

**ADELAIDE HILLS COUNCIL
MINUTES OF ORDINARY COUNCIL MEETING
TUESDAY 10 OCTOBER 2023
63 MT BARKER ROAD STIRLING**

In Attendance

Presiding Member: Mayor Jan-Claire Wisdom

Members:

Councillor Kirrilee Boyd
Councillor Adrian Cheater
Councillor Nathan Daniell
Councillor Pauline Gill
Councillor Chris Grant
Councillor Malcolm Herrmann
Councillor Lucy Huxter
Councillor Leith Mudge
Councillor Mark Osterstock
Councillor Kirsty Parkin
Councillor Louise Pascale
Councillor Melanie Selwood

In Attendance:

Greg Georgopoulos	Chief Executive Officer
Terry Crackett	Director Corporate Services
Natalie Armstrong	Director Community and Development
David Waters	Director Environment and Operations
Michael Kelledy (Kelledy Jones)	Governance Support
Kylie Hopkins	Minute Secretary
Tom Portas	Systems Analyst

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 Kurna 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 Pauline Gill

Mayor _____ ... 24 October 2023

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3.1 Leave of Absence

Moved Cr Mark Osterstock
S/- Cr Nathan Daniell

254/23

1. That a Leave of Absence from all duties of office be granted to Cr Chris Grant from 30 October 2023 to 10 November 2023.
2. That any committee or panel membership currently held by Cr Chris Grant be undertaken by the Deputy during the leave of absence.

Carried Unanimously

Moved Cr Chris Grant
S/- Cr Louse Pascale

255/23

1. That a Leave of Absence from all duties of office be granted to Cr Leith Mudge from 22 October 2023 to 27 October 2023.
2. That any committee or panel membership currently held by Cr Leith Mudge be undertaken by the Deputy during the leave of absence.

Carried Unanimously

3.2 Absent

Nil

4. MINUTES OF PREVIOUS MEETINGS

4.1 Council Meeting – 26 September 2023

Moved Cr Melanie Selwood
S/- Cr Malcolm Herrmann

256/23

That the minutes of the Ordinary Council meeting held on Tuesday 26 September 2023 as supplied, be confirmed as an accurate record of the proceedings of that meeting.

Carried Unanimously

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5. DECLARATION OF CONFLICT OF INTEREST BY MEMBERS OF COUNCIL

5.1 Material Conflict of Interest, Cr Melanie Selwood, Item 12.1

Under section 75C of the *Local Government Act 1999* Cr Melanie Selwood disclosed a Material (section 75) Conflict of Interest in Item 12.1, the nature of which is as follows:

- My husband is employed by a not-for-profit organisation, Treecovery Ltd, which works in the bushfire recovery space providing local landholders with alternative uses for dead trees remaining on their property after a bushfire. Therefore, I have a material conflict of interest as any strategy implemented by Council could have an impact on his employment.

Cr Selwood intends to leave the Chamber when this item is discussed.

6. PRESIDING MEMBER'S OPENING REMARKS

The Mayor welcomed everyone to the chamber and introduced Michael Kelledy who will be providing governance support at the meeting. The Mayor then introduced Directors and staff to the gallery and welcomed all to the chamber.

7. QUESTIONS ADJOURNED/LYING ON THE TABLE

7.1 Questions Adjourned

Nil

7.2 Questions Lying on the Table

Nil

8. PETITIONS/DEPUTATIONS/PUBLIC FORUM

8.1 Petitions

Nil

8.2 Deputations

8.2.1 Imagine Uraidla – Ms Jessica De Campo

8.3 Public Forum

Mike Pettigrew, Pedare Park Road, Woodside
Peter O'Brien, Amy Gillett Bikeway

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With Leave of the Meeting, Item 14 was brought forward on the agenda.

14. QUESTIONS WITHOUT NOTICE

Cr Malcolm Herrmann asked a question regarding the Amy Gillett Bikeway.

With Leave of the Meeting, Item 12.3 was brought forward on the agenda.

7.01PM Cr Malcolm Herrmann left the Chamber

7.03PM Cr Malcolm Herrmann returned the Chamber

12.3 Pedare Park Road Woodside – Road Opening and Closure

Moved Cr Lucy Huxter

S/- Cr Malcolm Herrmann

257/23

Council resolves:

1. That the report be received and noted.
2. The land marked "A" in Preliminary Plan No. 22/0043 (known as the Road Land) be closed and declared surplus to Council's requirements.
3. That upon deposit of the Road Closure, the land will be excluded from the classification of Community Land and not be included in Council's Community Land Register.
4. That the Chief Executive, or his delegate, be authorised to negotiate with the owners of 205 Pedare Park Road for the sale and transfer of the piece marked "A" in Preliminary Plan No. 22/0043 for nil consideration given the initial construction of Pedare Road on the adjoining property potentially contributed to the encroachment, on the proviso that the owners agree to pay fees associated with the administrative process of the land transfer.
5. That the Chief Executive, or his delegate, be authorised to purchase from the owners of 340 Tiers Road Woodside, the piece marked "1" in Preliminary Plan No. 22/0043 for the sum of \$108,000 plus GST (if applicable).
6. That the net capital cost required to fund the road exchanges be included into the 2023/24 Budget as part of the next available Budget Review.
7. That the Chief Executive Officer is authorised to finalise and sign all necessary documentation pursuant to this resolution.

Carried

9. PRESENTATIONS

Nil

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10. QUESTIONS ON NOTICE

Nil

11. MOTIONS ON NOTICE

Nil

12. OFFICER REPORTS – DECISION ITEMS

7:33PM Cr Malcolm Herrmann left the Chamber

12.1 Bushfire Mitigation Strategy Public Consultation

Under section 75C of the *Local Government Act 1999* Cr Melanie Selwood disclosed a Material (section 75) Conflict of Interest at Agenda Item 5 'Declaration of Interest by Members of the Council' in Item 12.1 Bushfire Mitigation Strategy Public Consultation, the nature of which is as follows:

- My husband is employed by a not-for-profit organisation, Treecoverly Ltd, which works in the bushfire recovery space providing local landholders with alternative uses for dead trees remaining on their property after a bushfire. Therefore, I have a material conflict of interest as any strategy implemented by Council could have an impact on his employment.

7:33PM Cr Melanie Selwood left the Chamber

7:34PM Cr Herrmann Herrmann returned to the Chamber

Moved Cr Nathan Daniell

S/- Cr Chris Grant

258/23

Council resolves:

- 1. That the report be received and noted.**
- 2. That Council approves public consultation on the draft Bushfire Mitigation Landscape Strategy, as contained in Appendix 1, to commence on Wednesday 18 October 2023 and conclude on Friday 17 November 2023.**
- 3. That the Chief Executive Officer, or delegate, be authorised to make formatting and/or other minor content changes to reflect any outcomes from the meeting deliberations prior to public consultation commencing.**
- 4. That the Chief Executive Officer, or delegate, be authorised to amend the dates for public consultation should circumstances arise necessitating a change to occur.**

Carried Unanimously

7.47PM Cr Melanie Selwood returned to the Chamber

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12.2 37 Yanagin Road Greenhill – Revocation of Community Land Classification

Moved Cr Kirsty Parkin
S/- Cr Leith Mudge

259/23

Council resolves:

- 1. That the report be received and noted.**
- 2. That the Community Land classification over portion of Allotment 7 in File Plan 129661 in Certificate of Title Volume 5636 Folio 762 as hatched in purple in proposed Plan of Division dated 14/10/2022 be revoked**
- 3. The land swap to proceed with the areas hatched in green to be amalgamated in Allotment 7 in File Plan 129661 in Certificate of Title Volume 5636 Folio 762, known as Yanagin Reserve. The area hatched in purple to be amalgamated into the adjoining owners land parcel in Certificate of Title Volume 5350 Folio 424 as shown in Appendix 1 of this Report.**
- 4. Council to apply to vary the Heritage Agreement currently over Yanagin Reserve showing the land swap variations accordingly.**

Carried Unanimously

12.3 Pedare Park Road Woodside – Road Opening and Closure

This item was considered earlier in the meeting.

12.4 Revised CEO Probation Review Process

Moved Cr Chris Grant
S/- Cr Kirsty Parkin

Council resolves:

- 1. That the report be received and noted.**
- 2. That Council approve the revised CEO Probationary Period Performance Review Process and the Probationary Period Key Performance Indicators as detailed in Appendix 1 of the report.**

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AMENDMENT (red text)

Moved Cr Mark Osterstock
S/- Cr Lucy Huxter

Council resolves:

1. That the report be received and noted.
2. That Council approve the revised CEO Probationary Period Performance Review Process ~~and the Probationary Period Key Performance Indicators~~ as detailed in Appendix 1 of the report.
3. **That Council approve the revised Probationary Period Key Performance Indicators as detailed below:**
 1. **Forge and develop positive working relationships with Staff, Council Members, the Community, and External Stakeholders. Provides effective, clear communication, consistent decision making, consultation and actively listens.
Timeline: 10th November 2023**
 2. **Undertake a high-level review of the suite of Strategic Plans and identifying gaps and opportunities.
Timeline: 10th November 2023**
 3. **Undertake a high-level assessment of the organisation's capability to deliver the strategic goals and quality services, including resourcing, finances, systems and processes, and document ideas and suggestions for improvements.
Timeline: 10th November 2023**
 4. **Undertake a high-level assessment of Council's operations and the delivery of projects and provide suggestions for improvements.
Timeline: 10th November 2023**
 5. **Undertake a high-level assessment of Council's environment sustainability vision and aspirations and identify viable, achievable, and appropriate opportunities for leadership in this area.
Timeline: 10th November 2023**

8.01PM Cr Adrian Cheater left the Chamber

8.03PM Cr Adrian Cheater returned to the Chamber

The Amendment was put and Carried
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MOTION AS AMENDED

Moved Cr Chris Grant
S/- Cr Kirsty Parkin

260/23

Council resolves:

- 1. That the report be received and noted.**
- 2. That Council approve the revised CEO Probationary Period Performance Review Process as detailed in Appendix 1 of the report.**
- 3. That Council approve the revised Probationary Period Key Performance Indicators as detailed below:**
 - 1. Forge and develop positive working relationships with Staff, Council Members, the Community, and External Stakeholders. Provides effective, clear communication, consistent decision making, consultation and actively listens.
Timeline: 10th November 2023**
 - 2. Undertake a high-level review* of the suite of Strategic Plans and identifying gaps and opportunities.
Timeline: 10th November 2023**
 - 3. Undertake a high-level assessment* of the organisation's capability to deliver the strategic goals and quality services, including resourcing, finances, systems and processes, and document ideas and suggestions for improvements.
Timeline: 10th November 2023**
 - 4. Undertake a high-level assessment* of Council's operations and the delivery of projects and provide suggestions for improvements.
Timeline: 10th November 2023**
 - 5. Undertake a high-level assessment* of Council's environment sustainability vision and aspirations and identify viable, achievable, and appropriate opportunities for leadership in this area.
Timeline: 10th November 2023**

Carried Unanimously

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13. OFFICER REPORTS - INFORMATION ITEMS

Nil

14. QUESTIONS WITHOUT NOTICE

Cr Malcolm Herrmann asked a question regarding the Amy Gillett Bikeway which was discussed in the Public Forum section of the meeting.

Cr Malcolm Herrmann asked a question regarding an update on the Martin Hill Road, Warren Road and Lucky Hit Road upgrades.

Cr Andrian Cheater asked a question regarding technical equipment for Council Meetings.

15. MOTIONS WITHOUT NOTICE

Having taken into account the Guiding Principles, the Mayor accepted the following Motion Without Notice.

15.1 Draft Boundary Encroachment Policy

Moved Cr Kirsty Parkin

S/- Cr Nathan Daniell

261/23

- 1. Council research and develop a draft Boundary Encroachment Policy to bring to the chamber for review by 29 February 2024.**

Carried Unanimously

16. REPORTS**16.1 Council Member Function or Activity on the Business of Council****Mayor Jan-Claire Wisdom**

- 26 September 2023, Council meeting, Stirling
- 27 September 2023, Director Peter Bice leaving BBQ, Heathfield
- 27 September 2023, Exit interview with Mr Peter Bice, Director of Infrastructure & Operations, Aldgate
- 28 September 2023, CEOPRP meeting, Stirling
- 29 September 2023, Photoshoot/media with Courier re new Waste Trial, Stirling
- 29 September 2023, Exit interview with Mr Lachlan Miller, Executive Manager Governance, Strathalbyn
- 30 September - 2 October 2023, Media enquiries (phone/email) regarding AHC Waste Trial plus interview with Advertiser
- 3 October 2023, Meeting with Cr Grant, Woodside
- 3 October 2023, AHC Information/Briefing Session, Woodside

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- 4 October 2023, Meeting with Cr Cheater, Stirling
- 5 October 2023, Meeting with Mt Torrens Heritage Group & Ashton Hurn MP re Heritage Management
- 8 October 2023, RSL lunch – subsequently cancelled
- 9 October 2023, Meeting with Deputy Mayor Cr Daniell

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

Nil

16.3 CEO Report

Greg Georgopoulos, CEO, provided Council with a verbal update.

17. REPORTS OF COMMITTEES

17.1 Council Assessment Panel

Nil

17.2 Audit Committee

Nil

17.3 CEO Performance Review Panel – 28 September 2023

Moved Cr Grant

S/- Cr Parkin

262/23

That the minutes of the CEO Performance Review Panel meeting held on 28 September 2023 as distributed, be received and noted.

Carried Unanimously

17.4 Boundary Change Committee

Nil

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18. CONFIDENTIAL ITEMS

18.1 Electricity Procurement – Legal Matter – Exclusion of the Public

Moved Cr Leith Mudge

S/- Cr Kirrilee Boyd

263/23

1. Pursuant to section 90(2) of the Local Government Act 1999 the Council orders that all members of the public, except:
 - Chief Executive Officer, Greg Georgopoulos
 - Director Corporate Services, Terry Crackett
 - Director Community and Development, Natalie Armstrong
 - Director Environment and Infrastructure, David Waters
 - Governance Support, Michael Kelledy (Kelledy Jones)
 - Systems Analysis, Tom Portas
 - Minute Secretary, Kylie Hopkins
 be excluded from attendance at the meeting for Agenda Item 19.1.1. Electricity Procurement - Legal Matter in confidence.
2. The Council is satisfied that it is necessary that the public, with the exception of Council staff in attendance as specified above, be excluded to enable Council to consider the report at the meeting on the following grounds:
3. Section 90(3)(h) of the Local Government Act 1999, the information to be received, discussed or considered in relation to this Agenda Item is legal advice the disclosure of which could reasonably be expected to prejudice Council's position in future legal proceedings.
4. Accordingly, on this basis the principle that meetings of the Council should be conducted in a place open to the public has been outweighed by the need to keep the information and discussion confidential.

Carried Unanimously

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18.1.1 Electricity Procurement – Legal Matter

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18.1.2 Electricity Procurement – Legal Matter – Duration of Confidentiality

Moved Cr Mark Osterstock
S/- Cr Chris Grant

265/23

Subject to the CEO, or his delegate, disclosing information or any document (in whole or in part) for the purpose of implementing Council's decision(s) in this matter in the performance of the duties and responsibilities of office, Council, having considered Agenda Item 19.1 in confidence under sections 90(2) and 90(3)(h) of the Local Government Act 1999, resolves that an order be made under the provisions of sections 91(7) and (9) of the Local Government Act 1999 that the report, related attachments and the minutes of Council and the discussion and considerations of the subject matter be retained in confidence in accordance with the Duration of Confidentiality Table below:

Item	Duration of Confidentiality NB: Item to be reviewed every 12 months if not released
Electricity Procurement Legal Matter	26 October 2024 or until legal release date
Related Attachments	26 October 2024 or until legal release date
Minutes	26 October 2024 or until legal release date

Pursuant to section 91(9)(c) of the Local Government Act 1999, the Council delegates the power to revoke the confidentiality order either partially or in full to the Chief Executive Officer.

Carried Unanimously

19. NEXT ORDINARY MEETING

The next ordinary meeting of the Adelaide Hills Council will be held on Tuesday 24 October 2023 from 6.30pm at 63 Mt Barker Road, Stirling.

20. CLOSE MEETING

The meeting closed at 8:40PM