

**MINUTES**  
**OF THE COUNCIL MEETING OF THE CITY OF TEA TREE GULLY HELD ON**  
**TUESDAY 13 FEBRUARY 2024 AT 7.01PM IN THE COUNCIL CHAMBERS, 571**  
**MONTAGUE ROAD, MODBURY**

**1. Opening Prayer and Welcome**

The Deputy Mayor read the Opening Prayer and Acknowledgement of Country Statement.

**2. Attendance Record:**

**2.1 Present**

Deputy Mayor R Unger, Crs T Sinclair, B Keane, J Hawkvelt, L Jones , I Zagladov, L Petrie, K Drozdoff, B Lawrenson, M Champion, S Keane and K Foreman.

**2.2 Apologies**

Her Worship Mayor M Ryan.

**2.3 Leave of Absence**

Nil

**2.4 Record of Officers in Attendance (physical or electronic)**

Ryan McMahon	Chief Executive Officer
Justin Robbins	General Manager Strategy & Finance
Leisha Bond	General Manager Corporate Services
Felicity Birch	General Manager City Operations
Michael Pereira	General Manager Community Services
Ilona Cooper	Manager Corporate Governance
Kristyn Barnes	Governance Administration Officer
Ingrid Wilkshire	Manager City Strategy
David Trebilcock	Lead – Water and Environment
Jon Herd	Environmental Sustainability Advisor
Tony Amato	Lead – Waste & Strategic Projects
Victoria Masterman	Lead – Precincts & Placemaking
Kim Ritter	Manager, Community Connections
Sabine Koolen	Technical Officer, Biodiversity

**2.5 Record of Number of Persons in the Public Gallery – Physical Attendance**

Nil

**3. Confirmation of Minutes to the Previous Meeting**

Moved Cr Foreman, Seconded Cr Drozdoff

That the Minutes of the Council Meeting held on 30 January 2024 be confirmed as a true and accurate record of proceedings.

**Carried Unanimously (376)**

**4. Public Forum - Nil**

**5. Deputations - Nil**

**6. Presentations - Nil**

**7. Petitions - Nil**

**8. Adjourned Business - Nil**

**9. Motions Lying on the Table - Nil**

**10. Committee Reports**

**Service Review Committee - Nil**

**Audit & Risk Committee - Nil**

**Governance & Policy Committee - Nil**

**CEO Performance Review Committee - Nil**

**11. Management Reports**

**Office of the Chief Executive Officer**

**11.1 Appointment to External Body - Golden Grove High School Governing Council (D24/8555)**

*Pursuant to section 75C of the Local Government Act 1999 Cr Foreman declared a material conflict of interest in relation to the matter on the basis that she is a member of the Golden Grove High School Governing Council. Cr Foreman dealt with this matter in an accountable and transparent way by leaving the meeting. Cr Foreman left the meeting at 7.04pm.*

Moved Cr B Keane, Seconded Cr S Keane

That Council nominates Cr Tammie Sinclair to the Golden Grove High School Governing Council.

**Carried Unanimously (377)**

*Cr Foreman was not present for the vote.*

*Cr Foreman re-entered the meeting at 7.05pm.*

**11.2 Submission - Local Government Participation and Election Review consultation (D24/9727)**

Moved Cr S Keane, Seconded Cr Hawkvelt

That Council provides a submission to the Office of Local Government consultation on the 'Local Government Participation and Election Review' as provided in Attachment 3 of the report.

**Carried Unanimously (378)**

## City Operations

### 11.3 Consultation on the proposed Biodiversity Act for South Australia (D24/8803)

Moved Cr Hawkvelt, Seconded Cr Foreman

That Council:

1. Endorses Attachment 1 of this report as the City of Tea Tree Gully's feedback towards the development of a Biodiversity Act by the State Government of South Australia.
2. Authorises Council staff to complete the online survey to submit the feedback, subject to topic 4 being amended to include acknowledging the need to address invasive species, both flora and fauna.

*Cr Zagladov requested leave of the meeting with consent of the mover and seconder to vary the motion to include a new point 'a - e' for topic 3, 6, 7 and 8. Leave was granted and the motion was varied.*

#### Motion as varied

That Council:

1. Endorses Attachment 1 of this report as the City of Tea Tree Gully's feedback towards the development of a Biodiversity Act by the State Government of South Australia.
2. Authorises Council staff to complete the online survey to submit the feedback subject to the following changes:
  - a. Topic 3 - we advise that we believe there is requirement to allow for consultation on topic 1 from all stakeholders particularly in relation to the definition of biodiversity
  - b. Topic 4 - being amended to include acknowledging the need to address invasive species, both flora and fauna.
  - c. Topic 6 – that the CTTG response section being deleted
  - d. Topic 7 - subject to the powers being clearly outlined and independently reviewed
  - e. Topic 8 – subject to appropriate governance security, national security and privacy considerations being included.

*Cr Lawrenson requested leave of the meeting with consent of the mover and seconder to vary the motion to include a new point 'f' and 'g' for topic 9. The mover and seconder did not consent to vary the motion, therefore leave of the meeting was not sought.*

Amendment

Moved Cr Lawrenson, Seconded Cr Champion

That Council:

1. Endorses Attachment 1 of this report as the City of Tea Tree Gully's feedback towards the development of a Biodiversity Act by the State Government of South Australia.
2. Authorises Council staff to complete the online survey to submit the feedback subject to the following changes:
  - a. Topic 3 - we advise that we believe there is requirement to allow for consultation on topic 1 from all stakeholders particularly in relation to the definition of biodiversity
  - b. Topic 4 - being amended to include acknowledging the need to address invasive species, both flora and fauna.
  - c. Topic 6 – that the CTTG response section being deleted
  - d. Topic 7 - subject to the powers being clearly outlined and independently reviewed
  - e. Topic 8 – subject to appropriate governance security, national security and privacy considerations being included.
  - f. Topic 9 – first option amended from “definitely agree” to “somewhat agree”
  - g. Topic 9 – the following words replace the original comments:  
*‘Although generally supportive of a duty of care, the level of support would depend on the scope of the duty. It must be suitably resourced and not an increased burden for local councils to enforce.*

*It should not be available for private individuals to initiate actions between themselves on the basis of this duty of care and should solely be enforced by government.*

*Council is concerned that a broad duty could lead to cases such as Minister for the Environment v Sharma [2022] FCAFC 35.*

*Obligations must be consistent and enforced. Issues often arise where non-compliant land holders can cost compliant land holders / managers more in the control of weeds and pests because their responsibilities have not been enforced.'*

**Carried (379)**

*Cr Jones requested leave of the meeting with consent of the mover and seconder to vary the motion to include the word 'State' in front of government at point g. Leave was granted and the motion was varied.*

Motion as varied

That Council:

1. Endorses Attachment 1 of this report as the City of Tea Tree Gully's feedback towards the development of a Biodiversity Act by the State Government of South Australia.
2. Authorises Council staff to complete the online survey to submit the feedback subject to the following changes:
  - a. Topic 3 - we advise that we believe there is requirement to allow for consultation on topic 1 from all stakeholders particularly in relation to the definition of biodiversity
  - b. Topic 4 - being amended to include acknowledging the need to address invasive species, both flora and fauna.
  - c. Topic 6 – that the CTTG response section being deleted
  - d. Topic 7 - subject to the powers being clearly outlined and independently reviewed
  - e. Topic 8 – subject to appropriate governance security, national security and privacy considerations being included.
  - f. Topic 9 – first option amended from “definitely agree” to “somewhat agree”
  - g. Topic 9 – The following words replace the original comments:  
*'Although generally supportive of a duty of care, the level of support would depend on the scope of the duty. It must be suitably resourced and not an increased burden for local councils to enforce.*

*It should not be available for private individuals to initiate actions between themselves on the basis of this duty of care and should solely be enforced by State government.*

*Council is concerned that a broad duty could lead to cases such as Minister for the Environment v Sharma [2022] FCAFC 35.*

*Obligations must be consistent and enforced. Issues often arise where non-compliant land holders can cost compliant land holders / managers more in the control of weeds and pests because their responsibilities have not been enforced.'*

**Carried Unanimously (380)**

**Corporate Services - Nil**

## Strategy & Finance

### **11.4 Outcomes of Stage 1B Application to the Power Line Environment Committee to underground power lines in the Tea Tree Gully Township (D24/6023)**

Moved Cr Jones, Seconded Cr Hawkvelt

That Council:

1. Resolves to enter into a funding agreement with the Power Line Environment Committee (PLEC) and authorises the Chief Executive Officer to sign and seal (if required) any grant deeds as required by the relevant grant funding body.
2. Includes \$600k in the draft Annual Business Plan and budget for 2024-2025 financial year for Stage 1B, which represents Council's contribution to the project including a 20% contingency.

**Carried Unanimously (381)**

### **11.5 Electric Vehicle Charging Stations (D24/5312)**

Moved Cr B Keane, Seconded Cr Sinclair

That Council:

1. Provides in-principle support for EnergyAustralia to provide up to 4 EV charging stations at the following locations:
  - Tilley Recreation Reserve/Park
  - Harpers Field Community Building and Sporting Club
  - Turramurra Recreation Centre
  - Golden Fields Recreation Reserveas detailed in Attachment 1 to the minutes
2. Authorises the CEO or his delegate to negotiate a proposal with Energy Australia for the provision of EV charging stations. The proposal should incorporate the principles contained in this report and will only be finalised subject to points 3 & 4.
3. Endorses the Community Engagement Strategy and key messages for engagement as outlined in Attachment 3, as required by Section 202 of the Local Government Act 1999 in accordance with Council's Community Engagement Public Consultation Policy.

4. Considers a future report detailing the outcomes from the community engagement and a recommendation regarding next steps and potential formal agreement.

**Carried Unanimously (382)**

## **Community Services**

### **11.6 Request to host an exhibition of children's art work for Newland electorate (D24/6200)**

Moved Cr Hawkvelt, Seconded Cr Petrie

That Council approves the request from State Member for Newland, Olivia Savvas MP, to host a children's art exhibition in library lounge area.

**Carried (383)**

## **12. Notice(s) of Motions**

### **12.1 Notice of Motion - Home Compost Bins / Worm Farm (Cr Jessica Hawkvelt) (D24/9906)**

Moved Cr Hawkvelt, Seconded Cr B Keane

1. That Council request a report be provided for consideration to support residents to access and use home compost or worm farm equipment through:
  - a. supply of home composting or worm farm equipment
  - b. and/or a rebate on eligible home composting or worm farm equipment
2. That the report include:
  - a. benefits of the program and expected cost savings through diversion of waste
  - b. expected costs of the program and details of how it will be funded
  - c. details of the model proposed for the City of Tea Tree Gully
  - d. possible education opportunities that will accompany the program
  - e. any other information relevant to the report

**Carried Unanimously (384)**



**12.2 Notice of Motion - Facility Upgrade - Tea Tree Gully Croquet Club (Cr Blake Lawrenson) (D24/10116)**

Moved Cr Lawrenson, Seconded Cr Champion

That Council produce a report investigating options to upgrade and refurbish the lavatories and access paths into the facility and surrounds at the Tea Tree Gully Croquet Club, including:

- a. estimated costings of the options available to Council;
- b. improved facilities for the lavatories and access paths, especially improved accessibility;
- c. whether the current lavatories and access paths are suitable for the use by the elderly and people with mobility issues; and
- d. any other consideration the CEO deems relevant including but not limited to the Building Code of Australia.

**Carried Unanimously (385)**

**13. Motions without Notice – Nil**

**14. Questions on Notice**

**14.1 Questions on Notice - Update on Status Report Item Tree City of the World Recognition (Cr Zagladov) (D24/8827)**

Refer Attachment 2 of the minutes.

**14.2 Questions on Notice - LGA Constitution for Review (Cr Lawrenson) (D24/8842)**

Refer Attachment 3 of the minutes.

**15. Questions without Notice**

Cr Lawrenson asked 1 question regarding:

- The number of attendees at the community screening of Embrace Kids on Saturday 10 February 2024 at the Golden Grove Arts Centre.

Cr Lawrenson asked 2 questions regarding:

- Vetting process in place to determine the type of programs/events held
- Steps to be taken in future to consider reviewing content screened to determine if they include reference to matters such as trans gender and gender fluidity as a political ideology displayed at Council

Cr Zagladov asked 1 question regarding:

- Council policy or duty of care to disclose what minors may watch at Council programs/events.

## **16. Mayor's Report, Council Delegates and Activities Report**

Council received the Mayor's report.

## **17. Information Reports**

The following Information reports were received at the meeting:

### **17.1 Greater Adelaide Regional Plan Update (D24/8117)**

### **17.2 Australian Local Government Association - National General Assembly 2022 - Call for Motions (D24/8941)**

## **18. Status Report on Resolutions**

### **18.1 Status Report on Council Resolutions - Pending Actions (D24/8595)**

Council received the Status Report on Council Resolutions - Pending Actions

### **18.2 Status Report on Council Resolutions - Completed Actions (D24/8596)**

Council received the Status Report on Council Resolutions – Completed Actions

## **19. Other Business**

Cr Hawkvelt asked a question in regards to the Council action for 'Waste Reduction and Recycling Options for Face Masks and Hard to Recycle' item from the Council meeting on 11 April 2023 being removed from the Status Report.

Cr Jones asked for Elected Members to email him any GAROC items they would like discussed at the next meeting.

Cr Drozdoff thanked Council staff for the Safety Around School pamphlets.

Cr Foreman thanked Council staff and volunteers for the efforts put into organising the Hills Edge Clay 2024 Fringe Festival exhibition held at Gallery 1855 between 14 February and 6 April 2024.

## **20. Confidential Items**

### **20.1. Civic Park Precinct Vision Update (D24/8990)**

#### **Recommendation for Moving into Camera**

Moved Cr Lawrenson, Seconded Cr Champion

1. That pursuant to Section 90(2) of the Local Government Act, 1999 the Council orders that the public (except staff on duty) be excluded from the meeting to enable discussion on the Civic Park Precinct Vision Update.
2. That the Council is satisfied that pursuant to section 90(3) (b) of the Local Government Act 1999, the information be received, discussed or considered in relation to this item is:
  - 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 .
    - o on the basis that the public release of this information would have the potential to impact the capacity to compromise Council achieving the best outcome for Council and the Community.
3. In addition, the disclosure of this information would, on balance, be contrary to the public interest. The public interest in the public access to the meeting has been balanced against the public interest in the continued non-disclosure of the information. The benefit to the public at large resulting from withholding the information outweighs the benefit to it of disclosure of the information. The Council is satisfied that the principle that the meeting be conducted in a place open to the public has been outweighed in the circumstances on the basis that early release of this information could compromise Council achieving the best outcome for Council and the Community.

**Carried Unanimously (386)**

**The following staff members on duty remained at the meeting for the following item:**

Ryan McMahon, Justin Robbins, Leisha Bond, Felicity Birch, Michael Pereira, Ingrid Wilkshire, Ilona Cooper and Kristyn Barnes

**20.1 Civic Park Precinct Vision Update (D24/8990)**

Moved Cr Lawrenson, Seconded Cr Foreman

That Council:

- notes the significant progress to date in the development of a future vision for the Civic Park Precinct
- extends the time required for the draft vision for Civic Park Precinct to be provided for Council's consideration to 30 June 2024.

*Cr Hawkvelt requested leave of the meeting with consent of the mover and seconder to vary the motion to include the replace the word 'progress' with 'work undertaken'. Leave was granted and the motion was varied.*

Motion as varied

That Council:

- notes the significant work undertaken to date in the development of a future vision for the Civic Park Precinct
- extends the time required for the draft vision for Civic Park Precinct to be provided for Council's consideration to 30 June 2024.

**Carried Unanimously (1)**

**Retention of confidential documents:**

Moved Cr Lawrenson, Seconded Cr S Keane

1. That having considered the agenda item titled “ Civic Park Precinct Vision Update” and dated 13 February 2024 in confidence under section 90(2) & (3)(b) and Section 91(7) of the Local Government Act 1999:
  - 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

the Council pursuant to section 91(7) of the Act orders that the report and attachments relevant to this item be retained in confidence until further order of the Council or until the Council resolves otherwise, whichever occurs first.
2. That Council gives the power pursuant to Section 91 of the Local Government Act 1999 to the Chief Executive Officer to revoke the order made under Section 91 (7) of the Local Government Act 1999 subject to the Chief Executive Officer consulting with the Mayor and reporting to the Elected Members of the revocation.

**Carried Unanimously (389)**

**20.2. Public Lighting (D24/12403)****Recommendation for Moving into Camera**

Moved Cr S Keane, Seconded Cr Lawrenson

1. That pursuant to Section 90(2) of the Local Government Act 1999, the Council orders that the public (except staff on duty) be excluded from the meeting to enable discussion on Public Lighting.
2. That the Council is satisfied that pursuant to section 90(3)(i) of the Local Government Act 1999, the information be received, discussed or considered in relation to this item is:
  - information relating to actual litigation, or litigation that the Council believes on reasonable grounds will take place, involving the Council or an employee of the Council
    - on the basis that the public release of this information would have the potential to impact the litigation strategy of Council in achieving the best outcome for Council and the community.

3. In addition, the disclosure of this information would, on balance, be contrary to the public interest. The public interest in the public access to the meeting has been balanced against the public interest in the continued non-disclosure of the information. The benefit to the public at large resulting from withholding the information outweighs the benefit to it of disclosure of the information. The Council is satisfied that the principle that the meeting be conducted in a place open to the public has been outweighed in the circumstances on the basis that early release of this information could compromise Council's litigation strategy in achieving the best outcome for Council and the community.

**Carried Unanimously (390)**

**The following staff members on duty remained at the meeting for the following item:**

Ryan McMahon, Justin Robbins, Leisha Bond, Felicity Birch, Michael Pereira, Ilona Cooper and Kristyn Barnes

## **20.2 Public Lighting (D24/12403)**

**Confidential Page Removed**

The Confidential Resolution No 391 has been withdrawn from the public minute record in accordance with Resolution No 392.

**Retention of confidential documents:**

Moved Cr Foreman, Seconded Cr S Keane

1. That having considered the agenda item titled ‘Public Lighting’ and dated 13 February 2024 in confidence under section 90(2) & (3)(i) and Section 91(7) of the Local Government Act 1999:
  - information relating to actual litigation, or litigation that the Council believes on reasonable grounds will take place, involving the Council or an employee of the Council
 the Council pursuant to section 91(7) of the Act orders that the report, attachments and minutes relevant to this item be retained in confidence until conclusion of any associated legal proceedings and/or any relevant orders arising.
  
2. That the Council gives the power pursuant to Section 91 of the Local Government Act 1999 to the Chief Executive Officer to revoke the order made under Section 91(7) of the Local Government Act 1999 subject to the Chief Executive Officer consulting with the Mayor and reporting to the Elected Members of the revocation.

**Carried Unanimously (392)**

**21. Date of Next Ordinary Meeting**

27 February 2024

The Deputy Mayor declared the meeting closed at 9.59pm.

Confirmed.....  
Mayor 27 February 2024

**Attachment 2 - EV Charging Stations – Proposed location of chargers**

**Harpers Field Community Building and Sporting Club**

Convenient charging location for patrons of the Harpers Fields Sports Complex. Additionally, the Stables Shopping Centre is a short 10-minute walk away. Proposed installation of:

- Stage 1
  - 1 x 50kW (dual port) charger, catering to EV drivers with longer dwell time.
  - 2 Car park spaces
  
- Stage 2
  - 1 x 120kW (dual port) charger, catering to EV drivers needing a quick charge
  - Energy to charger supplemented by a 466kWh battery.
  - 2 Car park spaces

Proposed location of chargers within this area

Potential location for Battery Energy Storage Cabinet – BESS. Only 1 cabinet is required.





**Golden Fields Reserve**

Site is adjacent major roads and close to local services including shopping, restaurants, fast food and allied health. Proposed installation of:

- Stage 1
  - 1 x 50kW (dual port) charger, ideal for those dining nearby and making use of the premises.
  - 2 Car park spaces
- Stage 2
  - 2 x 50kW (dual port) chargers
  - 2-4 Car park spaces
  - Energy to charger supplemented by a 233kWh battery.

Proposed location of chargers within this area

Potential locations for Battery Energy Storage Cabinet – BESS. Only 1 cabinet is required.



**Tilley Recreation Park**

The reserve is being re developed to be multipurpose recreation site including tennis, soccer, athletics, and Tea Tree Players Theatre the Golden Grove Boxing Gym.

Proposed installation of:

- Stage 1
  - 1 x 50kW (dual port) charger
  - 2 car park spaces
- Stage 2
  - 1 x 50kW (dual port) charger
  - Energy to charger supplemented by a 233kWh battery.
  - 2 car park spaces

Proposed location of chargers within this area

Potential locations for Battery Energy Storage Cabinet – BESS. Only 1 cabinet is required.



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**Turrumurra Recreation Centre**

Charging hub at Turrumurra Recreation Centre, close by to adjacent shops and restaurant.  
Proposed installation of:

- Stage 1
  - 1 x 50kW (dual port) charger
  - 2 car park spaces
  
- Stage 2
  - 1 x 50kW (dual port) charger
  - Energy to charger supplemented by a 233kWh battery.
  - 2 car park spaces

Proposed location of chargers  
within this area

Potential locations Battery Energy Storage  
Cabinet – BESS. Only 1 cabinet is required.



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Cr Zagladov asked the following question at the Council meeting held on 30 January 2024. The question was taken on notice:

#### Question

**What information was further requested by Tree City Organisation for the Tree City of the World Recognition?**

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#### Response

The additional information requested was regarding a tree size chart, which is a graph showing the number of trees at the different sizes that we have within the Council area.

The application has now been approved as of 1 February 2024.

Next steps include:

- acknowledging the work Council do to protect the tree canopy
- reinforce our reputation of having celebrated greenspace
- support tree planting or activities by residents
- proactive comms to the community via normal channels
- celebrate National Tree Day

#### Attachments

N/A

#### Report Authorisers

Olivia Harvey  
Manager Customer & Communications

Leisha Bond  
General Manager Corporate Services

Ryan McMahon  
Chief Executive Officer

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Cr Lawrenson asked the following question at the Council meeting held on 30 January 2024. The question was taken on notice:

### Question:

In relation to the LGA's Constitution reform, when did they (LGA) first put that on the agenda for review?

**Cr** *Error! No document variable supplied.  
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### Response:

A report called the "Proposed Review of the LGA Constitution" was presented to the LGA Board of Directors at their meeting on [19 January 2023](#) (Item 7.4).

The resolution for item **7.4 – Proposed Review of the LGA Constitution** from the LGA Board of Directors Meeting on 19 January 2023 is included below:

*"Moved Mayor Jenkins Seconded Mayor Phillips that the LGA Board of Directors:*

- 1. endorses the preparation of a detailed project scope for the review of the LGA Constitution, including resource and budget allocations, to be returned to the Board for endorsement.*
- 2. supports the convening of a workshop with the Board and SAROC/GAROC Members to provide input on issues within the LGA Constitution that need to be reviewed as part of the preparation of the detailed project scope for the review of the LGA Constitution.*

***Carried"***

Public Board agendas and minutes are available on the [LGA Board of Directors](#) page.

### **Attachments**

N/A

### **Report Authorisers**

Deana Taglierini Coordinator, Governance	8397 7263
Ryan McMahon Chief Executive Officer	8397 7297