#### In Attendance

Presiding Member: Acting Mayor Nathan Daniell

#### Members:

Councillor Kirrilee Boyd
Councillor Pauline Gill
Councillor Chris Grant
Councillor Malcolm Herrmann
Councillor Lucy Huxter
Councillor Leith Mudge
Councillor Kirsty Parkin
Councillor Louise Pascale

#### In Attendance:

Greg Georgopoulos	Chief Executive Officer
Terry Crackett	Director Corporate Services
John McArthur	Acting Director Infrastructure & Operations
Natalie Armstrong	Director Development & Regulatory Services
David Waters	Director Community Capacity
Lachlan Miller	Executive Manager Governance & Performance
Pam Williams	Minute Secretary
Kylie Hopkins	Minute Secretary

## 1. COMMENCEMENT

The meeting commenced at 6.30pm

### 2. OPENING STATEMENT

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

## 3. Apology

Cr Melanie Selwood Cr Adrian Cheater Cr Mark Osterstock

Mavor	26 September 2023

**Carried Unanimously** 

## ADELAIDE HILLS COUNCIL MINUTES OF ORDINARY COUNCIL MEETING TUESDAY 12 SEPTEMBER 2023 63 MT BARKER ROAD STIRLING

3.1 **Leave of Absence** Mayor Jan-Claire Wisdom 14 August – 24 September 2023, approved at Council 11 April 2023. 3.2 **Absent** Nil **MINUTES OF PREVIOUS MEETINGS** 4. 4.1 Council Meeting – 22 August 2023 **Moved Cr Pauline Gill** S/- Cr Chris Grant 234/23 That the minutes of the Ordinary Council meeting held on 22 August 2023 as supplied, be confirmed as an accurate record of the proceedings of that meeting. **Carried Unanimously** 4.2 Special Council Meeting – 4 September 2023 **Moved Cr Malcolm Herrmann** S/- Cr Chris Grant 235/23 That the minutes of the Special Council meeting held on 4 September 2023 as supplied, be confirmed as an accurate record of the proceedings of that meeting.

- 5. DECLARATION OF CONFLICT OF INTEREST BY MEMBERS OF COUNCIL
- 5.1 General Conflict of Interest, Cr Kirsty Parkin Item 12.2, CEO Performance Review Panel Independent Member Recruitment

Under section 75B of the *Local Government Act 1999* Cr Kirsty Parkin disclosed a General (section 74) Conflict of Interest in Item 12.2, CEO Performance Review Panel Independent Member Recruitment, the nature of which is as follows:

• I will be nominating for this position.

Mayor	26 September 2023

#### 6. PRESIDING MEMBER'S OPENING REMARKS

The Acting Mayor, Nathan Daniell presided over the 11 September 2023 Citizenship Ceremony which was a joyful and happy occasion.

The Acting Mayor acknowledged and thanked departing staff members Lachlan Miller, Executive Manager Governance & Performance for his 10 years of dedicated and exceptional service and Pam Williams, Executive Assistance CEO & Mayor for 27 years of exemplary assistance to staff and Council Members and wished both the best for their new endeavours.

<ol><li>QUESTIONS ADJOURNED/LYING ON</li></ol>	N THE TABLE
--	-------------

Nil

7.2 Questions Lying on the Table

Nil

### 8. PETITIONS/DEPUTATIONS/PUBLIC FORUM

### 8.1 Petitions

Nil

## 8.2 Deputations

Nil

### 8.3 Public Forum

Nil

## 9. PRESENTATIONS

Nil

## 10. QUESTIONS ON NOTICE

Nil

Mayor	26 September 2023

#### 11. MOTIONS ON NOTICE

#### 11.1 Sustainable Procurement

This item will be considered at the next Council meeting.

- 12. OFFICER REPORTS DECISION ITEMS
- 12.1 Road Exchange Decision 13 Upper Sturt Road Crafers West

Moved Cr Kirsty Parkin S/- Cr Louise Pascale

236/23

#### **Council resolves:**

- 1. That the report be received and noted.
- 2. In accordance with sections 12 and 15 of the *Roads (Opening and Closing) Act 1991*, to enter into an Agreement for Exchange with the owner of the land at 13 Upper Sturt Road, Crafers West and issue a Road Process Order for the following:
  - close a portion of the existing public road known as Upper Sturt Road, Crafers West identified as "B" on the Preliminary Plan No 22/0047, and merge it with Allotment 49 in Filed Plan No. 151349 comprised in Certificate of Title Volume 5848 Folio 416; and
  - open as public road the area identified as "C" on the Preliminary Plan No. 22/0047.
- 3. That the piece of land to be opened and identified in Preliminary Plan 22/0047 as "C", be excluded from the classification of Community Land and not be included in Council's Community Land Register.
- 4. That the piece of road / land identified in Preliminary Plan 22/0047 as "B" that will be closed and merged with their property comprised in Certificate of Title Volume 5848 Folio 416, located at 13 Upper Sturt Road Crafers West be transferred for nil consideration.
- 5. That the piece of land to be opened as public road and identified in Preliminary Plan 22/0047 as "C", be transferred to Council for nil consideration.
- 6. That all costs for the road opening / closing process in accordance with the *Roads* (Opening and Closing) Act 1991, be paid for by Council.
- 7. That the Chief Executive Officer or his delegate is authorised to finalise and sign all necessary documentation to exchange the proposed portion of closed road pursuant to this resolution.

	Carried Unanimously
Mayor	26 September 2023

12.2 CEO Performance Review Panel Independent Member Recruitment – Method of Voting

Moved Cr Chris Grant S/- Cr Kirrilee Boyd

237/23

#### **Council resolves:**

- 1. That the report be received and noted
- 2. To undertake a recruitment process for the selection of one Independent Ordinary Member for the CEO Performance Review Panel for a term of 24 months, indicatively commencing 21 November 2023.
- To determine that the method of selecting the CEO Performance Review Panel Independent Member Selection Panel members to be by an indicative vote to determine the preferred persons for the positions using the process set out in this Agenda report.
- 4. To adjourn the Council meeting for the purposes of seeking nominations for and, if necessary, conducting an indicative vote to determine the preferred persons for the CEO Performance Review Panel Independent Member Selection Panel and for the meeting to resume once the results of the indicative voting for the Member roles has been declared.

**Carried Unanimously** 

26 September 2023

6:39pm The Council Meeting adjourned for the purpose of conducting an indicative vote for the Selection Panel positions.

6:48pm The Council Meeting resumed.

Mayor \_\_

Cr Kirsty Parkin declared a General Conflict of Interest at Agenda Item 5 'Declaration of Interest by Members of the Council' in relation to Item 12.2

Cr Kirsty Parkin remained in the Chamber and voted.

12.2.1 CEO Performance Review Panel Independent Member Recruitment

Moved Cr Leith Mudge S/- Cr Kirrilee Boyd

238/23

Council resolves to appoint Cr Kirsty Parkin & Cr Chris Grant and the Manager People & Culture as members of the CEO Performance Review Panel Independent Member Selection Panel.

**Carried Unanimously** 

Cr Kirsty Parkin voted in favour of the motion and the majority of Council Members present voted in favour of the motion.

### 12.3 Delegations Review

Moved Cr Malcolm Herrmann S/- Cr Kirsty Parkin

239/23

#### **That Council resolves:**

1. That having conducted its mandatory review of the powers and functions previously delegated to the Chief Executive Officer, and others, in accordance with s44 of the *Local Government Act 1999*:

That Council in exercise of the power contained in s44 of the Local Government Act 1999, the powers and functions under the following acts and specified in the proposed Instruments of Delegation contained in attachments to this report are hereby delegated on 12 September 2023 to the person occupying the office of Chief Executive Officer (and anyone acting in that position) subject to the conditions and/or limitations specified herein or in the Schedule of Conditions in each such proposed Instrument of Delegation.

- Burial and Cremation Act 2013
- Burial and Cremation Regulations 2014;
- Community Titles Act 1996;
- Cost of Living Concessions Act 1986
- Crown Land Management Act 2009
- Development Act 1993, Development Regulations 2008
- Disability Inclusion Act 2018
- Disability inclusion Regulations 2019
- Dog and Cat Management Act 1995

- Dog and Cat Management Regulations 2017
- Electricity (Principles of Vegetation Clearance) Regulations 2021;
- Environment Protection Act 1993
- Environment Protection Regulations 2009
- Environment Protection (Air Quality) Policy 2016
- Environment Protection (Noise) Policy 2007
- Environment Protection (Used Packaging Materials) Policy 2012
- Environment Protection (Waste to Resources) Policy 2010
- Electricity Act 1996
- Expiation of Offences Act 1996;
- Fines Enforcement and Debt Recovery Act 2017;
- Freedom of Information Act 1991
- Freedom of Information (fees and charges) Regulations 2018
- Gas Act 1997;
- Fire and Emergency Services Act 2005
- Fire and Emergency Services Regulations 2021
- Joint Criminal Rules 2022
- Heavy Vehicle (Mass Dimension and Loading) National Regulation (NSW)
- Independent Commissioner Against Corruption Act 2012
- Labour Hire Licensing Act 2017
- Land and Business (Sale and Conveyancing) Act 1994;
- Landscape South Australia (General) Regulations 2020
- Landscape South Australia (Water Management) Regulations 2020
- Landscape South Australia Act 2019
- Liquor Licensing Act 1997
- Local Government (Financial Management) Regulations 2011
- Local Government (Forestry Reserves) Act 1944
- Local Government (General) Regulations 2013
- Local Government (Members Allowances and Benefits) Regulations 2010
- Local Government (Procedures at Meetings) Regulations 2013
- Local Government (Building Upgrade Agreements) Regulations 2017
- Local Government (Elections) Act 1999
- Mining Act 1971
- Mining Regulations 2020
- Ombudsman Act 1972
- Private Parking Areas Act 1986
- Real Property Act 1886;
- Road Traffic Act 1961
- Road Traffic Act 1961, Road Traffic (Miscellaneous) Regulations 2014
- Road Traffic (Road Rules Ancillary and Miscellaneous Provisions)
   Regulations 2014;

- Roads (Opening & Closing) Act 1991;
- South Australian Public Health (General) Regulations 2013
- South Australian Public Health (Legionella) Regulations 2013
- South Australian Public Health (Wastewater) Regulations 2013
- South Australian Public Health Act 2011
- Safe Drinking Water Regulations 2012;
- State Records Act 1997;
- Strata Titles Act 1988;
- Water Industry Act 2012
- Water Industry Regulations 2012
- Adelaide Hills Council By-Law 1 Permits and Penalties
- Adelaide Hills Council By-Law 2 Moveable Signs
- Adelaide Hills Council By-Law 3 Local Government Land
- Adelaide Hills Council By-Law 4 Roads
- Adelaide Hills Council By-Law 5 Dogs
- Adelaide Hills Council By-Law 6 Cats
- 2. Such powers and functions may be further delegated by the Chief Executive Officer in accordance with Sections 44 and 101 of the *Local Government Act 1999* as the Chief Executive Officer sees fit, unless otherwise indicated herein or in the Schedule of Conditions contained in the proposed Instrument of Delegation.
- 3. Delegation to Fire Protection Officers under the *Fire and Emergency Services Act* 2005

In exercise of the power contained in Section 93 of the Fire and Emergency Services Act 2005 the powers and functions under the Fire and Emergency Services Act 2005 contained in the proposed Instrument of Delegations are hereby delegated effective from 12 September 2023 to the person(s)/appointed as Fire Protection Officer (and anyone acting in that position) of the Council under the Fire and Emergency Services Act 2005 subject to the conditions and/or limitations specified herein or in the Schedule of Conditions.

4. Delegations made under Food Act 2001

In exercise of the powers contained in section 91 of the *Food Act 2001*, the powers and functions under the *Food Act 2001* and *Food Regulations 2017* contained in the proposed Instrument of Delegation, are hereby delegated effective from 12 September 2023 to the person occupying the office of the Chief Executive Officer ('the head of the enforcement agency' for the purposes of the *Food Act 2001*) and anyone acting in that position.

Such powers and functions may be further delegated by the Chief Executive Officer as the Chief Executive Officer sees fit and in accordance with the relevant legislation, unless otherwise indicated herein or in the Schedule of Conditions contained in each such proposed Instrument of Delegation.

#### 5. Delegations made under Local Nuisance and Litter Control Act 2016

In exercise of powers under section 10 of the Local Nuisance and Litter Control Act 2016, the powers and functions under the Local Nuisance and Litter Control Act 2016 and Local Nuisance and Litter Control Regulations 2017 contained in the proposed Instrument of Delegation are hereby delegated effective from 12 September 2023 to the person occupying the office of Chief Executive Officer and anyone acting in that position.

Such powers and functions may be further delegated by the Chief Executive Officer as the Chief Executive Officer sees fit and in accordance with the relevant legislation, unless otherwise indicated herein or in the Schedule of Conditions contained in each such proposed Instrument of Delegation.

#### 6. Delegations under Supported Residential Facilities Act 1992

In exercise of the power contained in section 9(2) of the Supported Residential Facilities Act 1992, the powers and functions under the Supported Residential Facilities Act 1992 and Supported Residential Facilities Regulations 2009 contained in the proposed Instrument of Delegation are hereby delegated effective from 12 September 2023 to the person occupying the office of the Chief Executive Officer and anyone acting in that position.

Such powers and functions may be further delegated by the Chief Executive Officer as the Chief Executive Officer sees fit and in accordance with the relevant legislation, unless otherwise indicated herein or in the Schedule of Conditions contained in each such proposed Instrument of Delegation

## 7. Delegations under the Heavy Vehicle National Law (South Australia) Act 2013

In exercise of the powers contained in section 44 of the Local Government Act 1999 and section 22B of the Heavy Vehicle National Law (South Australia) Act 2013 and acting as a road manager (as relevant) the powers and functions under the Heavy Vehicle National Law (South Australia) Act 2013 contained in the proposed Instrument of Delegation are hereby delegated effective from 12 September 2023 to the person occupying the office of the Chief Executive Officer and anyone acting in that position.

Such powers and functions may be further delegated by the Chief Executive Officer as the Chief Executive Officer sees fit and in accordance with the relevant legislation, unless otherwise indicated herein or in the Schedule of Conditions contained in each such proposed Instrument of Delegation

8. Delegations under the Safe Drinking Water Act 2011

> In exercise of the powers contained in section 43 and acting as a relevant authority of the Safe Drinking Water Act 2011 the powers and functions under the Safe Drinking Water Act 2011 and Safe Drinking Water Regulations 2012 contained in the proposed Instrument of Delegation are hereby delegated effective from 12 September 2023 to the person occupying the office of the Chief Executive Officer and anyone acting in that position.

> Such powers and functions may be further delegated by the Chief Executive Officer as the Chief Executive Officer sees fit and in accordance with the relevant legislation, unless otherwise indicated herein or in the Schedule of Conditions contained in each such proposed Instrument of Delegation.

9. Authorisations under the Ministers Instrument of General Approval and Delegation to Council under the Road Traffic Act 1961

That the Council resolves to grant the sub-delegation of powers under the Road Traffic Act as provided for:

In accordance with the Instrument of General Approval and Delegation to Council (dated 22 August 2013) from the Minister for Transport and Infrastructure (General Approval) the council authorises the following person(s) pursuant to Clause A.7 of the General Approval to endorse Traffic Impact Statements for the purposes of Clause A of the General approval provided that such person(s) shall take into account the matters specified in Clause A.7 of the General Approval in respect of **Traffic Impact Statements:** 

- **Ashley Curtis, Manager Civil Services**
- **David Collins, Manager Strategic Assets**

In accordance with Clause A.7 of the General Approval, the council is of the opinion that the following person(s) is/are experienced traffic engineering practitioner(s) for the purposes of preparing a Traffic Impact Statement as required by Clause A.7 of the General Approval:

- **Ashley Curtis, Manager Civil Services**
- **David Collins, Manager Strategic Assets**

M

Mayor 26 Se	ptember	2023
-------------	---------	------

In accordance with Clause E.2 of the General Approval, the council is of the opinion that the following person(s) has (have) an appropriate level of knowledge and expertise in the preparation of Traffic Management Plans:

- Ashley Curtis, Manager Civil Services
- David Collins, Manager Strategic Assets

Carried Unanimously

## 12.4 Status Report – Council Resolutions Update

Moved Cr Chris Grant S/- Cr Leith Mudge

240/23

#### **Council resolves:**

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

Meeting Date	Meeting	Res No.	Item Name	Previously Declared COI
28/06/2022	Ordinary Council	157/22	Revocation of Community Land Classification - Closed Roads Mt Torrens & Norton Summit	Perceived - Cr Linda Green
28/06/2022	Ordinary Council	175/22	Fabrik Tender & Contract - Confidential Item	Nil
4/08/2022	CEO Performance Review Panel	PRP16/22	CEO Performance & Remuneration Report – Confidential Item	Nil
24/01/2023	Ordinary Council	7/23	First Nations and Australia Day	Nil
14/02/2023	Ordinary Council	30/23	Policy Review Access to Council, Committee, Information or Briefing Sessions	Nil
11/04/2023	Ordinary Council	77/23	Uluru Statement from the Heart and Voice Referendum	Nil
26/04/2023	Ordinary Council	98/23	Coronation of King Charles III	Nil

Meeting Date	Meeting	Res No.	Item Name	Previously
				Declared COI
15/05/2023	Audit Committee	AC20/23	Budget Review 3	Nil
13/06/2023	Ordinary Council	145/23	Gawler River Floodplain Management Authority 2023-24 Annual Business Plan & Budget	Nil
13/06/2023	Ordinary Council	149/23	2023 – 24 Draft Annual Business Plan and Rating Structure Change – Consultation Results	Nil
13/06/2023	Ordinary Council	151/23	Confidential Items Review	Nil
13/06/2023	Ordinary Council	159/23	Delegations Review	Nil
27/06/2023	Ordinary Council	171/23	2023-24 Southern & Hills LGA Budget & Member Contributions	Nil
27/06/2023	Ordinary Council	173/23	Annual Business Plan Adoption	Nil
27/06/2023	Ordinary Council	175/23	First Nations Use of Council Land	Nil
27/06/2023	Ordinary Council	182/23	Appointment of GRFMA Chairperson	Nil
27/06/2023	Ordinary Council	183/23	Appointment of GRFMA Chairperson - Duration of Confidentiality	Nil
11/07/2023	Ordinary Council	187/23	Policy Reviews – Code of Practice for Council Meeting Procedures and Code of Practice for Access to Council and Council Committee and Information	Nil
11/07/2023	Ordinary Council	182/23	CEO Performance Review Panel Recommendations to Council	Nil
25/07/2023	Ordinary Council	198/23	Revocation Community Land - Closed Roads off Lenger Road Mt Torrens and Nicholls Road Norton Summit	Nil

Meeting Date	Meeting	Res No.	Item Name	Previously Declared COI
25/07/2023	Ordinary Council	199/23	CEO Approval to Act	Nil
8/08/2023	Ordinary Council	209/23	Proposed OTR Development Heathfield	General - Cr Leith Mudge
8/08/2023	Ordinary Council	211/23	Road Closures Young Drivers Awareness Course 2023-24	General - Cr Melanie Selwood
8/08/2023	Ordinary Council	212/23	CEO Appointment to SHLGA	Nil
22/08/2023	Ordinary Council	221/23	Updates to Minutes Council Meeting 8/8/23	Nil
22/08/2023	Ordinary Council	225/23	Appointment to Adelaide Hills Reconciliation Working Group	Nil
22/08/2023	Ordinary Council	227/23	Code of Practice for Access to Meetings and Documents	Nil

Carried Unanimously

### 13. OFFICER REPORTS - INFORMATION ITEMS

Nil

## 14. QUESTIONS WITHOUT NOTICE

Cr Malcolm Herrmann – Amy Gillett Bikeway update

### 15. MOTIONS WITHOUT NOTICE

Nil

#### 16. REPORTS

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

#### Acting Mayor Nathan Daniell

- 23 August, Meeting with Nick Champion MP, Stirling
- 23 August, Meeting with Hon Clare Scriven MP, Stirling
- 23 August, CFS Leadership Forum with Hon Joe Szakacs MP, Woodside
- 23 August, Public Transport Forum with Hon Tom Koutsantonis MP, Mt Barker
- 23 August, Meeting with Hon Zoe Bettison MP, Mt Barker
- 23 August, Meeting with Hon Tom Koutsantonis MP, Mt Barker
- 23 August, Country Cabinet Community Forum & BBQ @ Mt Barker
- 24 August, Presentation to Country Cabinet, Balhannah
- 24 August, Reflections of Home with The Courier, Lobethal
- 29 August, Lobethal Community Association AGM, Lobethal
- 11 September, Australian Citizenship Ceremony, Stirling

### Cr Melanie Selwood

• 23 August, Country Cabinet Community Forum & BBQ

### Cr Kirrilee Boyd

- 23 August, Country Cabinet Forum, Mt Barker
- 30 August, Community Forum on the Voice to Parliament, Stirling

## 16.2 Reports of Members as Council/Committee Representatives on External Organisations

### Cr Kirsty Parkin

25 August, Southern Hills LGA meeting

#### 16.3 CEO Report

Greg Georgopoulos, CEO, provided Council with a verbal update, including:

- Review of Executive Structure
- Financial Sustainability for Green Initiatives
- Service Delivery Review Process
- Boundary Reform Proposal

Mayor	26 September 2023

17.	REPORTS OF COMMITTEES
17.1	Council Assessment Panel
	Nil
17.2	Audit Committee – 21 August 2023
	Moved Cr Malcolm Herrmann
	S/- Cr Pauline Gill 241/23
	That the minutes of the Audit Committee meeting held on 21 August 2023 as distributed, be received and noted.
	Carried Unanimously
17.2.1	Audit Committee Recommendations to Council – 21 August 2023
	Moved Cr Malcolm Herrmann
	S/- Cr Leith Mudge 242/23
	Council resolves:
	1. That the report be received and noted.
	2. That the Chief Executive Officer review internal processes to ensure that reviews of strategic risks are undertaken in a timely manner, and are not overdue by more than 6 months.
	Carried Unanimously
17.3	CEO Performance Review Panel Nil
17.4	Boundary Change Committee
	Nil
18.	CONFIDENTIAL ITEMS
	Nil

## 19. NEXT ORDINARY MEETING

The next ordinary meeting of the Adelaide Hills Council will be held on Tuesday 26 September 2023 from 6.30pm at 63 Mt Barker Road, Stirling.

### 20. CLOSE MEETING

The meeting closed at 7:07PM.

Mavor	26 September 202