4. Approves for the removal of the tree listed at line 6 in Attachment 1 – Tree Removal Requests (Item ESATS2 – Tree Removal Requests – Monthly Update for July 2023 - Environmental Sustainability and Trees Sub Committee, 11 September 2023).
5. Approves for the removal of the tree listed at line 22 in Attachment 1 – Tree Removal Requests (Item ESATS2 – Tree Removal Requests – Monthly Update for July 2023 - Environmental Sustainability and Trees Sub Committee, 11 September 2023).

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6. Approves for the removal of the tree listed at line 31 in Attachment 1 – Tree Removal Requests (Item ESATS2 – Tree Removal Requests – Monthly Update for July 2023 Environmental Sustainability and Trees Sub Committee, 11 September 2023).

**CARRIED
0472/2023**

4.0.3 Future Reports for the Urban Services Committee

Moved Cr C Buchanan
Seconded Cr B Brug

That Council:

1. Notes the report.

**CARRIED
0472/2023**

For Decision

4.1.1 New Playground and Upgrade to the Existing BMX Track at Diruwa Drive

Moved Cr C Buchanan
Seconded Cr B Brug

That Council:

1. Request staff to bring back costings and design options for renewal of Passmore Reserve as per proposal outlined in the report (Item 4.1.1, Urban Services Committee, 18 September 2023) and costings and design of a local playspace option to be considered as part of the 2024/25 financial year.

**CARRIED
0472/2023**

4.1.2 Sports Lighting Costs - Para Hills Football Club - The Paddocks

Moved Cr C Buchanan
Seconded Cr B Brug

That Council:

1. Notes the condition, expected renewal timeframe of beyond 4 years, and an expected cost of \$1.27million to complete an upgrade to the sport lighting for the Paddocks AFL oval.
2. Notes that the upgrade to lighting at this oval is not currently budgeted for and the costs represent approximately 4 times the entire annual sports lighting budget.

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3. Notes that an upgrade to the lighting will incur increased operational costs for the club.
 4. Notes that the Sports Light Renewal Program, Levels of Service, and funding considerations, will be the subject of a future report to Council later in 2023 as a part of the 2024/25 Strategic Asset Management Plan update.
 5. Recommends that the sportsfield lighting at the Paddocks Reserve for the Para Hills Football Club is not upgraded in the next 4 years.

**CARRIED
0472/2023**

4.1.3 Dedication of Seawall - St Kilda

Moved Cr C Buchanan
Seconded Cr B Brug

That Council:

1. Approves Allotment 101 in Deposited Plan 84639 to be dedicated into Council's care and control as shown in Attachment 1 – Overhead Delineating Section of Seawall outlined in blue, (Item 4.1.3 – Dedication of Seawall – St Kilda - Urban Services Committee, 18 September 2023).
2. Authorises the Chief Executive to sign the Form of Acknowledgement contained in Attachment 2 – Form of Acknowledgement, (Item 4.1.3 – Dedication of Seawall – St Kilda - Urban Services Committee, 18 September 2023).

**CARRIED
0472/2023**

4.1.4 Proposed Road Closure - Portion of Glenarborn Court, Para Hills

Moved Cr C Buchanan
Seconded Cr B Brug

That Council:

1. Authorises Administration to implement the required provisions of the *Roads (Opening and Closing) Act 1991* to commence a Road Process to close a portion of Glenarborn Court, Para Hills, identified in blue on Attachment 1 of the report (Item 4.1.4 – Proposed Road Closure – Portion of Glenarborn Court, Para Hills – Urban Services Committee, 18 September 2023).
2. Approves Administration to undertake public consultation in accordance with the provisions of the *Roads (Opening and Closing) Act 1991* and Council's Public Consultation Policy.

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3. Notes that a further report be presented to Council after the statutory notice period has elapsed for consideration of any objections received and whether to proceed with a Road Process Order under Section 15 of the *Roads (Opening and Closing) Act 1991*.
 4. Approves that upon the successful Road Closure the subject site measuring approximately 77.17m² be amalgamated into 13 Glenarbon Court, Para Hills for consideration as determined by an independent licenced valuer, all costs are to be borne by the applicant.

**CARRIED
0472/2023**

4.1.5 Pledger Wetlands - Full Installation of Irrigation

Moved Cr C Buchanan
Seconded Cr B Brug

That Council:

1. Approves to not proceed at this point in time with the installation of the irrigation for the Pledger Wetlands with the western batter being classified as a biodiversity area.
2. Approves for consideration be given as part of the 2024/25 budget for the relocation of the irrigation supply points to a more accessible location for the members of the Friends of Pledger Wetlands.
3. Requests the Mayor to send a letter to the Friends of Pledger Wetlands in relation to point 1 of the decision, clarifying the reasons provided in the report with a copy to the Member of Florey.

**CARRIED
0472/2023**

4.1.6 Road Closure Portion Walkleys Road, Ingle Farm

Moved Cr C Buchanan
Seconded Cr B Brug

That Council:

1. Approves, pursuant to the provisions of the Roads (Opening and Closing) Act 1991, to make a Road Process Order to formally close portions of Walkleys Road marked “A”, “B” and “C” on the attached Preliminary Plan 23/0014 contained in Attachment 1, (Item 4.1.6 – Road Closure Portion Walkleys Road, Ingle Farm - Urban Services Committee, 18 September 2023), granting the required easements to SA Water, APA Group and SA Power Networks.

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2. Authorises the Chief Executive Officer or delegate to arrange the preparation and execution of any required documentation to finalise the road closure and grant required easements.
 3. Approves, pursuant to Section 193(4) of the Local Government Act 1999, that the portions of Walkleys Road marked “A”, “B” and “C” on the attached Preliminary Plan 23/0014 contained in Attachment 1, (Item 4.1.6 – Road Closure Portion Walkleys Road, Ingle Farm - Urban Services Committee 18 September 2023), be excluded from classification as Community Land and site retained by Council for future development.

CARRIED
0472/2023

4.1.7 New lease agreement for existing telecommunications lease at Wynn Vale Gullies Reserve

Moved Cr C Buchanan
Seconded Cr B Brug

That Council:

1. Approves entering into a new lease with Vodafone TPG for the site contained in portion of Allotment 201 Deposited Plan 47620 known as Wynn Vale Gullies Reserve, under the following terms;
 - Commencing rent: \$15,000 p.a. + GST
 - Expiry date: 30 June 2037
 - Rent Review: Fixed 3% annually
 - Market Review: 1 July 2028 – no ratchet
 - All other terms and conditions as per existing agreement with the City of Salisbury
2. Authorises the Chief Executive Officer or Delegate to arrange all necessary documentation and consents to finalise negotiations and execute the lease.
3. Endorse Chief Executive Officer or Delegate to undertake Public Consultation in accordance with Council’s endorsed Public Consultation Policy as the requested lease exceeds five years.

CARRIED
0472/2023

4.1.8 Tenancy Lease Renewal - Carisbrooke House

Further Information Item

4.1.8FI Tenancy Lease Renewal – Carisbrooke House

Moved Cr C Buchanan

Seconded Cr B Brug

That Council:

1. Approves renewal of the current lease of Carisbrooke House with Provenance Indigenous Plants for a further 24 months (2 years).
2. Authorises the Chief Executive Officer or Delegate to prepare the necessary documentation, finalise negotiations and execute the renewal of the current lease for a further 24 months (2 years) to Provenance Indigenous Plants.
3. Notes that the current rent will be reviewed and negotiated to ensure it is in line with the current market rate.

**CARRIED
0472/2023**

4.1.9 Granting of Easement - Portion of Barndioota Drainage Reserve

Moved Cr C Buchanan

Seconded Cr B Brug

That Council:

1. Approves to grant a three (3) metre wide easement to SA Water for Sewerage Purposes for consideration of \$45,000 plus GST, as contained within allotment 50 in Deposited Plan 131960 described in Certificate of Title Volume 6288 Folio 24 and as delineated in red on the attached plan (Attachment 1 – Barndioota Easement, Item 4.1.9 Granting of Easement – Portion of Barndioota Drainage Reserve – Urban Services Committee, 18 September 2023).
2. Notes that Leyton Property as the applicant will be responsible for all costs.
3. Authorise the Chief Executive Officer or Delegate to liaise with Leyton Property and arrange preparation and consent to all necessary documentation to enable the granting of the easement to SA Water.

**CARRIED
0472/2023**

4.1.10 Granting of Easement to Aspen Group

Moved Cr C Buchanan

Seconded Cr B Brug

That Council:

1. Approves the request to grant to Aspen Group an 8-metre wide easement over a portion of Bolivia Crescent Drainage Reserve identified as Allotment 702 in Deposited Plan 123417 and described in Certificate of Title Volume 6242 Folio 579. The easement will be contained within the area marked blue on Attachment 2 - Area of Proposed Easement to be granted to Aspen (Item 4.1.10 – Granting of Easement to Aspen Group - Urban Services Committee, 18 September 2023).
2. Notes that should the easement be granted, the Aspen Group, as the applicant, is responsible for all surveying and lodgement of required documentation.

**CARRIED
0472/2023**

4.1.12 Capital Works - August 2023

Moved Cr C Buchanan

Seconded Cr B Brug

That Council:

1. Notes the report.

**CARRIED
0472/2023**

For Information

4.2.1 Food Organics Green Organics Bin Program Update

Moved Cr C Buchanan

Seconded Cr B Brug

That Council:

1. Notes the report.

**CARRIED
0472/2023**

The meeting then proceeded to consider Item 4.1.11, which was withdrawn to be considered separately.

Pursuant to section 75(1)(c) of the Local Government Act 1999, Cr C Buchanan declared a material conflict of interest on the basis of being Council's representative on the NAWMA Board. Cr C Buchanan advised that he would manage the conflict by leaving the meeting.

Cr C Buchanan left the meeting at 6:42 pm.

Pursuant to section 75(1)(c) of the Local Government Act 1999, Cr K Grenfell declared a material conflict of interest on the basis of being Council's representative on the NAWMA Board. Cr K Grenfell advised that she would manage the conflict by leaving the meeting.

Cr K Grenfell left the meeting at 6:43 pm.

4.1.11 NAWMA Proposed Revised Service Level Agreement

Moved Cr B Brug

Seconded Cr L Brug

That Council:

1. Notes the report and requests the administration provide the following feedback to NAWMA:
 - a. The City of Salisbury does not support a standard service level agreement across the three constituent Councils and wishes to continue with a service level agreement with NAWMA specific to Salisbury's requirements.
 - b. Request NAWMA includes the performance measure of number (or percentage) of allowable missed bin collections per day, updated from the endorsed 2019 agreement.
 - c. Review the service agreement principles to include principles from the 2019 version that have not been carried through, specifically:
 - i. Oversee infrastructure requirements of local government in establishing, processing and resource recovery operations as appropriate;
 - ii. Proactively manage its business in a competitive and changing environment;
 - iii. Provide a forum for discussion and/or research for the ongoing improvement of management of waste;
 - iv. Associate, collaborate and work in conjunction with other local government bodies for the advancement of waste management matters of common interest;
 - v. Be financially self-sufficient.
 - d. Include a clause or comment that allows for up to 10 food organics garden organics (FOGO) bins to be presented and emptied in the suburb of Globe Derby Park.

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- e. Request the provision of audited financial statements be brought forward to August.
 - f. City of Salisbury does not support the proposed standard charges for upgraded and additional bins.

CARRIED
0473/2023

Cr K Grenfell returned to the meeting at 6:44 pm.
Cr C Buchanan returned to the meeting at 6:44 pm.

Confidential

Refer to CONFIDENTIAL ITEMS section of Council Minutes

**4.4.1 NAWMA - Research Road, Pooraka Resource Recovery
Centre - Capital Upgrade Works Budget Variation**

Confidential Further Information Item

**4.4.1FI NAWMA - Research Road, Pooraka Resource Recovery
Centre - Capital Upgrade Works Budget Variation**

5 Community Wellbeing and Sport Committee

Moved Cr C Buchanan
Seconded Cr D Hood

That Council:

Adopts the recommendations of the Community Wellbeing and Sport meeting held on 19 September 2023, listed below:

**CARRIED
0474/2023**

Administration

5.0.1 Future Reports for the Community Wellbeing and Sport Committee

Moved Cr C Buchanan
Seconded Cr D Hood

That Council:

1. Notes the report.

**CARRIED
0474/2023**

For Decision

5.1.3 Youth Sponsorship Applications - August 2023

Moved Cr C Buchanan
Seconded Cr D Hood

That Council:

1. Notes the 16 Youth Sponsorship Applications assessed in August 2023, as included in this report (Item 5.1.3, Community Wellbeing and Sport Committee, 19 September 2023).

**CARRIED
0474/2023**

5.1.5 Events Opportunities and Identification Framework

Moved Cr C Buchanan
Seconded Cr D Hood

That Council:

1. Notes the in order to explore alternative events and opportunities that are likely to attract local, state, national and or international interest in the City of Salisbury the following criteria will be applied to assist in framing a future report:
 - a. Critical objectives listed in section 3.3 of this report (Item 5.1.5, Community Wellbeing and Sport Committee, 19 September 2023).

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- b. Inclusion of medium to large scale events with an investment of between \$50,000-\$250,000 respectively.
 - c. Focusing on the themes of:
 - i. Environment/Nature;
 - ii. Sport;
 - iii. Space/Future; and
 - iv. Diversity.

CARRIED
0474/2023

5.1.6 Collaboration between the Polaris Development Centre and 1225

Moved Cr C Buchanan
Seconded Cr D Hood

That Council:

1. Notes the report.

CARRIED
0474/2023

CWS-MON1 Motion on Notice - Turf Pitches

Moved Cr C Buchanan
Seconded Cr D Hood

That Council:

1. Requests the Administration to present a report to the Community Wellbeing and Sport Committee no later than October 2023, providing options for Council's consideration, to offer a rebate to sporting clubs with turf pitches, to support the seasonal changeover of re-turfing and topdressing to bring the turf up to standard.
2. Notes that Clubs with hard-wicket pitches are supported by Council with their pitch being covered and uncovered to assist with a smooth changeover of seasons.

CARRIED
0474/2023

For Noting Only: Decisions Made Under Committee Delegation

5.1.1 Community Grant Report Grant No. 10/2023-24 - South Australian Recreational Fishing Advisory Council Inc. Grant Application

That the Community Wellbeing and Sport Committee, in accordance with its delegated powers set out in the adopted Terms of Reference:

1. Approves the request for funding for the September 2023 round of Community Grants as follows:
 - a. Grant No. 10/2023-24 South Australian Recreational

Fishing Advisory Council Inc Community Grant Application: to the value of \$3,100: to assist with hosting its 'Reeling in Junior Anglers' event.

2. Notes that this application includes items which are ineligible in accordance with the Community Grant Eligibility Criteria and Guidelines and approves the Administration to work with South Australian Recreational Fishing Advisory Council to find alternative funding opportunities within the Community Grant Eligibility Criteria and Guidelines.

5.1.2 Community Grant Report Grant No. 11/2023-24 - Winzor Retirement Village Social Group Grant Application

That the Community Wellbeing and Sport Committee, in accordance with its delegated powers set out in the adopted Terms of Reference:

1. Approves the request for funding for the September 2023 round of Community Grants as follows:
 - a. Grant No. 11/2023-24 Winzor Retirement Village Social Group: to the value of \$2,500: to assist with purchasing a television.

5.1.4 Minor Capital Works Grant Program Application - Salisbury Sportsman's Association - Electronic Scoreboard

That the Community, Wellbeing and Sport Committee, in accordance with its delegated powers set out in the adopted Terms of Reference:

1. Approves the allocation of funding from the 2023/24 Minor Capital Works Grant Program budget as follows:
 - a. The Salisbury Sportsman's Association Incorporated in the amount of \$75,000 for the installation of new electronic scoreboard at Salisbury Oval, Brown Terrace, Salisbury noting that any additional costs are to be funded by the Salisbury Sportsman's Association Incorporated as per the funding agreement.

6 Innovation and Business Development Committee Meeting

Moved Cr L Brug
Seconded Cr A Graham

Adopts the recommendations of the Innovation and Business Development meeting held on 19 September 2023, listed below:

**CARRIED
0475/2023**

Administration

6.0.1 Future Reports for the Innovation and Business Development Committee

Moved Cr L Brug
Seconded Cr A Graham

That Council:

1. Notes the report.

**CARRIED
0475/2023**

6.0.2 Recommendations of the Salisbury Living Sub Committee meeting held on Monday 11 September 2023

Moved Cr L Brug
Seconded Cr A Graham

That Council:

Receives and notes the information contained in the Salisbury Living Sub Committee Minutes of the meeting held on 11 September 2023 and that the following recommendations contained therein be adopted by Council:

**CARRIED
0475/2023**

SLSCC1 Future Reports for the Salisbury Living Sub Committee

Moved Cr L Brug
Seconded Cr A Graham

That Council:

1. Notes the report.

**CARRIED
0475/2023**

Confidential

Refer to CONFIDENTIAL ITEMS section of Council Minutes

**6.4.1 Recommendations of the Confidential Salisbury Living Sub
Committee meeting held on Monday 11 September 2023:**

**SLSCC2 Salisbury City Centre Request for Detailed
Proposal and Direct Negotiation Outcome**

7 Audit and Risk Committee

No Audit and Risk Committee meeting was held in September 2023.

8 Council Assessment Panel

Council noted the minutes of the Council Assessment Panel Meeting held on 29 August 2023.

9 CEO Review Committee

No CEO Review Committee meeting was held in September 2023.

GENERAL BUSINESS

There were no General Business items.

MAYOR'S DIARY

MD1 Mayor's Diary

Moved Cr A Graham
Seconded Cr J Chewparsad

That Council:

1. Notes the interim report received by the Mayor on Friday 22 September 2023 from the behavioural Standards Panel relating to Severina Burner and is to be included in the Minutes of this 25 September 2023 Council meeting. *(See Attachment 1)*
2. Notes the Mayor's Diary Report Information.

**CARRIED
0476/2023**

REPORTS FROM COUNCIL REPRESENTATIVES

Nil.

QUESTIONS ON NOTICE

QON1 Question on Notice: Removal of Plants from Council Verges

Ms K Bertoli of Para Hills asked the following question at the 28 August 2023 Council Meeting:

If the Council were to install grass on Council's verge and the tenant removes the plants, will they be made accountable?

The question was taken on notice.

General Manager City Infrastructure, Mr John Devine has provided the following response:

The strip of Council owned land that sits between the road and a resident's property boundary is known as the 'verge'. In the Local Government Act 1999 it is referred to as a road reserve but is commonly known as a 'verge'.

Many residents prefer to manage and maintain the Council owned area in front of their residence. This needs to comply with the City of Salisbury Verge Development Policy.

Council Administration have powers under section 221 of the Local Government Act 1999 which states "a person (other than the Council or a person acting under some statutory authority) must not make an alteration to a public road unless authorised to do so by the Council".

This means property owners and residents require permission from Council if they wish to alter the verge.

If the condition of the verge is altered in a manner contrary to the City of Salisbury Verge Development Policy, Council may reinstate the verge to comply with this policy at the property owners' expense.

Council prefers to collaborate with residents on an agreeable solution before looking at enforcing powers under the Act.

QON2 Question on Notice: Veterans and Families Hub Network

At the 28 August 2023 Council Meeting, Cr Shiralee Reardon asked the following question in relation to the Veterans and Families Hub Network location:

1. *Has the meeting been held with the representatives from the RSL and National Military Museum?*
2. *If the meeting did not happen, Why?*
3. *Can the Members be sent the answers to these questions before the next Council meeting?*

The General Manager Community Development took the questions on notice.

Responses are provided below:

1. *Staff reached out to the RSL and the National Military Museum requesting their availability to meet to discuss the Veterans and Families Hub Network and unfortunately no response was received after further follow-up.*
2. *Staff will again attempt to make contact to arrange a meeting.*

QON3 Question on Notice: Quinlivan Road, Pooraka

At the 28 August 2023 Council Meeting, Cr Beau Brug asked the following question in relation to Quinlivan Road, Pooraka:

When is Quinlivan Road, Pooraka due to be re-surfaced and/or resealed?

The Acting General Manager City Infrastructure took the question on notice.

The General Manager City Infrastructure has provided the following response:

The surface condition of Quinlivan Road overall is considered as 'Fair' following the Council adopted road hierarchy. The road is scheduled to be reviewed in the next road audit with likely scheduling in the next 5-10 years.

QON4 Question on Notice - Cr B Brug - St Elias Street Mawson Lakes

Cr B Brug submitted the following Question on Notice:

Could Council Administration advise status of fence and light pole repair, and alternatives to bollard at location for safety following ongoing accidents in St Elias Street in the Sanctuary Side of Mawson Lakes?

General Manager City Infrastructure, Mr John Devine has provided the following response:

Sourcing and fabrication of the light pole took longer than expected but it has now been installed and is operational.

The fence has not been in place for a number of years.

The bollard is unable to be installed due to underground services. In addition, as there is no history of ongoing accidents at this location, it is not believed that alternative options are warranted.

Administration have spoken with the resident who reported this matter and they were accepting of the explanation as to why the bollard would not be replaced and reaffirmed that their main concern was the light replacement, which has now been resolved.

QON5 Question on Notice Cr B Brug: Lighting Pedestrian Footbridge Mawson Lakes

Cr B Brug submitted the following Question on Notice:

Despite the opening some months ago, the lights along the new pedestrian footbridge in Mawson Lakes are not working. When will the lights be operational?

Administration Response:

General Manager City Infrastructure, Mr John Devine has provided the following response:

SA Power Networks completed the connection on 18 September 2023 and the lights are now fully operational.

QON6 Question on Notice Cr B Brug: Lights Sir Douglas Mawson Lake

A Question on Notice was received from Cr B Brug:

1. *When are 100% of the lights around Sir Douglas Mawson Lake (main lake) going to be operational?*
2. *When was the last audit of these lights conducted?*
3. *What is necessary to fix the lights and have them all operational?*

General Manager City Infrastructure, Mr John Devine has provided the following response:

1. *The lights are fully operational.*
2. *The latest audit on these lights were undertaken at the beginning of September 2023.*
3. *Investigations found that the lights were shorted by an ant infestation which has now been addressed.*

QUESTIONS WITHOUT NOTICE

Nil.

MOTIONS ON NOTICE

MON1 Motion on Notice: Cr B Brug - 25 Year Anniversary of Mawson Lakes

Moved Cr B Brug
Seconded Cr C Buchanan

That Council:

1. Notes that Mawson Lakes will celebrate its 25th anniversary in 2024.
2. Notes that Mobarra Park will celebrate its 20th anniversary in 2024 and that as part of the Sister City program a community event is being planned to celebrate this and our relationship with Mobarra, Japan.
3. Approves that a 25th anniversary celebration for Mawson Lakes be integrated into the planned 20th anniversary celebration of Mobarra Park.

**CARRIED
0477/2023**

MON2 Motion on Notice: Cr B Buchanan - Waterloo Corner Road reseal

Pursuant to section 75(1)(i) of the Local Government Act 1999, Cr P Jensen declared a material conflict on the basis of his employment. Cr P Jensen advised that he would manage the conflict by leaving the meeting.

Cr P Jensen left the meeting at 6:50 pm.

Moved Cr C Buchanan

Seconded Cr D Hood

That Council:

1. Notes the correspondence received from Minister Koutsantonis, in response to the e-mail from the Deputy Mayor sent 24 July 2023 on behalf of his constituents, about the condition of Waterloo Corner Road and the need for an urgent reseal.
2. Notes that in this correspondence the Minister advised that the Department for Infrastructure and Transport (the Department) has programmed resurfacing works to be undertaken on Waterloo Corner Road, between Heaslip Road and Bolivar Road, in the 2023-2024 financial year and that the Department will also consider this location for inclusion in its shoulder sealing program.
3. Requests the Chief Executive Officer write to the Minister requesting the Department co-contribute with Council towards the costs of stormwater management/kerbing works for Waterloo Corner Road, so these works can coincide with the Department's scheduled resurfacing program due to occur in the 2023/24 financial year.
4. Requests that, due to the estimated costs being in the order of \$3M to \$6M, the Administration will liaise with the Department to review the scope of the reseal and agree any sharing of costs; and inform Council of the appropriate budget allocation for future approval.

**CARRIED
0478/2023**

Cr P Jensen returned to the meeting at 7:02 pm.

MOTIONS WITHOUT NOTICE

Nil.

ORDERS TO EXCLUDE THE PUBLIC

1.4.1 Dry Creek Government Working Group Meetings - Update

Moved Cr D Hood

Seconded Cr K Grenfell

1. *Pursuant to Section 90(2) and (3)(j)(i) and (j)(ii) of the Local Government Act 1999, the Council orders that the public be excluded from attendance at the part of this meeting relating to **Agenda Item 1.4.1 Dry Creek Government Working Group Meetings – Update** except staff of the City of Salisbury on duty in attendance (Chief Executive Officer, General Manager Business Excellence, General Manager City Infrastructure, General Manager Community Development, General Manager City Development, Manager Governance, Team Leader Council Governance and A/Manager Community Experience and Relationships), to enable the Committee to consider Item 1.4.1 in confidence on the basis the Committee considers it necessary and appropriate to act in a meeting closed to the public (exempting those persons listed above) in order to receive, discuss or consider in confidence the following information or matter relating to Agenda Item 1.4.1:
 - it relates to information the disclosure of which would divulge information provided on a confidential basis by or to a Minister of the Crown, or another public authority or official (not being an employee of the Council, or a person engaged by the Council);
 - the disclosure of which would on balance be contrary to the public interest, being information provided to the Council for works that are to be kept confidential at this stage.*
2. *The disclosure of this information would, on balance, be contrary to the public interest, because it is in the public interest for the Council to be able to communicate and work with State Government Departments on a confidential basis about potential works and thereby act cooperatively with the State Government in achieving positive outcomes of the Council's community. If such information and communications were disclosed at this time it could prejudice the future flow of such communications and information, which would be contrary to public interest.*
3. *Accordingly, on this basis, the principle that meetings of the Committee should be conducted in a place open to the public has been outweighed by the need to keep the information or matter confidential.*

CARRIED
0479/2023

4.4.1 NAWMA - Research Road, Pooraka Resource Recovery Centre - Capital Upgrade Works Budget Variation

Further Information Item:

4.4.1FI NAWMA - Research Road, Pooraka Resource Recovery Centre - Capital Upgrade Works Budget Variation

Moved Cr D Hood

Seconded Cr K Grenfell

Pursuant to section 90(2) and (3)(d) of the *Local Government Act 1999* the Council orders that the public be excluded from attendance for this matter to be considered in confidence on grounds that:

1. *Pursuant to Section 90(2) and (3)(d)(i) and (d)(ii) of the Local Government Act 1999, the principle that the meeting should be conducted in a place open to the public has been outweighed in relation to this matter because:*

- *it relates to commercial information of a confidential nature (not being a trade secret) the disclosure of which could reasonably be expected to prejudice the commercial position of the person who supplied the information, or to confer a commercial advantage on a third party; and*

- *commercial information of a confidential nature (not being a trade secret) the disclosure of which would, on balance, be contrary to the public interest.*

2. *In weighing up the factors related to disclosure,*

- *disclosure of this matter to the public would demonstrate accountability and transparency of the Council's operations*

- *Non-disclosure of the matter and discussion of this item in confidence would protect confidential information relating to proposed commercial negotiations regarding Council's commercial position.*

*On that basis the public's interest is best served by not disclosing the **NAWMA - Research Road, Pooraka Resource Recovery Centre - Capital Upgrade Works Budget Variation** item and discussion at this point in time.*

3. *Pursuant to Section 90(2) of the Local Government Act 1999 it is recommended the Council orders that all members of the public, except staff of the City of Salisbury on duty in attendance, Chief Executive Officer, General Manager Business Excellence, General Manager City Infrastructure, General Manager Community Development, General Manager City Development, Manager Governance, Team Leader Council Governance and A/Manager Community Experience and Relationships be excluded from attendance at the meeting for this Agenda Item.*

**CARRIED
0479/2023**

6.4.1 Recommendations of the Confidential Salisbury Living Sub Committee meeting held on Monday 11 September 2023:

SLSCC2 Salisbury City Centre Request for Detailed Proposal and Direct Negotiation Outcome

Moved Cr D Hood
Seconded Cr K Grenfell

Pursuant to section 83(5) of the *Local Government Act 1999* the Council has indicated that, if Council so determines, this matter may be considered in confidence under Part 3 of the *Local Government Act 1999* on grounds that:

1. *Pursuant to Section 90(2) and (3)(b)(i) and (b)(ii) of the Local Government Act 1999, the principle that the meeting should be conducted in a place open to the public has been outweighed in relation to this matter because:*

- it relates to information the disclosure of which could reasonably be expected to confer a commercial advantage on a person with whom the council is conducting, or proposing to conduct, business, or to prejudice the commercial position of the council; and

- information the disclosure of which would, on balance, be contrary to the public interest.

2. *In weighing up the factors related to disclosure,*

- disclosure of this matter to the public would demonstrate accountability and transparency of the Council's operations

- Non-disclosure of this report at this time will protect Council's commercial position as public disclosure may provide third parties with a commercial advantage.

*On that basis the public's interest is best served by not disclosing the **Recommendations of the Confidential Salisbury Living Sub Committee meeting held on Monday 11 September 2023 - SLSCC2: Salisbury City Centre Request for Detailed Proposal and Direct Negotiation Outcome** item and discussion at this point in time.*

3. *Pursuant to Section 90(2) of the Local Government Act 1999 it is recommended the Council orders that all members of the public, except staff of the City of Salisbury on duty in attendance, Chief Executive Officer, General Manager Business Excellence, General Manager City Infrastructure, General Manager Community Development, General Manager City Development, Manager Governance, Team Leader Council Governance and A/Manager Community Experience and Relationships be excluded from attendance at the meeting for this Agenda Item.*

**CARRIED
0479/2023**

The meeting moved into confidence at 7:03pm.

The decision for part 1,2, 5 and 6 of Item 4.4.1FI – NAWMA – Research Road, Pooraka Resource Recovery Centre – Capital Upgrade Works Budget Variation was released out of confidence.

4.4.1FI NAWMA - Research Road, Pooraka Resource Recovery Centre - Capital Upgrade Works Budget Variation

That Council:

1. Notes Council's current financial commitment to the Capital Works Upgrade at the Research Road, Pooraka Resource Recovery Centre is \$655,548.
2. Approves an additional contribution of \$201,500 to the Capital Works Project for the Research Road, Pooraka Resource Recovery Centre, in line with the City of Salisbury's shareholdings in NAMWA of 57.43%.
5. Approves that, pursuant to Section 91(7) of the Local Government Act 1999, the report, attachments, presentation, discussion, recommendations, decision (excluding **part 1, 2, 5 and 6** of the resolution) and minutes for this item will remain confidential and not available for public inspection until 30 June 2024.
6. Approves that, pursuant to Section 91(9)(c) of the Local Government Act 1999, the power to revoke the order under Section 91(7)(a)&(b) prior to any review or as a result of any review is delegated to the Chief Executive Officer.

The meeting moved out of confidence at 7:09pm.

OTHER BUSINESS

OB1 Cr C Buchanan – Lindblom Park Sports field

Moved Cr C Buchanan
Seconded Cr B Brug

That Council:

1. Noting the 2022/23 returned funds of \$4,482,201 as resolved in Item 2.1.3 2022/23 Carried Forward Funds and Budget Adjustments, 25 September 2023, allocates a total of \$400,000 from the returned funds as a non-discretionary item for the purpose of additional funds to the Lindblom Park Sports field Lighting project in 2023/24.
2. Should returned funds be insufficient a non-discretionary 1st Quarter 2023/2024 Budget Review be approved for the balance of funds.

CARRIED
Unanimously
0480/2023

The meeting closed at 7:14pm.

CHAIRMAN.....

DATE.....

Behavioural Standards Panel



Interim Report

Council Member	Severina Burner
Council	City of Salisbury
Referral by	Mayor Gillian Aldridge
Panel Reference	23BSP-0002
Date Received	2 March 2023
Issues	Alleged serious misbehaviour by a member of a council

September 2023



Behavioural Standards Panel



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Behavioural Standards Panel

1. Interim Report

- 1.1 This interim report has been prepared on an inquiry undertaken by the Behavioural Standards Panel (**the Panel**) following multiple referrals made by the City of Salisbury (**the Council**) in 2023 in relation to Ms Severina Burner (**Ms Burner**).
- 1.2 Ms Burner was elected as a member of the Council at the November 2022 local government periodic elections. However, Ms Burner's office as a member of the Council became vacant on 13 June 2023, as she was removed from office by the Council on the ground that she had been absent, without leave of the Council, from three or more consecutive ordinary meetings of the Council, under section 54(1)(d) of the *Local Government Act 1999* (**the Act**).

2. Background

- 2.1 Section 262Q of the Act provides that a complaint alleging misbehaviour, repeated misbehaviour or serious misbehaviour may be referred to the Panel by a resolution of the council; the principal member of the council; at least 3 members of the council; or, a responsible person in accordance with section 75G(5) of the Act.
- 2.2 Section 262E of the Act provides that '**serious misbehaviour** means a failure by a member of a council to comply with section 75G'.
- 2.3 Section 75G(1) of the Act provides that a council member must—
 - (a) take reasonable care that the member's acts or omissions do not adversely affect the health and safety of other council members or council employees; and
 - (b) comply, so far as the member is reasonably able, with any reasonable direction that is given by a responsible person for the purposes of ensuring that the member's acts or omissions do not adversely affect the health and safety of other council members or council employees.
- 2.4 In March 2023, the Panel received multiple complaints from Mayor Gillian Aldridge, the principal member of the Council, alleging that Ms Burner (then Cr Burner) had failed to comply with section 75G of the Act, over a period from December 2022 to March 2023.
- 2.5 Under section 262T of the Act, the Panel determined to inquire into these complaints.
- 2.6 The Panel determined to deal with the complaints lodged on 2 March 2023, 17 March 2023, 29 March 2023 and 30 March 2023 as one complaint, which the Panel conducted an inquiry into.

Behavioural Standards Panel

- 2.7 Material submitted to the Panel contained information regarding the identity of people who had made complaints to the Council. Under the Council's Behavioural Management Policy, Mayor Aldridge has the responsibility for managing complaints made to the Council, and determining whether the identity of these complainants should remain confidential. As Mayor Aldridge determined that the identity of these complainants shall remain confidential, the Panel is also of the view that these details will remain confidential.
- 2.8 The Panel noted that at all times of the alleged serious misbehaviour, Ms Burner was an elected member of the Council.

3. Inquiry

- 3.1 Under section 262T(1) of the Act, the Panel may inquire into a complaint referred to the Panel in such a manner as the Panel considers appropriate.
- 3.2 The Act also provides that, in exercising or performing a power or function in relation to inquiring into a complaint, the Panel—
- must proceed with as little formality and technicality and with as much expedition as the requirements of the Act or any other Act and a proper consideration of the matter permit; and
 - is not bound by rules of evidence but may inform itself of any matter in any manner that the Panel considers appropriate (section 262U(4) of the Act); and
 - the inquiry must be conducted in accordance with the principles of procedural fairness (section 262T(2) of the Act).
- 3.3 The Panel—
- Assessed the complaints lodged against Ms Burner.
 - Considered the Act, the Behavioural Standards Panel Guidelines and Practice Directions.
 - Assessed further information provided by the Council.
 - Sought further information from the Council.
 - Viewed footage of the 'Adelaide Freedom Rally of 25 February 2023'.
 - Listened to audio footage of the Council Policy and Planning Committee meeting of 20 March 2023.
 - Provided Ms Burner with the opportunity to respond to allegations through written submissions.
 - Met to discuss determinations relating to the matter.
 - Prepared this interim report.

Behavioural Standards Panel

4. Standard of Proof

4.1 The standard of proof applied by the Panel in their inquiry and investigation process is on the balance of probabilities.

5. The Complaints

5.1 As noted in Section 1, the Panel received numerous complaints alleging Ms Burner's failures to comply with section 75G of the Act. The Panel determined to inquire into six allegations as follows—

5.2 Allegation One – Serious Misbehaviour 75G(1)(a)

It is alleged that on 20 February 2023 Ms Burner attended the Council Governance and Compliance Committee meeting in her capacity as a member of the Council and acted in an inappropriate manner by making verbal negative comments and being argumentative with other members of the Council. In doing so, she failed to take reasonable care that her acts did not adversely affect the health and safety of other members or employees of the Council and thereby contravened section 75G(1)(a) of the Act, and thereby committed serious misbehaviour.

- 5.2.1 On 20 February 2023 at approximately 7.26 pm, Ms Burner attended the Council Governance and Compliance Committee meeting in her capacity as a member of the Council. Present at this meeting were both members and employees of the Council.
- 5.2.2 At the meeting, Ms Burner was argumentative and made negative verbal comments. Ms Burner referred to being treated as a "scum of the earth" by the elected members. Ms Burner also stated words to the effect that her emails and computer had been deliberately hacked, that there had been "secret meetings" without her knowledge or involvement, and that she had been deceived by members of the Council, including a senior council employee. Ms Burner spoke to the senior council employee in a belittling manner by stating words to the effect that he should "be using some brain power" while repetitively pointing her index finger at her forehead while she said those words.
- 5.2.3 At the meeting, Ms Burner stated that the Council had deliberately set her up to fail. Ms Burner interrupted the speakers, including an elected member of the Council when she was delivering a right of reply, and accused elected members of bullying and harassing her.
- 5.2.4 Ms Burner ought reasonably to have known that her conduct as described in paragraphs above could adversely affect the health and safety of members or employees of the Council who were present at the meeting.
- 5.2.5 By failing to comply with section 75G(1)(a) Ms Burner committed serious misbehaviour as defined in section 262E of the Act.

Behavioural Standards Panel

5.3 Allegation Two – Serious Misbehaviour 75G(1)(a)

It is alleged that on 20 February 2023 Ms Burner attended the Council Policy and Planning Committee meeting in her capacity as a member of the Council and acted in an inappropriate manner by making verbal negative comments and being argumentative with other members of the Council. In doing so, she failed to take reasonable care that her acts did not adversely affect the health and safety of other members or employees of the Council and she thereby contravened section 75G(1)(a) of the Act, and thereby committed serious misbehaviour.

- 5.3.1 On 20 February 2023 Ms Burner attended the Council Policy and Planning Committee meeting in her capacity as a member of the Council. Present at this meeting were members and employees of the Council.
- 5.3.2 At the meeting, Ms Burner was argumentative and made negative verbal comments. At the meeting, and in the presence of other attendees, Ms Burner accused an employee of the Council of organising “secret meetings” (or words to that effect), that he had excluded her from a prior CEO briefing session and that he was not being truthful.
- 5.3.3 Ms Burner ought reasonably to have known that her conduct as described above could adversely affect the health and safety of members or employees of the Council who were present at the meeting.
- 5.3.4 Ms Burner breached her statutory obligation under section 75G(1)(a) of the Act in that by engaging in the conduct set out in paragraph 5.3.2 she failed to take reasonable care that her acts did not adversely affect the health and safety of members or employees of the Council present at the meeting.
- 5.3.5 By failing to comply with section 75G(1)(a) Ms Burner committed serious misbehaviour as defined in section 262E of the Act.

5.4 Allegation Three – Serious Misbehaviour 75G(1)(a)

It is alleged that between 10 January and 25 February 2023, Ms Burner in her capacity as a member of the Council, sent seven emails to members and employees of the Council in which she wrote to the recipients in a manner that was inappropriate, aggressive and/or rude. In doing so, she failed to take reasonable care that her acts did not adversely affect the health and safety of other members and employees of the Council and she thereby contravened section 75G(1)(a) of the Act, and thereby committed serious misbehaviour.

- 5.4.1 On 10 January 2023 at 12.12 pm, whilst acting in her capacity as a member of the Council, Ms Burner sent an email to an employee of the Council, and copied into this email a senior employee of the Council and multiple other employees of the Council. In this email Ms Burner wrote to the recipients in a manner that was inappropriate, aggressive and rude.

Behavioural Standards Panel

- 5.4.2 On 23 January 2023 at 10.50 pm and 24 January 2023 at 2.23 pm, whilst acting in her capacity as a member of the Council, Ms Burner sent two emails to a senior employee of the Council and copied into this email an employee of the Council. In both emails, Ms Burner wrote to the recipients in a manner that was inappropriate, aggressive and hostile.
- 5.4.3 On 6 February 2023 at 9.47 am, whilst acting in her capacity as a member of the Council, Ms Burner sent an email to an employee of the Council and copied into this email a senior employee of the Council. In this email Ms Burner wrote in an inappropriate manner by making a serious and unsubstantiated allegation that “there has been a large campaign by the Mayor, Deputy Mayor and other Councillors to bully, intimidate and harass us”, (referring to herself and Councillor Grace Bawden).
- 5.4.4 On 25 February 2023 at 8.09 am, whilst acting in her capacity as a member of the Council, Ms Burner sent an email to an elected member of the Council, copying in a senior employee of Council and an employee of the Council. In this email, Ms Burner wrote to the elected member in a manner that was inappropriate, aggressive and rude.
- 5.4.5 On 25 February 2023 at 7.44 am, whilst acting in her capacity as a member of the Council, Ms Burner sent an email to an employee of the Council, a senior employee of the Council and another employee of the Council and the joint email address for all members of the Council. In this email, Ms Burner included a joint statement from herself and Councillor Grace Bawden that had been, or was to be, publicly released which made inappropriate, aggressive and offensive comments about the Council and its members.
- 5.4.6 On 25 February 2023 at 7.27 am, in her capacity as a member of the Council, Ms Burner sent an email to various members and employees of the Council. In this email Ms Burner wrote to the recipients in a manner and that was inappropriate, aggressive and rude.
- 5.4.7 Ms Burner ought reasonably to have known that her conduct as described above could adversely affect the health and safety of members and employees of the Council who received her emails.
- 5.4.8 Ms Burner breached her statutory obligation under 75G(1)(a) of the Act in that by engaging in the conduct set out in paragraphs 5.4.1 to 5.4.6 above she failed to take reasonable care that her acts did not adversely affect the health and safety of members of the Council in receipt of her emails.
- 5.4.9 By failing to comply with section 75G(1)(a) Ms Burner committed serious misbehaviour as defined in section 262E of the Act.

5.5 Allegation Four – Serious Misbehaviour 75G(1)(a)

It is alleged on 25 February 2023, at the Adelaide Freedom Rally at the front of Parliament House, Ms Burner made public statements about the Council and its members that were offensive and asked members of the public present at the Rally to sign a petition that made unsubstantiated and serious claims against the Mayor and Deputy Mayor of the Council. In doing so, Ms Burner failed to take

Behavioural Standards Panel

reasonable care that her acts did not adversely affect the health and safety of other members of the Council and thereby contravened section 75G(1)(a) of the Act, and thereby committed serious misbehaviour.

- 5.5.1 On 25 February 2023 Ms Burner attended the Adelaide Freedom Rally at the front of Parliament House on North Terrace, Adelaide (the **Rally**).
- 5.5.2 At the Rally Ms Burner stated to members of the public words to the following effect in relation to the Council and its members which were offensive:
 - i. “do not believe your mid-witted councils or cowardly councillors when they tell you that they have laws rules and regulations in place to protect you from the privacy breaches, constant surveillance and stalking, they will be stalking us”; and
 - ii. “most councillors are blissfully ignorant about the global political agenda operating above their heads but in plain sight a select few however have been on payrolls for at least a decade ushering in the global fascist utopia which will require you to seek permission to speak, to eat, to travel to work, to even raise a family that’s if your family’s not dead by then, sorry”.
- 5.5.3 At the Rally Ms Burner asked members of the public present to sign a petition against unsubstantiated bullying and harassment from the Mayor and Deputy Mayor of the Council.
- 5.5.4 Ms Burner ought reasonably to have known that her conduct as described above could adversely affect the health and safety of members of the Council.
- 5.5.5 Ms Burner breached her statutory obligation under 75G(1)(a) of the Act in that by engaging in the conduct set out above she failed to take reasonable care that her acts did not adversely affect the health and safety of members of the Council.
- 5.5.6 By failing to comply with section 75F(1) Ms Burner committed serious misbehaviour as defined in section 262E of the Act.

5.6 Allegation Five – Serious Misbehaviour 75G(1)(a)

It is alleged that on 27 February 2023 Ms Burner attended a council meeting in her capacity as a member of the Council and acted in an inappropriate manner by making verbal negative and offensive comments against other members and employees of the Council. In doing so, Ms Burner failed to take reasonable care that her acts did not adversely affect the health and safety of other members or employees of the Council, and thereby contravened section 75G(1)(a) of the Act, and thereby committed serious misbehaviour.

- 5.6.1 On 27 February 2023, Ms Burner attended a council meeting in her capacity as a member of the Council. Present at this meeting were members and employees of the Council.

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- 5.6.2 At the meeting, Ms Burner made negative verbal comments by accusing members present of being “liars”.
- 5.6.3 At or around the conclusion of the meeting Ms Burner behaved in an inappropriate and disorderly manner in the public hallway at the Council Chambers. Ms Burner yelled offensive language about other members and employees of the Council by shouting, “f**k off you all” and “you c**ts”.
- 5.6.4 Ms Burner ought reasonably to have known that her conduct described above could adversely affect the health and safety of members or employees of the Council who were present at the meeting.
- 5.6.5 Ms Burner breached her statutory obligation under section 75G(1)(a) of the Act in that by engaging in the conduct set out above she failed to take reasonable care that her acts did not adversely affect the health and safety of members or employees of the Council present at the meeting.
- 5.6.6 By failing to comply with section 75G(1)(a) Ms Burner committed serious misbehaviour as defined in section 262E of the Act.

5.7 Allegation Six – Serious Misbehaviour 75G(1)(a) and 75G(1)(b)

It is alleged on 20 March 2023 Ms Burner attended via electronic video link the Council Public Policy and Planning Committee in her capacity as a member of the Council and acted in an inappropriate manner by making verbal negative comments and being argumentative with other members of the Council. In doing so Ms Burner failed to take reasonable care that her acts did not adversely affect the health and safety of other members or employees of the Council, and Ms Burner also failed to comply, so far as she were reasonably able, with a reasonable direction that was given by responsible persons for the purposes of ensuring that Ms Burner’s acts or omissions did not adversely affect the health and safety of other members or employees of the Council. Ms Burner thereby respectively contravened section 75G(1)(a) and section 75(1)(b) of the Act, and thereby committed serious misconduct.

- 5.7.1 At all material times, Ms Burner was required to comply with the direction issued to her on 14 March 2023 by Mayor Gillian Aldridge and Mr John Harry, Chief Executive Officer that Ms Burner must not “aggressively shout or yell at any other member of the Council or Council employee” (the Direction).
- 5.7.2 At all material times Ms Burner was required to comply with her statutory obligation under section 75(1)(b) of the Act which provides that a member of a council must “comply, so far as the member is reasonably able, with any reasonable direction that is given by a responsible person for the purposes of ensuring that the member’s acts or omissions do not adversely affect the health and safety of other members of the council or employees of the council”.
- 5.7.3 On 20 March 2023 Ms Burner attended the Council Public Policy and Planning Committee in her capacity as a member of the Council via an electronic video conferencing link. Present at this meeting were both members and employees of the Council.

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- 5.7.4 At the meeting, Ms Burner acted in an inappropriate manner by making argumentative and negative verbal comments. In response to discussion about future reports, Ms Burner yelled “don’t make it look like we’re idiots” referring to herself and Councillor Grace Bawden, and Ms Burner also yelled, “make it clear so that I’m not an idiot so I know what I’m voting for”.
- 5.7.5 At the meeting Ms Burner also yelled “both of us don’t want to participate as long as you guys continue to screw us around like this, enough is enough, when you learn to appreciate us, f**k off” and then Ms Burner disconnected her video link from the meeting.
- 5.7.6 Ms Burner ought reasonably to have known that her conduct described above could adversely affect the health and safety of members or employees of the Council who were present at the meeting.
- 5.7.7 Ms Burner breached her statutory obligation under section 75G(1)(a) of the Act in that by engaging in the conduct described above Ms Burner failed to take reasonable care that her acts did not adversely affect the health and safety of members or employees of the Council present at the meeting.
- 5.7.8 Ms Burner also breached her statutory obligation under section 75G(1)(b) of the Act in that by engaging in the conduct set out above she failed to comply, so far as she was reasonably able, with the Direction that was given by Mayor Aldridge and Mr Harry.
- 5.7.9 By failing to comply with section 75G(1)(a) and section 75G(1)(b) Ms Burner committed two counts of serious misbehaviour as defined in section 262E of the Act.

6. Procedural Fairness

- 6.1 The Panel wrote to Ms Burner on 12 May 2023 detailing the six allegations, providing Ms Burner with the opportunity to respond to the allegations set out in the letter (by close of business on 2 June 2023), and affording Ms Burner with the opportunity to inspect the complaints received by the Panel in person. (Note: The Panel determined to redact personal information to maintain confidentiality of complainants in all circumstances).
- 6.2 The Panel advised Ms Burner that it would consider any written submissions provided by that date as part of its inquiry into the complaints and that should Ms Burner choose not to make a submission, the Panel will conduct the inquiry into the complaints based on the information and advice available to the Panel.
- 6.3 The Panel did not receive a response from Ms Burner.
- 6.4 The Panel also wrote to the Council on 12 May 2023 advising the Council of the correspondence sent to Ms Burner and that no further information was required from the Council at that stage of the inquiry.

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7. Finalisation of Inquiry

- 7.1 The Panel may, after inquiring into a complaint referred to it, take action in accordance with section 262W of the Act.
- 7.2 On 6 June 2023, the Panel met to determine if the alleged behaviour by Ms Burner fell within the definition of serious misbehaviour under section 262E of the Act, and if it did, to consider appropriate actions to take in the circumstances.
- 7.3 The Panel was advised by Mayor Aldridge, in writing, on 19 June 2023, that Ms Burner had been removed from her office as member of the Council under section 54(1)(d) of the Act on 13 June 2023.
- 7.4 The Act does not provide the Panel with jurisdiction over former council members. Given this, the Panel could not finalise its determinations in relation to the allegations regarding Ms Burner and, accordingly, was unable to finalise its inquiry, including considering whether any action would be taken under section 262W of the Act.
- 7.5 The Panel was also advised that an application for a judicial review has been lodged in relation to the Council's decision to remove Ms Burner from office. The Panel is awaiting the outcome of this review and the impact (if any) it may have on whether it is able to recommence its inquiry in relation to Ms Burner.