



## ORDINARY COUNCIL MEETING

### NOTICE OF MEETING

To: Mayor Jan-Claire Wisdom

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

Notice is given pursuant to the provisions under Section 83 of the *Local Government Act 1999* that the next meeting of the Council will be held on:

**Tuesday 19 December 2023**  
**6.30pm**  
**63 Mt Barker Road Stirling**

A copy of the Agenda for this meeting is supplied under Section 83 of the Act.

Meetings of the Council are open to the public and members of the community are welcome to attend. Public notice of the Agenda for this meeting is supplied under Section 84 of the Act.

**Greg Georgopoulos**  
**Chief Executive Officer**

## ORDINARY COUNCIL MEETING



**AGENDA FOR MEETING**  
**Tuesday 19 December 2023**  
**6.30pm**  
**63 Mt Barker Road Stirling**

### ORDER OF BUSINESS

**1. COMMENCEMENT**

**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. APOLOGIES/LEAVE OF ABSENCE**

3.1. Apology  
Apologies were received from .....

3.2. Leave of Absence  
Cr Louise Pascale from 16 December 2023 to 8 January 2024 approved at Council  
28 November 2023

Cr Lucy Huxter has requested a leave of absence from 24 December 2023 to 8  
January 2024

3.3. Absent

**4. MINUTES OF PREVIOUS MEETINGS**

Council Meeting – 28 November 2023

*That the minutes of the ordinary meeting held on Tuesday 28 November 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**

**6. MAYOR'S OPENING REMARKS**

**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
- 8.2. Deputations  
Nil
- 8.3. Public Forum

**9. PRESENTATIONS (by exception)**

Nil



**10. QUESTIONS ON NOTICE**

Nil

**11. MOTIONS ON NOTICE**

- 11.1. Woodforde Residents Community Meeting (Cr Louise Pascale/Cr Nathan Daniel)

*I move that:*

1. *The CEO prepare a report for Council to be presented at a workshop on the 19 February 2024 on what Kite Property had approved by State Commission Assessment Panel (SCAP) and what it is delivering in Hamilton Hill.*
2. *Subject to the outcomes of the workshop, Council schedules a Woodforde residents community meeting within 4-6 weeks and invite residents of Woodforde and neighbouring suburbs of Teringie and Rostrevor.*
3. *Council holds the Woodforde community meeting at Rostrevor College on Glen Stuart Road, Woodforde.*
4. *Council provides residents the opportunity to hear about Council's work undertaken in the area concerning traffic, services and infrastructure with the expansion of Woodforde and receive feedback from residents about the changes they are experiencing.*
5. *Council provides an online and hard copy summary of the above for residents who cannot make it to the event and include an opportunity for those residents to feedback to the Council either online or via telephone.*

11.2. Boundary Change Committee Membership (Cr Mark Osterstock)

*I move that:*

DECISION 1

1. *The report be received and noted.*
2. *To amend the Terms of Reference, as contained in Appendix 2.*
3. *To determine that the method of selecting a member of the Boundary Change Committee to be by an indicative vote to determine the preferred person for the vacant position utilising 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 person to fill the vacancy that currently exists on the Boundary Change Committee and for the meeting to resume once the results of the indicative vote have been declared.*

DECISION 2

5. *To appoint Cr \_\_\_\_\_ to the position of Boundary Change Committee Member, effective forthwith and concluding on 30 November 2025.*

11.3. Reaffirmation of Acknowledgement of Country

*I move that Adelaide Hills Council:*

1. *Reaffirms its policy of making an acknowledgement of the traditional custodians of the Adelaide Hills prior to ALL council meetings and other meetings in accordance with our Acknowledgement and Welcome to Country Policy.*
2. *Believes that the appropriate delivery of Acknowledgement of Country and Welcome to Country is a fundamental element of respectful recognition of the Traditional Custodians of the Adelaide Hills.*
3. *Believes that Council has a leadership role in relation to reconciliation and a responsibility to demonstrate best practice in the use and protocols associated with Acknowledgement of Country and Welcome to Country.*
4. *Encourages other SA Councils to adopt or retain a policy of making a respectful Acknowledgement of Country at council and other meetings.*

**12. ADMINISTRATION REPORTS – DECISION ITEMS**

12.1. Council Confidential Items Review – December 2023

DECISION 1

1. *That the report be received and noted.*

2. *That the items held as confidential in the Confidential Items Register (Appendix 1) be noted.*

DECISION 2 – Resolution 303/22 – Surplus Government Land Notification

3. *Pursuant to Section 91(7) of the Local Government Act 1999, Council orders that the following document(s) (or part) shall be kept confidential, being document(s) (or part) relating to a matter dealt with by the Council on a confidential basis under Sections 90(2) and 90(3)(i) of the Act:*
  - *The report, related attachments, minutes and other (presentation, documents or similar) of 20 December 2022, Item No. 18.1, Surplus Government Land Notifications, 202/22, unless previously released, remain confidential until this matter has concluded and that this order be reviewed every twelve (12) months.*
  - *On the grounds that the document(s) (or part) 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 would, on balance, be contrary to the public interest. The current expiry date occurs on 20 December 2023 a further twelve (12) months is required to 20 December 2024.*
4. *Pursuant to section 91(9)(c) of the Local Government Act 1999, Council delegates the power to revoke the confidentiality order either partially or in full to the Chief Executive Officer.*

**13. ADMINISTRATION REPORTS – INFORMATION ITEMS**

Nil

**14. CORRESPONDENCE FOR NOTING**

- 14.1. Appointment of Ms Emily Strickland as Ombudsman for South Australia
- 14.2. State Planning Commission letter of acknowledgement for Adelaide Hills Council Greater Adelaide Regional Plan Discussion Paper Submission

**15. QUESTIONS WITHOUT NOTICE**

**16. MOTIONS WITHOUT NOTICE**

**17. REPORTS**

- 17.1. Council Member Function or Activity on the Business of Council
- 17.2. Reports of Members/Officers as Council Representatives on External Organisations
- 17.3. CEO Report

**18. REPORTS OF COMMITTEES**

- 18.1. Council Assessment Panel  
*Nil*
  
- 18.2. Audit Committee  
*Nil*
  
- 18.3. CEO Performance Review Panel Special Meeting  
*Refer confidential items*
  
- 18.4. Boundary Change Committee  
*Nil*

**19. CONFIDENTIAL ITEMS**

- 19.1. Citizen of the Year Awards
- 19.2. Amy Gillett Bikeway Stage 4 Construction Option
- 19.3. CEO Performance Review Panel Special Meeting – 12 December 2023  
*That the minutes of the CEOPRP meeting held on Tuesday 12 December 2023 as supplied, be received and noted.*
- 19.4. CEO Performance Review Panel Recommendations

**20. NEXT MEETING**

Tuesday, 23 January 2023 at 6.30pm, 63 Mt Barker Road, Stirling

**21. CLOSE MEETING**



**ADELAIDE HILLS COUNCIL  
MINUTES OF ORDINARY COUNCIL MEETING  
TUESDAY 28 NOVEMBER 2023  
63 MT BARKER ROAD STIRLING**

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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 Infrastructure
Tracy Riddle (Kelledy Jones)	Governance Support
Karen Cummings	Manager Property Services
Gary Lewis	Manager Financial Services
Deryn Atkinson	Manager Development Services
Chris Janssan	Manager Open Space
Renee O'Connor	Coordinator Sport and Recreation
Julie Wilhelm	Collaborative Project Officer
James Szabo	Senior Strategic & Policy Planner
Tonia Brown	Biodiversity Officer
Kylie Hopkins	Minute Secretary
Rebekah Lyons	Minute Secretary
Tom Portas	Technical Support

**ADELAIDE HILLS COUNCIL  
MINUTES OF ORDINARY COUNCIL MEETING  
TUESDAY 28 NOVEMBER 2023  
63 MT BARKER ROAD STIRLING**

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**1. COMMENCEMENT**

The meeting commenced at 6:30pm.

6:31pm Cr Kirsty Parkin attended the meeting.

6:31pm Cr Malcolm Herrmann attended the meeting.

**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.

6:31pm Cr Leith Mudge attended the meeting.

**3. APOLOGIES/LEAVE OF ABSENCE****3.1 Apology**

Nil

**3.2 Leave of Absence**

**Moved Cr Nathan Daniell**

**S/- Cr Leith Mudge**

**298/23**

**Council resolves:**

- 1. That a Leave of Absence from all duties of office be granted to Cr Louise Pascale from 16 December 2023 to 8 January 2024.**
- 2. That any committee or panel membership currently held by Cr Louise Pascale be undertaken by the Deputy during the leave of absence.**

<b>Carried Unanimously</b>
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**3.3 Absent**

Nil



**ADELAIDE HILLS COUNCIL  
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**4. MINUTES OF PREVIOUS MEETINGS**

**4.1 Council Meeting – 14 November 2023**

Moved Cr Mark Osterstock  
S/- Cr Chris Grant

**299/23**

Council resolves that the minutes of the Ordinary Council meeting held on 14 November 2023, as supplied, be confirmed as an accurate record of the proceedings of that meeting.

<b>Carried Unanimously</b>
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**4.2 Special Council Meeting – 21 November 2023**

Moved Cr Malcolm Herrmann  
S/- Cr Pauline Gill

**300/23**

Council resolves that the minutes of the Special Council meeting held on 21 November 2023, as supplied, be confirmed as an accurate record of the proceedings of that meeting.

<b>Carried Unanimously</b>
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**5. DECLARATION OF CONFLICT OF INTEREST BY MEMBERS OF COUNCIL**

**5.1 Cr Mark Osterstock, Item 11.1 Boundary Change Committee – Presiding Member Appointment**

Under section 75C of the *Local Government Act 1999* Cr Mark Osterstock disclosed a Material (section 75) Conflict of Interest in Item 11.1.

**5.2 Cr Nathan Daniell, Item 13.1 Deputy Mayor Appointment, Item 13.2 Stirling Pavilion Proposal & Item 13.4 LMA Waiver Request – Unit 1 100a Main Street Lobethal**

Under section 75C of the *Local Government Act 1999* Cr Nathan Daniell disclosed a Material (section 75) Conflict of Interest in Item 13.1.

Under section 75B of the *Local Government Act 1999* Cr Nathan Daniell disclosed a General (section 74) Conflict of Interest in Items 13.2 and Item 13.4.

**5.3 Cr Malcolm Herrmann, Item 13.9 Community Development Grant Recommendations**

Under section 75C of the *Local Government Act 1999* Cr Malcolm Herrmann disclosed a Material (section 74) Conflict of Interest in Item 13.9.

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**5.4 Cr Leith Mudge, Item 13.2 Stirling Pavilion Proposal & Item 13.4 LMA Waiver Request – Unit 1 100a Main Street Lobethal**

Under section 75B of the Local Government Act 1999 Cr Leith Mudge disclosed a General (section 74) Conflict of Interest in Item 13.2 and Item 13.4.

**5.5 Cr Louise Pascale, Item 11.1 Boundary Change Committee**

Under section 75B of the Local Government Act 1999 Cr Louise Pascale disclosed a General (section 74) Conflict of Interest in Item 11.1.

**5.6 Cr Melanie Selwood, Item 12.2 Mine Operations Plan - White Rock Quarry & Item 13.5 Community and Recreation Facility Grants 2023-24**

Under section 75B of the Local Government Act 1999 Cr Melanie Selwood disclosed a General (section 74) Conflict of Interest in Item 12.2 and Item 13.5.

**5.7 Cr Kirsty Parkin, Item 13.2 Stirling Pavilion Proposal**

Under section 75B of the Local Government Act 1999 Cr Louise Pascale disclosed a General (section 74) Conflict of Interest in Item 13.2.

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

The Mayor acknowledged the pain and sadness the state is feeling about the mounting toll of road deaths in South Australia.

The Mayor advised Council Members that Adelaide Hills Council was recently awarded the Resilient Australia National Local Government Award for the 'Towards Community Led Resilience' program which was a testament to Council's commitment to addressing the aftermath of the Cudlee Creek and Cherry Gardens Fires. She extended her congratulations to Miranda Hampton and the whole Community Resilience Team for this well-deserved, outstanding achievement. The Mayor also congratulated our South Australian partners, including SA Red Cross, Charleston Community Resilience Group, PIRSA, Kangaroo Island Council's Resilient Ready Program and photographer Jayme Moorland who were also finalists.

The Mayor commented on the United Nation's 16 Days of Activism against Gender-based Violence and her appreciation of the Council supporting this initiative. She advised Council Members that the Zonta Club of the Adelaide Hills was hosting a sunset vigil at Windy Point on Thursday from 8pm to 9pm. She publicly acknowledged Cr Pascale for driving this initiative and thanked Rebecca Shepherd and her team for working with Cr Pascale to support actions such as the Coventry Library being illuminated in orange to mark the beginning of the campaign and displaying silhouettes of orange ladies to raise awareness.

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**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**

Nil

**8.3 Public Forum**

Nil

**9. PRESENTATIONS**

Nil

**10. QUESTIONS ON NOTICE**

Nil

**11. ADJOURNED ITEM**

Under section 75C of the *Local Government Act 1999* Cr Mark Osterstock disclosed a Material (section 75) Conflict of Interest at Agenda Item 5 'Declaration of Interest by Members of the Council' in relation to Item 11.1, the nature of which is as follows:

- I am named in the resolution for what is a remunerated position.

Under section 75B of the *Local Government Act 1999* Cr Louise Pascale disclosed a General (section 74) Conflict of Interest at Agenda Item 5 'Declaration of Interest by Members of the Council' in relation to Item 11.1, the nature of which is as follows:

- I am a resident of Woodforde, a suburb which is included in the boundary change proposal.

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6:45pm Cr Mark Osterstock & Cr Louise Pascale left the chamber.

**11.1 Boundary Change Committee – Item 12.3 adjourned from 14 November 2023 Council Meeting**

Moved Cr Melanie Selwood

S/- Cr Chris Grant

Council resolves:

1. That the report be received and noted
2. To retain the Boundary Change Committee for the term of the Council with the Terms of Reference, as contained in Appendix 1.
3. To appoint Cr Mark Osterstock to the position of Boundary Change Committee Presiding Member for a 12 month term to commence 30 November 2023 and conclude on 30 November 2024 (inclusive).

**AMENDMENT 1 (red text)**

Moved Cr Malcolm Herrmann

S/- Cr Lucy Huxter

**301/23**

Council resolves:

1. That the report be received and noted.
2. To retain the Boundary Change Committee for the term of the Council with the Terms of Reference, as contained in Appendix 1.
3. To appoint Cr Mark Osterstock to the position of Boundary Change Committee Presiding Member for a ~~12-24~~ month term to commence 30 November 2023 and conclude on 30 November ~~2024~~ **2025** (inclusive).

<b>Carried</b>
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**MOTION AS AMENDED**

Moved Cr Melanie Selwood  
S/- Cr Chris Grant

302/23

**Council resolves:**

1. That the report be received and noted.
2. To retain the Boundary Change Committee for the term of the Council with the Terms of Reference, as contained in Appendix 1.
3. To appoint Cr Mark Osterstock to the position of Boundary Change Committee Presiding Member for a 24 month term to commence 30 November 2023 and conclude on 30 November 2025 (inclusive).

<b>Carried Unanimously</b>
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6.57pm Cr Mark Osterstock & Cr Louise Pascale returned to the meeting room.

**12. MOTIONS ON NOTICE****12.1 Recognition of Statement of Commitment (Cr Louise Pascale)**

Moved Cr Louise Pascale  
S/- Cr Kirrilee Boyd

303/23

**That:**

1. Adelaide Hills Council reaffirms its Statement of Commitment to help prevent violence against women and their children.
2. Council endorse the initiatives of the 16 Days of Activism being undertaken by the Adelaide Hills Council.
3. Council give thanks to the staff and working group for their work to implement the Our Watch Toolkit for the Prevention of Violence against Women and their children.

<b>Carried Unanimously</b>
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**12.2 Mine Operations Plan – White Rock Quarry (Cr Mark Osterstock)**

Under section 75B of the Local Government Act 1999 Cr Melanie Selwood disclosed a General (section 74) Conflict of Interest in Item 12.2, the nature of which is as follows:

- I am dealing with a matter in relation to this item in my employment outside of Council.

7:18pm Cr Melanie Selwood left the chamber.

**Moved Cr Mark Osterstock  
S/- Cr Leigh Mudge**

**304/23**

**That:**

1. **The Chief Executive Officer, on behalf of Council, writes to Paul De Ionno, Acting Executive Director, Mineral Resources Division, Department for Energy and Mining:**
  - a. **Acknowledging receipt of his letter to Council dated 26 September 2023, Appendix A.**
  - b. **Seeking further clarification as to whether the Minister for Energy and Mining, the Honourable Tom Koutsantonis MP, or the State Government for that matter, notwithstanding the provisions of the Mining Act 1971, has any legislative power whatsoever (under any legislative instrument) to over-rule the Director's decision should the Director of Mines approve the revised Mine Operations Plan, and if so, provide details of the said legislative instrument(s).**
2. **Once a response is received from the Department for Energy and Mining, that response will be tabled at the next scheduled Ordinary meeting of Council.**

<b>Carried Unanimously</b>
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7:27pm Cr Melanie Selwood returned to the meeting room.

**12.3 40km/h investigation for Rostrevor Roads (Cr Louise Pascale)**

**Moved Cr Louise Pascale  
S/- Cr Kirrilee Boyd**

**305/23**

**That the CEO investigates lowering the speed limit on Wandilla Drive, Baroota Avenue, Arcoona Avenue and Spring Gully Road in Rostrevor and provides a report to Council by 1 March 2024 on its outcomes.**

<b>Carried Unanimously</b>
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**13. OFFICER REPORTS – DECISION ITEMS**

With leave of the meeting, Item 13.3 was brought forward to this point of the meeting.

**13.3 Proposed Road Closure – portion of Unmade Public Road adjacent 474b Springhead Road Mount Torrens**

Moved Cr Malcolm Herrmann  
S/- Cr Kirsty Parkin

Council resolves:

1. That the report be received and noted.
2. The land marked “B” in Preliminary Plan No. 22/0032 (known as the Road Land) be declared surplus to Council’s requirements.
3. That the Chief Executive, or his delegate, are authorised to negotiate with the owners of 474b Springhead Road, Mount Torrens for the sale and transfer of the piece marked “B” in Preliminary Plan No. 22/0032 for the sum of \$35,000 plus GST, together with all fees and charges associated with the road closure process.
4. That Council’s approval of the sale and transfer of the land be subject to the provision for a statutory easement in favour of Telstra as per their interest in the land, together with a Right of Way for foot traffic access in favour of the owner of the adjacent land, being Allotment 2 in Filed Plan 1336.
5. Subject to agreement from the owners of 474b Springhead Road, Mount Torrens to purchase the Road Land for the sum of \$35,000 plus GST, to make a Road Process Order pursuant to the Roads (Opening & Closing) Act 1991 to close and merge the pieces of land identified as “B” in the Preliminary Plan No. 22/0032 attached to this report with Allotment 24 Deposited Plan 62438 comprised in Certificate of Title Volume 5911 Folio 128.
6. That upon the 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.
7. That the Chief Executive Officer, and Mayor, be authorised to finalise and sign, and seal if necessary, all documentation to close and sell the above portion of closed road pursuant to this resolution.

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**FORMAL MOTION**

**Moved Cr Leith Mudge**  
**S/- Cr Mark Osterstock**

**306/23**

**That the item be adjourned until after a workshop has been held on this subject.**

<b>Carried</b>
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7:48pm Cr Malcolm Herrmann left the meeting room.

7:49pm Cr Malcolm Herrmann returned to the meeting room.

**13.1 Deputy Mayor Appointment**

Under section 75C of the *Local Government Act 1999* Cr Nathan Daniell disclosed a Material (section 75) Conflict of Interest in Item 13.1, the nature of which is as follows:

- I am intending to nominate for the position of Deputy Mayor, which is a remunerated position.

7:50pm Cr Nathan Daniell left the meeting room.

**Moved Cr Melanie Selwood**  
**S/- Cr Chris Grant**

**307/23**

**Council resolves:**

- 1. That the report be received and noted.**
- 2. To appoint a Deputy Mayor.**
- 3. To appoint Cr Nathan Daniell to the position of Deputy Mayor for a 6 month term to commence 1 December 2023 and conclude on 31 May 2024 inclusive.**

<b>Carried Unanimously</b>
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7:55 Cr Nathan Daniell returned to the meeting room.



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**13.2 Stirling Pavilion Proposal**

Under section 75B of the Local Government Act 1999 Cr Nathan Daniell disclosed a General (section 74) Conflict of Interest in Items 13.2, the nature of which is as follows:

- I am the Deputy Council Member appointed to the Council Assessment Panel, which is the relevant authority that may consider future development applications relating to sites in this report.

Under section 75B of the Local Government Act 1999 Cr Leith Mudge disclosed a General (section 74) Conflict of Interest in Item 13.2, the nature of which is as follows:

- I am the Council Member appointed to the Council Assessment Panel, which is the relevant authority that may consider future development applications relating to sites in this report.

Under section 75B of the Local Government Act 1999 Cr Kirsty Parkin disclosed a General (section 74) Conflict of Interest in Item 13.2, the nature of which is as follows:

- My husband is a member of the Stirling District Cricket Club (SDCC) and I have been a member of the SDCC committee in the past.

7:56pm Cr Nathan Daniell, Cr Leith Mudge and Cr Kirsty Parkin left the meeting room.

**Moved Cr Mark Osterstock**  
**S/- Cr Kirrilee Boyd**

**308/23**

**VARIATION**

With the consent of the Mover (Cr Mark Osterstock) and the Seconder (Cr Kirrilee Boyd), Cr Malcolm Herrmann sought and was granted leave of the meeting to vary the motion to insert paragraph 4.

**Council resolves:**

- 1. That the report be received and noted.**
- 2. That Council proceeds with the process for considering landowner consent for the development of a pavilion at Stirling Oval and delegates authority to the Chief Executive Officer, or their delegate, to enter into a Framework Agreement document with the Stirling Pavilion Foundation Inc.**
- 3. That the Framework document include, amongst other matters, the steps required to consider landowner consent for the development of a Pavilion on Stirling Oval, possible terms of any arrangements for the leasing or licensing of the Stirling Oval for the proposed development, statutory requirements that need to be followed, and any cost sharing arrangements.**

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4. **The CEO provides an interim report on progress on the project by the end of 31 May 2024**
5. **That following the negotiation of a Framework document a report be submitted to Council that provides an update on the terms of the Framework document.**
6. **That a further report be submitted to Council that considers the Community Land implications including community consultation on any proposed changes to the Community Land Management Plan for Stirling Oval as required under Section 198 of the Local Government Act 1999.**
7. **That the further report in (5) above also considers the requirements of Section 202 of the Local Government Act 1999 regarding the alienation of Community Land by lease or license including but not limited to community consultation requirements.**

<b>Carried Unanimously</b>
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8:04pm Cr Nathan Daniell, Cr Leith Mudge & Cr Kirsty Parkin returned to the meeting room.

**13.3 Proposed Road Closure – portion of Unmade Public Road adjacent 474b Springhead Road Mount Torrens**

This item was discussed at an earlier point of the meeting.

**13.4 LMA Waiver Request – Unit 1 100a Main Street Lobethal**

Under section 75B of the Local Government Act 1999 Cr Nathan Daniell disclosed a General (section 74) Conflict of Interest in Items 13.4, the nature of which is as follows:

- I am the Deputy Council Member appointed to the Council Assessment Panel, which is the relevant authority that may consider future development applications relating to sites in this report.

Under section 75B of the Local Government Act 1999 Cr Leith Mudge disclosed a General (section 74) Conflict of Interest in Item 13.4, the nature of which is as follows:

- I am the Council Member appointed to the Council Assessment Panel, which is the relevant authority that may consider future development applications relating to sites in this report.

8:06pm Cr Nathan Daniell and Cr Leith Mudge left the meeting room.

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Moved Cr Lucy Huxter  
S/- Cr Pauline Gill

309/23

Council resolves:

1. That the report be received and noted.
2. That pursuant to clause 19 of the Land Management Agreement registered on Certificate of Title Volume 6140 Folio 330, known as Unit 7 100a Main Street Lobethal, Council agrees to the waiver of the land owner's obligations in relation to clause 5 and allows the proposed dwelling lodged as part of Development Application 22022086 to be partially sited outside the Land Management Agreement building envelope, subject to the Council Assessment Manager or delegate granting Planning Consent to Development Application 22022086 for the two storey dwelling.
3. That the Chief Executive Officer be authorised to provide written communication of Council's agreement to the waiver of Land Management Agreement obligations above to the land owner and applicant.

8:31pm Cr Louise Pascale left the meeting room.

<b>Carried</b>
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8:37pm Cr Nathan Daniell, Cr Leith Mudge and Cr Louise Pascale returned to the meeting room.

8:37PM Cr Adrian Cheater left the meeting room.

### **13.5 Community and Recreation Facility Grants 2023-24**

Under section 75B of the Local Government Act 1999 Cr Melanie Selwood disclosed a General (section 74) Conflict of Interest in Item 13.5, the nature of which is as follows:

- I volunteer for a subsidiary of one of the organisations who are recommended to receive a Community Development Grant.

8:38pm Cr Melanie Selwood left the meeting room.

**ADELAIDE HILLS COUNCIL  
MINUTES OF ORDINARY COUNCIL MEETING  
TUESDAY 28 NOVEMBER 2023  
63 MT BARKER ROAD STIRLING**

**Moved Cr Leith Mudge**

**S/- Cr Kirsty Parkin**

**310/23**

**Council resolves:**

- 1. That the report of the Community and Recreation Facility Grants 2023-24 be received and noted.**
- 2. That Council approves the awarding of Community Recreation and Facility Grants for 2023-24 totalling \$147,231 as follows.**

<b>Bridgewater Cricket Club</b>	<b>Cricket nets upgrade</b>	<b>\$17,580.00</b>
<b>Stirling Cricket Club</b>	<b>Cricket pitch cover</b>	<b>\$8,699.00</b>
<b>Riding For The Disabled SA</b>	<b>Resurfacing club arena</b>	<b>\$24,602.00</b>
<b>Human Projectile MTB Club</b>	<b>Community trail hub upgrades (decking and balustrades)</b>	<b>\$34,672.00</b>
<b>Woodside Bowling Club</b>	<b>Installation of shelters</b>	<b>\$7,360.00</b>
<b>Charleston Community Centre</b>	<b>Newman Park facility plan</b>	<b>\$11,000.00</b>
<b>Bridgewater Sports Social Club</b>	<b>Construct connection path from oval to courts</b>	<b>\$9,999.00</b>
<b>Mount Torrens Hall</b>	<b>Mount Torrens Soldiers' Memorial Hall facility plan</b>	<b>\$16,041.00</b>
<b>Oakbank Soldiers Memorial Hall Association</b>	<b>Electrical upgrade</b>	<b>\$9,910.00</b>
<b>Piccadilly Community Hall</b>	<b>Installation of air conditioner</b>	<b>\$7,368.00</b>

**Carried Unanimously**

8:43pm Cr Melanie Selwood returned to the meeting room.

With leave of the meeting, Item 13.3 was brought forward to this point of the meeting.

**13.9 Community Development Grant Recommendations**

8:44pm Cr Adrian Cheater returned to the meeting room.

Under section 75C of the Local Government Act 1999 Cr Malcolm Herrmann disclosed a Material (section 74) Conflict of Interest in Item 13.9, the nature of which is as follows:

- I am the treasurer of The Returned & Services League (Gumeracha District) Sub Branch Incorporated, who are recommended to receive a Community Development Grant.

8:45pm Cr Malcolm Herrmann left the meeting room.

**ADELAIDE HILLS COUNCIL  
MINUTES OF ORDINARY COUNCIL MEETING  
TUESDAY 28 NOVEMBER 2023  
63 MT BARKER ROAD STIRLING**

Moved Cr Mark Osterstock  
S/- Cr Melanie Selwood

311/23

Council resolves:

1. That the report be received and noted.
2. That Council approve the awarding of Community Development Grants totalling \$40,720.54 as follows:

Active Fitness & Lifestyle Group	Purchase new fitness equipment	\$2,500
Adelaide & Hills Koala Rescue	Purchase rescue equipment: warning triangles and carry bags	\$1,014.54
Australian Breastfeeding Association	Parent classes/workshops	\$1,005
Bund der Bayern Incorporated	German Cultural Event – venue hire	\$2,500
CAOS Racing Incorporated	Purchase new Pedal Prix Trike	\$2,500
Cudlee Creek Tennis Club	Tennis coaching clinics & mental health sessions	\$1,250
Gumeracha Community Association	Purchase new banners for street sign system	\$2,500
Gumeracha District Bowling Club	Purchase Club Pennant Shirts	\$2,500
Imagine Uraidla	Purchase Banner and brackets	\$2,500
Kersbrook Public Hall Incorporated	Purchase and installation of bicycle racks	\$2,500
Love Woodside Community Group	All weather path and small play stage – Woody Trails	\$2,400
National Trust of South Australia	Purchase of two bench seats	\$2,500
Nature Play South Australia	Family Nature Walks in the Hills	\$2,420
Oakbank Bowling Club	Purchase of chairs and tables	\$2,281
Onkaparinga Swimming Club Incorporated	Purchase four aquatic resistance training systems	\$2,500
Sturt Upper Reaches Landcare Group	Printing a fauna and habitat guide	\$2,500
The Returned & Services League (Gumeracha District) Sub Branch Incorporated	Vietnam Veterans Honour Board	\$500

**ADELAIDE HILLS COUNCIL  
MINUTES OF ORDINARY COUNCIL MEETING  
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<b>United Nations Youth South Australia</b>	<b>United Nations Youth South Australia State Conference venue costs</b>	<b>\$2,500</b>
<b>Woodside Bowling Club</b>	<b>Purchase equipment – 10 sets OZY bowls</b>	<b>\$2,350</b>

**Carried Unanimously**

8:46PM Cr Malcolm Herrmann returned to the meeting room.

**13.6 Draft 2022-23 Annual Report**

**Moved Cr Malcolm Herrmann  
S/- Cr Melanie Selwood**

**312/23**

**Council resolves:**

- 1. That the report be received and noted.**
- 2. The 2022-23 Annual Report, as contained in Appendix 1, be adopted.**
- 3. That the Chief Executive Officer be authorised to make minor content, formatting or design changes necessary for publication purposes.**

**Carried Unanimously**

**13.7 South Australia's next 20-year State Infrastructure Strategy**

**Moved Cr Melanie Selwood  
S/- Cr Kirrilee Boyd**

**313/23**

**Council resolves:**

- 1. That the report be received and noted.**
- 2. That the submission contained in Appendix 1 be endorsed.**
- 3. That the Chief Executive Officer, or delegate, be authorised to make minor editing changes and inclusions reflecting clarifications identified during the Council's consideration of the matter, prior to making the submission.**

**Carried**

**ADELAIDE HILLS COUNCIL  
MINUTES OF ORDINARY COUNCIL MEETING  
TUESDAY 28 NOVEMBER 2023  
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**13.8 Burning on Private Land**

9:00pm Cr Osterstock left the meeting room.

9:03pm Cr Osterstock returned to the meeting room.

**Moved Cr Adrian Cheater**

**S/- Cr Kirrilee Boyd**

**314/23**

**Council resolves:**

- 1. That the report be received and noted.**
- 2. To endorse prescribed burns at the following ten sites across six Council Reserves under the DEW Burning on Private Lands Program:**
  - **Mylor Parklands (Stages 2, 3 & 4)**
  - **Heathfield Conservation Reserve (Stages 2 & 3)**
  - **Bradwood Park, Bradbury (Stages 1 & 2)**
  - **Uraidla Reserve - Greenhill Road, Carey Gully (Stage 1)**
  - **Red Hill Road Reserve, Bradbury (Stage 1)**
  - **Lenswood Centennial Park (Stage 1)**
- 3. Include for consideration in the next Long Term Financial Plan review, provision for the post-burn maintenance of the sites from 2025-26 and beyond.**

<b>Carried Unanimously</b>
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**13.9 Community Development Grant Recommendations**

This item was discussed at an earlier point of the meeting.

**13.10 Adelaide Hills Council Submission to the Greater Adelaide Regional Plan Discussion Paper**

**Moved Cr Leith Mudge**

**S/- Cr Nathan Daniell**

**315/23**

**Council resolves:**

- 1. That the report be received and noted.**
- 2. That the submission (as contained in Appendix 1) on the Greater Adelaide Regional Plan Discussion Paper, be endorsed and forwarded to the South Australian Planning Commission.**
- 3. That the Chief Executive Officer be authorised to make any necessary minor amendments to finalise the submission, providing the changes do not affect the intent of the submission.**

<b>Carried</b>
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**ADELAIDE HILLS COUNCIL  
MINUTES OF ORDINARY COUNCIL MEETING  
TUESDAY 28 NOVEMBER 2023  
63 MT BARKER ROAD STIRLING**

**13.11 2023-24 Budget Review Q1**

Moved Cr Malcolm Herrmann

S/- Cr Mark Osterstock

316/23

Council resolves:

1. That the report be received and noted.
2. To adopt the proposed budget adjustments presented in Budget Review 1 which result in:
  - a. A decrease in the Operating Surplus from \$1,082k to \$558k for the 2023-24 financial year.
  - b. Changes to the capital works, reducing capital income by \$480k and decreasing capital expenditure by \$2.996 million for the 2023-24 financial year resulting in a revised capital expenditure budget for 2023-24 of \$25.52 million.
3. To endorse the inclusion of the following projects for funding as part of the Phase 4 Local Roads and Community Infrastructure Program:
  - a. Knotts Hill Roads – \$87k
  - b. Tregarthen Road - \$50k
  - c. Blockers Road – \$30k
  - d. Wyes Road – \$30k
  - e. Marble Hill Road – \$150k
  - f. Fox Creek Road - \$200k

<b>Carried Unanimously</b>
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**14. OFFICER REPORTS - INFORMATION ITEMS**

**14.1 Auditors Completion Report 2022-23**

9:46pm Cr Chris Grant left the meeting room.

Moved Cr Melanie Selwood

S/- Cr Adrian Cheater

317/23

Council resolves that the report be received and noted.

<b>Carried Unanimously</b>
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**ADELAIDE HILLS COUNCIL  
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**15. CORRESPONDENCE FOR INFORMATION**

**15.1 Electoral Commission of SA - Adelaide Hills Casual Vacancies**

**15.2 Hon Clare Scriven MLC Letter**

**15.3 LGA Board Endorsed Nominees for Dog and Cat Management Board**

**15.4 Accounting Standards on Environmental, Social and Governance Reporting**

9:48pm Cr Chris Grant returned to the meeting room.

**Moved Lucy Huxter**

**S/- Nathan Daniell**

**318/23**

**Council resolves that the correspondence is received and noted.**

<b>Carried Unanimously</b>
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**16. QUESTIONS WITHOUT NOTICE**

Cr Melanie Selwood asked a question about stormwater on Onkaparinga Valley Road.

9:48pm Cr Pauline Gill left the meeting room and did not return.

**17. MOTIONS WITHOUT NOTICE**

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

**17.1 Peter Brass – Audit Committee Independent Member**

**Moved Cr Malcolm Herrmann**

**S/- Cr Melanie Selwood**

**319/23**

**That Council acknowledges the significant contribution made by Peter Brass as a member of the Audit Committee since 2008 including Presiding Member for one year.**

<b>Carried Unanimously</b>
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**ADELAIDE HILLS COUNCIL  
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**18. REPORTS**

**18.1 Council Member Function or Activity on the Business of Council**

**Mayor Jan-Claire Wisdom**

- 3 November 2023, SA Tourism Awards, Adelaide
- 7 November 2023, mtg Minister Brock re country cabinet prospectus, Adelaide
- 8 November 2023, mtg Ministers Close and Brock at round table forum for GRFMA, Adelaide
- 10 November 2023, CEORP Special Meeting, Stirling
- 11 November 2023, Remembrance Day, Stirling
- 13 November 2023, media call with Courier re Activism against domestic violence, Stirling
- 14 November 2023 Introduction meeting at City of Onkaparinga for CEO to meet other neighbouring CEO and Mayor
- 16 November 2023, White ribbon breakfast in support of action against domestic violence, Adelaide
- 16 November 2023, Your Community, Your Way – Community Groups Networking Forum, Lobethal
- 18 November 2023 Strategic Planning Day, Woodhouse
- 20 November 2023, Thank you Library and History Group volunteers morning tea, Stirling
- 20 November 2023, Launch of Queen’s Canopy inclusion of Cleland Wildlife Park by the Governor, Mt Lofty
- 21-22 November 2023, Resilience Australia Award, Perth

**Cr Melanie Selwood**

- 16 November 2023, Your Community, Your Way – Community Groups Networking Forum, Lobethal

**Cr Malcolm Herrmann**

- 4 November 2023, Relay for Life, Balhannah
- 11 November 2023, Wreath Laying ceremony Memorial Arch, Birdwood
- 21 November 2023, Green Shed, Gumeracha
- 21 November 2023, Birdwood High School Presentation Night, Modbury

**Cr Louise Pascale**

- 1 November 2023, Attended Teringie Residents Playground Consultation
- 13 November 2023, Participated in The Mount Barker Courier article on Adelaide Hills Council Gendered Violence Initiatives
- 16 November 2023, Attended White Ribbon Breakfast
- 16 November 2023, Attended Residents Groups Connection at Lobethal Bierhaus
- 24 November 2023, Visited Mount Barker Safe Haven with Rebecca Shepherd
- 26 November 2023, Met with Woodforde Residents

**ADELAIDE HILLS COUNCIL  
MINUTES OF ORDINARY COUNCIL MEETING  
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**Cr Kirrilee Boyd**

- 16 November 2023, Attended Residents Groups Connection at Lobethal Bierhaus

**18.2 Reports of Members as Council/Committee Representatives on External Organisations**

Nil

**18.3 CEO Report**

Nil

**19. REPORTS OF COMMITTEES**

**19.1 Council Assessment Panel**

Nil

**19.2 Audit Committee - 20 November 2023**

Moved Cr Kirsty Parkin

S/- Cr Malcolm Herrmann

**320/23**

Council resolves that the minutes of the Audit Committee meeting held on 20 November 2023, as distributed, be received and noted.

<b>Carried Unanimously</b>
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**19.3 CEO Performance Review Panel – 2 November 2023**

Moved Cr Chris Grant

S/- Cr Nathan Daniell

**321/23**

Council resolves that the minutes of the CEO Performance Review Panel meeting held on 2 November 2023, as distributed, be received and noted.

**19.3.1 Special CEO Performance Review Panel – 10 November 2023**

Council resolves that the minutes of the CEO Performance Review Panel meeting held on 10 November 2023, as distributed, be received and noted.

<b>Carried Unanimously</b>
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**ADELAIDE HILLS COUNCIL  
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**19.4 Boundary Change Committee**

Nil

**20. CONFIDENTIAL ITEMS**

Nil

**21. NEXT ORDINARY MEETING**

The next ordinary meeting of the Adelaide Hills Council will be held on Tuesday, 19 December 2023 from 6.30pm at 63 Mt Barker Road, Stirling.

**22. CLOSE MEETING**

The meeting closed at 9:53pm.

**ADELAIDE HILLS COUNCIL  
ORDINARY COUNCIL MEETING  
Tuesday 19 December 2023  
AGENDA BUSINESS ITEM**

**Item:** 11.1 Motion on Notice

**Originating from:** Cr Louise Pascale

**Subject:** Woodforde Community Meeting

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**1. MOTION**

**I move that:**

- 1. The CEO prepare a report for Council to be presented at a workshop on the 19 February 2024 on what Kite Property had approved by *State Commission Assessment Panel (SCAP)* and what it is delivering in Hamilton Hill.**
  - 2. Subject to the outcomes of the workshop, Council schedules a Woodforde residents community meeting within 4-6 weeks and invite residents of Woodforde and neighbouring suburbs of Teringie and Rostrevor.**
  - 3. Council holds the Woodforde community meeting at Rostrevor College on Glen Stuart Road, Woodforde.**
  - 4. Council provides residents the opportunity to hear about Council's work undertaken in the area concerning traffic, services and infrastructure with the expansion of Woodforde and receive feedback from residents about the changes they are experiencing.**
  - 5. Council provides an online and hard copy summary of the above for residents who cannot make it to the event and include an opportunity for those residents to feedback to the Council either online or via telephone.**
-

## 2. BACKGROUND

On Saturday 21 October 2023 Adelaide Hills Councillors were given the opportunity to see first-hand the expansion of Woodforde with the development of Hamilton Hill. At this time, they also heard from Kite Property Development with a presentation at the Summit Community Centre. It was clear from this opportunity that the Chamber still had questions about the development and the expansion of Woodforde.

The infrastructure and planning for Hamilton Hill by Kite Property has left the Council with questions around social planning, accessibility, maintenance, and facilities. These questions still need to be addressed and as Hamilton Hill progressively moves over to the control of the Adelaide Hills Council, it is pertinent we not only have our concerns addressed but we also include – and address, concerns of the community.

As the sole member of the Chamber who is in this affected area, I hear many concerns from residents. I have over the past year bought in to the Chamber and tried to resolve what I can. However, being the main point of contact for a community that has doubled in size causes issues around consultation, governance and understanding community sentiment.

As highlighted in previous motions traffic flow and congestion in the area are a major issue with the growth of Woodforde. The biggest issue for residents is the thoroughfare of Glen Stuart Road and the intersection of Norton Summit Road and Magill Road. We have tried to have the Department of Infrastructure and Transport address this and public transport. As one solution we are improving our footpaths in the area so residents can access our limited bus stops. However, we need to inform the community as a whole what we have done, the response of the Department and what more we can do moving forward.

But this is only the beginning. As we found through our Kite Property presentation, there are aspects to the development that were promised and have not been delivered. Where is the swimming pool and café that was promised?

Residents are also reporting anecdotally what they believed would be delivered on Kintyre Rd which has not eventuated. I was told residents were assured no front facing properties on Kintyre Rd and that frontage would be towards streets built adjacent to Kintyre Rd towards the South. Is this true?

It is not good governance to keep responding to one or two issues at a time, and to respond to what residents believe what was said at community meetings years before this Chamber was formed or at the beginning of the Development.

We need to have a full review of the Kite Property's SCAP application, look at what was approved and assess what has been delivered, 'shelved' or not come to fruition. This piece of work needs to be done before we receive custodianship of Hamilton Hill in its entirety and before the end of Kite Property's development is complete.

Residents of Hamilton Hill have bought properties and apartments in this area under a series of regulations placed on them by the developers and with an expectation of maintenance by the Council. This is also our opportunity to understand those regulations and manage expectations.

In the spirit of full transparency to this community we need to brief them on what was promised and what will be delivered. We also need to take their feedback and listen to their concerns. At a meeting with myself and Mayor Jan-Claire Wisdom on Monday 4 December Rostrevor Principal Mrs Shana Bennett agreed in principle that we could use Rostrevor College for this meeting.

While face-to-face meetings do bring out residents who have time and access, this should not stop us from finding the residents who cannot make the meeting because of work commitments or would prefer to email or telephone us. A separate consultation mechanism needs to be provided where residents can receive an update either in hard copy form or online to share with us their thoughts.

I am particularly mindful of our older residents who do not have mobile phones or internet access. We need to ensure they have a means by which they can be briefed and give us their feedback.

Having said all that, this meeting should not be seen as a negative experience. We also now know there is a community of residents forming in Hamilton Hill who want to be a part of our Council and community. Here is our opportunity to further connect them with established residents through a community forum and to bring Woodforde together in its entirety.

### **3. OFFICER'S RESPONSE – Jennifer Blake, Manager Communications, Engagement & Events**

#### **➤ Financial and Resource Implications**

The Communication, Engagement and Events team will be at full capacity throughout January and February 2024 with Santos Tour Down Under, Anzac Day and Discover Play Bikeway. A workshop in February and Community meeting in late March to early April would allow the appropriate planning and focus on the community meeting to achieve the best outcome.

There will be costs associated with the event including invitation printing, delivery, mailing and any refreshments. This is expected to be between \$2000 to \$4000 dollars depending on the type of invitation, how many recipients and how it is delivered. If a facilitator was required this estimate would increase by a further \$1500 to \$2000.

A full estimate of costs will be provided at the workshop.

#### **➤ Engagement/Consultation conducted in the development of the report**

We recognise that other groups have an interest in a local community meeting around issues like boundary reform. We also recognise that we have a project underway that includes community connection with Hamilton Hill and surrounding suburbs and a marketing and communication plan for Woodforde and surrounding suburbs to provide greater connection to the wider Council district. These considerations will be taken into account when organising the format of the community meeting.

There will be staffing implications in producing the Kite Property Deliverables Report, developing an engagement plan and feedback site, delivering the meeting and closing the loop.

**4. ANALYSIS**

If Council resolves to endorse the Motion on Notice the Administration will be able to facilitate the proposed workshop report and organise a community meeting with the establishment of a clear purpose and outcomes so we can manage community expectations.

This will require a community engagement plan to outline key messages, how best to run the community meeting, best format for gathering feedback and how we close the loop on the consultation for our community.

Closing the loop may entail a feedback report and next steps.

**5. APPENDICES**

Nil



**ADELAIDE HILLS COUNCIL  
ORDINARY COUNCIL MEETING  
Tuesday 19 December 2023  
AGENDA BUSINESS ITEM**

**Item:** 11.2 Motion on Notice

**Originating from:** Cr Mark Osterstock

**Subject:** Boundary Change Committee

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**SUMMARY**

The Boundary Change Committee is created under Section 41 of the *Local Government Act 1999* (the 'Act').

The purpose of this motion is to seek the Council's determination on filling a membership vacancy that currently exists on the Committee together with minor amendments to the Terms of Reference (the 'TOR').

**1. MOTION**

I move that:

**Decision 1**

1. That the report be received and noted.
2. To amend the Terms of Reference, as contained in Appendix 2.
3. To determine that the method of selecting a member of the Boundary Change Committee to be by an indicative vote to determine the preferred person for the vacant position utilising 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 person to fill the vacancy that currently exists on the Boundary Change Committee and for the meeting to resume once the results of the indicative vote have been declared.

**Decision 2**

5. To appoint Cr \_\_\_\_\_ to the position of Boundary Change Committee Member, effective forthwith and concluding on 30 November 2025.
-

## 2. BACKGROUND

### Boundary Change Committee Terms of Reference

At its 9 August 2022 special meeting, Council established the Boundary Change Committee and adopted a revised Terms of Reference (TOR) (***Appendix 1***).

### Boundary Change Committee Membership

The relevant elements of the Committee's TOR regarding membership and contained in clause 5, are as follows:

#### 5. MEMBERSHIP

5.1 The Committee will comprise five (5) members as follows:

5.1.1 The Deputy Mayor of the Council; and

5.1.2 Four (4) Council Members.

5.2 All members of the Committee will be appointed by the Council for a period of three (3) years but will expire at each periodic local government election.

5.3 It is desirable for the Council Members to be appointed to the Committee to have a sound understanding of provisions of Chapter 3, Part 2 of the Act and the Campbelltown City Council Woodforde/Rostrevor boundary change proposal.

5.4 In considering appointments to the Committee, Council should give consideration to the diversity of the membership.

5.5 Members of the Committee are eligible for reappointment at the expiration of their term of office.

5.6 The Committee may be assisted by independent advisors that the Committee may determine from time to time.

At its 9 August 2022 special meeting, in relation to the four Council Member positions on the Boundary Change Committee and the Presiding Member role, Council resolved as follows:

At its 29 November 2022 Council meeting, the Council Member positions on the Boundary Change Committee being Cr Leith Mudge, Cr Mark Osterstock, Cr Nathan Daniell and Cr Kirsty Parkin were appointed as members for a 36-month term to commence 30 November 2022 and conclude on 30 November 2025 (inclusive).

On 28 November 2023 Council appointed Cr Mark Osterstock to the position of Presiding member for a period of 24 months commencing 30 November 2023 and concluding 30 November 2025.

### Boundary Change Committee Terms of Reference

Minor amendments are proposed to the TOR are proposed and are highlighted in Appendix 2 in bold italics for ease of reference.

The key amendments proposed are to Clauses:

4.2 - The Principal Member of Council will be the principal spokesperson for the Committee and for all matters associated with the Campbelltown City Council Woodforde /Rostrevor boundary change proposal, in consultation with the Presiding Member of the Committee. [In the event of a Conflict of Interest the Presiding Member]

13.1 - The Committee shall meet at least once per year at appropriate times and place(s), as determined by the Presiding Member, preferably at the Norton Summit Community Centre. A special meeting of the Committee may be called in accordance with the Act.

#### Indicative Voting Process for Determining Council Appointed Positions

Due to the potential implications of the General and Material Conflict of Interest provisions (see Legal Implications above) regarding the appointment of Committee Members and the Presiding Member (other than the Mayor, Deputy or any Council Member currently receiving a Presiding Member's allowance from a pecuniary interest perspective), it is proposed that the Council adjourn the meeting for the purposes of seeking nominations for and, if necessary, conducting an indicative vote (Indicative Voting Process) to determine the preferred person for the position of the Boundary Change Committee Presiding Member.

As the Indicative Voting Process involves discussion of a matter that is, or is intended to be, part of the agenda for a formal meeting of the Council or Council Committee, it is an Information or Briefing Session for the purposes of s90A and the *Information or Briefing Sessions Policy* (the 'Policy'). As an Information or Briefing Session, the Chief Executive will conduct the meeting in accordance with the Policy.

The proposed Indicative Vote Process below is based on the Appointments to Positions Process contained in Clause 4.7 Council's *Code of Practice for Code of Practice for Council Meeting Procedures* with modifications to suit the legislative requirements of the conflict of interest and informal gatherings provisions.

The proposed Indicative Voting Process is:

- a) Chief Executive Officer calls for self-nominations for the position of Boundary Change Committee Presiding Member, as appropriate.
- b) If the number of nominees is equal to or less than one, no election will be required. If the number of nominees is greater, an election will be necessary.
- c) The CEO (or another Council staff member) will be appointed as the Returning Officer and may enlist other Council staff to assist with the conduct of the vote and the count.
- d) The method of voting will be by secret ballot utilising the preferential counting system.
- e) Each Council Member (including the Mayor) shall have one vote.
- f) Ballot papers will be provided to each Council Member.
- g) The nominee's names will be drawn to determine the order on the ballot paper.
- h) Each Member will write the nominee's names on the ballot paper in the order they are drawn.
- i) Each nominee will have two (2) minutes to speak to the Briefing Session in support

of the candidacy. The speaking order will be as listed on the ballot paper.

- j) Members will cast their votes and the completed ballot papers will be collected by the Returning Officer and the count will be undertaken in a separate room with an observer [another Council Member (not being a nominee for the position being determined) or an Officer] present.
- k) In the event of a tie, the result will be decided by the Returning Officer drawing lots, the candidate first drawn being the candidate excluded.
- l) After all votes have been counted, the Returning Officer shall publicly announce the final votes cast for each candidate and formally declare the result of the election (i.e., the preferred person).
- m) The ballot papers will be shredded.

**3. OFFICER'S RESPONSE – Terry Crackett, Director Corporate Services**

The proposed Motion on Notice seeks to fill an existing vacancy on the Committee as well recommending a number of minor amendments to the Terms of Reference (**Appendix 1**).

**4. APPENDICES**

- (1) Draft Amended Terms of Reference for Boundary Change Committee

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# **Appendix 1**

*Amended TOR - Boundary Change Committee*

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# ADELAIDE HILLS COUNCIL

## Boundary Change Committee



### TERMS OF REFERENCE

#### 1. ESTABLISHMENT

- 1.1 The Boundary Change Committee (the 'Committee') of Council is established under Section 41 of the *Local Government Act 1999* (the 'Act').
- 1.2 The Committee does not have executive powers or authority to implement actions in areas which management has responsibility.
- 1.3 The Committee and its Members do not have any delegations except as provided for in this Terms of Reference.

#### 2. ROLE

- 2.1 The role of the Committee is to assist Council to fulfil its role and functions by providing advice regarding the operation and implications of Chapter 3 – Constitution of councils, Part 2 – Reform proposals of the Act associated with the Campbelltown City Council Woodforde/Rostrevor boundary change proposal.

#### 3. SPECIFIC FUNCTIONS

- 3.1 Within the context of the role of the Committee, its specific functions are:
  - 3.1.1 To review and provide advice to Council regarding any correspondence or reports produced by the South Australian Boundaries Commission (the 'Boundaries Commission');
  - 3.1.2 To oversee and provide advice to Council on:
    - 3.1.2.1 the development of submissions to the Boundaries Commission or its associated parties;
    - 3.1.2.2 the development of communications strategies to the affected residents and ratepayers;
    - 3.1.2.3 risk and risk management associated with any potential boundary change;
    - 3.1.2.4 financial and other budgetary considerations associated with any potential boundary change; and
    - 3.1.2.5 other matters as the Committee may determine
  - 3.1.3 To seek legal and/or other professional advice to enable the Committee to discharge its role and functions within the limits of its applicable financial delegation.

#### 4. OTHER MATTERS

##### 4.1 The Committee shall:

- 4.1.1 Have access to reasonable resources in order to carry out its duties, recognising the constraints within Council's Budget.
- 4.1.2 Be provided with appropriate and timely training, both in the form of an induction programme for new committee members and on an ongoing basis for all committee members.
- 4.1.3 Have delegated financial responsibility as resolved by Council in Resolution 179/22 and any subsequent resolutions. Any procurement activity resulting from the Committee's use of its delegation will be undertaken by the Administration. For clarity, individual Committee Members do not have any authority to commit Council funds.
- 4.1.4 At least once in each full term, review its own performance and these Terms of Reference to ensure it is operating at maximum effectiveness and recommend changes it considers necessary to the Council for approval.
- 4.1.5 Upon being provided notification by the Boundaries Commission and/or the Minister for Local Government that the Campbelltown City Council Woodforde/Rostrevor boundary change proposal has either been withdrawn or will not be proceeding in a timely manner, the Committee will provide advice to the Council on the continuance of the Committee.

##### 4.2 The Principal Member of Council will be the principal spokesperson for the Committee and for all matters associated with the Campbelltown City Council Woodforde /Rostrevor boundary change proposal, in consultation with the Presiding Member of the Committee. [In the event of a Conflict of Interest the Presiding Member]. Consistent with clause 4.1 of the *Council Member Conduct Policy*, the Principal Member may delegate this role to another Council Member or Officer on agreed terms.

##### 4.3 Where information is required to be provided to the Boundaries Commission or an associated party in a timeframe that does not reasonably allow:

- 4.3.1 the Committee to make a recommendation to Council, the Committee has the delegation to approve the provision of the requested information directly to the requesting party. A report will be provided to the next meeting of Council on the exercise of this delegation; or
- 4.3.2 the Committee to meet to consider the requested information, the Committee Presiding Member has the delegation, following consultation with the Mayor (or the Deputy Mayor if the Mayor is the Presiding Member) and CEO, to approve the provision of the requested information directly to the requesting party. A report will be provided to the next meeting of the Committee on the exercise of this delegation.

#### 5. MEMBERSHIP

##### 5.1 The Committee will comprise five (5) members as follows:

- 5.1.1 The Deputy Mayor of the Council; and

- 5.1.2 Four (4) Council Members.
- 5.2 All members of the Committee will be appointed by the Council for a period of three (3) years but will expire at each periodic local government election.
- 5.3 It is desirable for the Council Members to be appointed to the Committee to have a sound understanding of provisions of Chapter 3, Part 2 of the Act and the Campbelltown City Council Woodforde/Rostrevor boundary change proposal.
- 5.4 In considering appointments to the Committee, Council should give consideration to the diversity of the membership.
- 5.5 Members of the Committee are eligible for reappointment at the expiration of their term of office.
- 5.6 The Committee may be assisted by independent advisors that the Committee may determine from time to time.

## **6. PRESIDING MEMBER**

- 6.1 The Council will appoint the Presiding Member of the Committee.
- 6.2 The Council authorises the Committee to determine if there will be a Deputy Presiding Member of the Committee and, if so, authorises the Committee to make the appointment to that position for a term determined by the Committee.
- 6.3 If the Presiding Member of the Committee is absent from a meeting the Deputy Presiding Member (if such position exists) will preside at that meeting. If there is no position of Deputy Presiding Member, or both the Presiding Member and the Deputy Presiding Member of the Committee are absent from a meeting of the Committee, then a member of the Committee chosen from those present will preside at the meeting until the Presiding Member (or Deputy Presiding Member, if relevant) is present.
- 6.4 The role of the Presiding Member includes:
- 6.4.1 overseeing and facilitating the conduct of meetings in accordance with the Act and the *Local Government (Procedures at Meetings) Regulations 2013* (the Regulations); and
- 6.4.2 Ensuring all Committee members have an opportunity to participate in discussions in an open and encouraging manner.

## **7. SITTING FEES**

- 7.1 No additional allowance will be paid to the Members of the Committee over and above the allowance already received by Council Members in accordance with the determination of the Remuneration Tribunal.



## 8. REPORTING RESPONSIBILITIES

8.1 For the purposes of Section 41(8) of the Act, the Committee's reporting and accountability requirements are:

8.1.1 Minutes of a meeting of the Panel will be provided to all Committee members as soon as practicable after the meeting and, in accordance with the Act, to all Council members within five (5) days after the meeting. Minutes shall be presented to Council at the next Ordinary Council Meeting.

8.1.2 All resolutions of the Committee, including recording the names of those present will be minuted and the minutes will otherwise comply with the requirements of the Regulations.

8.1.3 Agendas and Reports of the Committee forwarded to the Committee will also be forwarded to Council members for their information prior to the Committee meeting, having regard for any confidentiality provisions that may apply.

8.1.4 The minutes of each Committee meeting will be included in the agenda papers of the next ordinary meeting of the Council;

8.1.5 Agenda, Reports and Minutes will be made available to the public consistent with legislative requirements.

8.1.6 The Presiding Member ~~will~~may attend a meeting of the Council at least once per annum to present a report on the activities of the Committee;

8.1.7 The Committee shall make whatever recommendations to the Council it deems appropriate on any area within these terms of reference where in its view action or improvement is needed; and

8.1.8 The Presiding Member may attend a Council meeting at any time that the Presiding Member sees fit to discuss any issue or concern relating to the Committee's functions. Depending on the nature of the matter, this may be held in confidence in accordance with Section 90 of the Act and staff may be requested to withdraw from the meeting.

8.1.9 The Committee ~~shall~~may report to Council on an as-needs basis or upon Council's request with a summary of its activities.

## 9. CONFLICTS OF INTEREST

Where a member of the committee has a conflict of interest in a matter before the Committee, the member must act in accordance with the requirements of section 73 and 75 of the *Local Government Act 1999*.

## 10. QUORUM

A quorum for a meeting of the Committee will be three (3) members. No business can be transacted at a meeting of the Committee unless a quorum is present.

## **11. MEETING PROCEDURE**

- 11.1 The meeting procedure for the Committee is as set out in the Act, Parts 1, 3 and 4 of the Regulations. Insofar as the Act, the Regulations, or these Terms of Reference do not prescribe the procedure to be observed in relation to the conduct of a meeting of the Committee, the Committee may determine its own procedure.
- 11.2 In accordance with Section 90(7a) of the Act, one or more Committee members may participate in the meeting by telephone or other electronic means provided that members of the public can hear the discussion between all Committee members.
- 11.3 Only members of the Committee are entitled to vote in Committee meetings. Unless otherwise required by the Act not to vote, each member must vote on every matter that is before the Committee for decision.
- 11.4 All decisions of the Committee shall be made on the basis of a majority decision of the Members present and in the event of a tied vote the matter be referred to the Council for decision.
- 11.5 Council Employees may attend any meeting as observers, to provide advice and/or be responsible for preparing papers for the Committee.
- 11.6 The Committee can request and/or engage other persons or organisations to make presentations and/or provide advice and/or respond to questions.
- 11.7 The Committee does not enjoy the delegation of any powers, functions and duties of the Council. All decisions of the Committee will, therefore, constitute recommendations to the Council.

## **12. SECRETARIAL RESOURCES**

- 12.1 The Chief Executive Officer shall provide sufficient administrative resources to the Committee to enable it to adequately carry out its functions.

## **13. FREQUENCY OF MEETINGS**

- 13.1 The Committee shall meet at least four times a year at appropriate times and places as determined by the Committee, preferably at the Norton Summit Community Centre. A special meeting of the Committee may be called in accordance with the Act.
- 13.2 If after considering advice from the CEO or delegate, the Presiding Member of the Committee is authorised to cancel the respective Committee meeting, if it is clear that there is no business to transact for that designated meeting.

## **14. NOTICE OF MEETINGS**

- 14.1 Notice of the meetings of the Committee will be given in accordance with Sections 87 and 88 of the Act. Accordingly, notice will be given:
- 14.1.1 To members of the Committee by email or as otherwise agreed by Committee members; and

14.1.2 To the public as soon as practicable after the time that notice of the meeting is given to members by causing a copy of the notice and agenda to be displayed at the Council's principle office and on the Council's website.

**14.2 PUBLIC ACCESS TO MEETINGS & DOCUMENTS**

14.3 Members of the public are able to attend all meetings of the Committee, unless prohibited by resolution of the Committee under the confidentiality provisions of Section 90 of the Act.

14.4 Members of the public have access to all documents relating to the Committee unless prohibited by resolution of the Committee under the confidentiality provisions of Section 91 of the Act.

**ADELAIDE HILLS COUNCIL  
ORDINARY COUNCIL MEETING  
Tuesday 19 December 2023  
AGENDA BUSINESS ITEM**

**Item:** 11.3 Motion on Notice

**Originating from:** Cr Leith Mudge

**Subject:** Reaffirmation of Acknowledgement of Country

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**1. MOTION**

I move that Adelaide Hills Council:

1. Reaffirms its policy of making an acknowledgement of the traditional custodians of the Adelaide Hills prior to ALL council meetings and other meetings in accordance with our Acknowledgement and Welcome to Country Policy.
  2. Believes that the appropriate delivery of Acknowledgement of Country and Welcome to Country is a fundamental element of respectful recognition of the Traditional Custodians of the Adelaide Hills.
  3. Believes that Council has a leadership role in relation to reconciliation and a responsibility to demonstrate best practice in the use and protocols associated with Acknowledgement of Country and Welcome to Country.
  4. Encourages other SA Councils to adopt or retain a policy of making a respectful Acknowledgement of Country at council and other meetings.
- 

**2. BACKGROUND**

In December 2020 Adelaide Hills Council adopted an Acknowledgement and Welcome to Country Policy as seen in **Appendix 1** to acknowledge and pay respect to the Traditional Custodians of the Adelaide Hills before council and other meetings.

During and after the Voice referendum this year there has been a rise in disrespectful and racist attacks against First Nations people. Some feel that the failure of the referendum question was a licence to roll-back the gains that we have made in reconciliation over the last decades. Some SA Councils have dropped the Acknowledgement of Country at Council meetings<sup>1 2</sup>. It would be fair to say that this year has been a difficult one for the First Nations community.

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<sup>1</sup> <https://www.abc.net.au/news/2023-11-29/aboriginal-elders-northern-areas-council-acknowledgement-country/103165102>

<sup>2</sup> <https://www.abc.net.au/news/2023-11-30/sa-acknowledgement-of-country-scrapped-city-playford/103169912>

As we close the year, this motion reaffirms our commitment to delivery of respectful Acknowledgement of Country at ALL Council meetings as outlined in our policy. It encourages other SA Councils to adopt or retain a similar policy.

The motion arose out of a conversation at the end-of-year meeting of the Adelaide Hills Reconciliation Working Group (AHRWG) on 7 December. It was broadly agreed that a suggestion by Mayor Wisdom (who attended) to reaffirm councils' policy would be appropriate and that Adelaide Hills Council should show leadership to other councils in this area. I have consulted members of the AHRWG individually on the wording of this motion.

**3. OFFICER'S RESPONSE – Natalie Armstrong, Director Community and Development**

➤ **Strategic Management Plan/Functional Strategy/Council Policy Alignment**

*Strategic Plan 2020-24 – A brighter future*

Goal 2 Community Wellbeing

Objective C5 Respect for Aboriginal Culture and Values

Priority C5.1 Partner with the Aboriginal and Torres Strait Islander community to develop our second Reconciliation Action Plan (Innovate) and actively participate in Reconciliation Week

Organisational protocols and practice in Welcome to Country and Acknowledgement of Country is a key element of the Respect aspect of Reconciliation Action Plans at all levels.

➤ **Legal Implications**

Not Applicable.

➤ **Risk Management Implications**

Council's Acknowledgment and Welcome to Country Policy (*Appendix 1 Acknowledgment and Welcome to Country Policy*) reflects Council's commitment to recognising and respecting Traditional Custodians.

The continued practice of undertaking appropriate Acknowledgment and Welcome to Country as prescribed in Council policy assists in mitigating the risk of damaging Councils reputation and relationships with Traditional Custodians and the broader community through a perception of disrespect.

Inherent Risk	Residual Risk	Target Risk
Medium 2C	Medium 2C	Low

➤ **Financial and Resource Implications**

Not Applicable.

➤ **Customer Service and Community/Cultural Implications**

The suggested Motion on Notice aligns with current practise as prescribed in Council’s Acknowledgment and Welcome to Country Policy and reflects Council’s commitment to Reconciliation.

➤ **Sustainability Implications**

Not Applicable.

➤ **Engagement/Consultation conducted in the development of the report**

Consultation on the development of this report was as follows:

*Council Committees:* Not Applicable

*Council Workshops:* Not Applicable

*Advisory Groups:* Not Applicable

*External Agencies:* Not Applicable

*Community:* Not Applicable

**4. ANALYSIS**

The appropriate delivery of Acknowledgement of Country and Welcome to Country is a fundamental element of respectful recognition of the Traditional Custodians of the Adelaide Hills, the Peramangk and Kaurna peoples. Council demonstrates leadership in this through the Acknowledgment and Welcome to Country Policy.

This policy was developed through robust engagement with the Adelaide Hills Reconciliation Working Group and workshoped with Elected Members.

The Acknowledgment and Welcome to Country Policy, adopted December 2020, is scheduled for review early in 2024. In the meantime, a reaffirmation would signal Adelaide Hills Council’s ongoing commitment at a time when some other SA councils are dropping their Welcome to Country.

**5. APPENDICES**

- (1) Acknowledgment and Welcome to Country Policy

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## **Appendix 1**

### *Acknowledgment and Welcome to Country Policy*

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# *Council Policy*

Acknowledgement of Country and  
Welcome to Country





# COUNCIL POLICY

 <p><b>Adelaide Hills</b> COUNCIL</p>	<p><b>ACKNOWLEDGEMENT AND WELCOME TO COUNTRY</b></p>
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<b>Policy Number:</b>	COM-25
<b>Responsible Department(s):</b>	Community Development
<b>Relevant Delegations:</b>	As per the delegations schedule and as included in this Policy
<b>Other Relevant Policies:</b>	NIL
<b>Relevant Procedure(s):</b>	Code of Practice for Council Meeting Procedures
<b>Relevant Legislation:</b>	NIL
<b>Policies and Procedures Superseded by this policy on its Adoption:</b>	NIL
<b>Adoption Authority:</b>	Council
<b>Date of Adoption:</b>	15 December 2020
<b>Effective From:</b>	31 January 2021
<b>Minute Reference for Adoption:</b>	Item 12.1, 295/20
<b>Next Review:</b>	No later than December 2023 or as required by legislation or changed circumstances



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## ACKNOWLEDGEMENT AND WELCOME TO COUNTRY POLICY

### 1. INTRODUCTION

The appropriate delivery of Acknowledgement of Country and Welcome to Country is a fundamental element of respectful recognition of the Traditional Custodians of the Adelaide Hills. Council has a leadership role in relation to Reconciliation and a responsibility to demonstrate best practice in the use and protocols associated with Acknowledgement of Country and Welcome to Country.

The following policy provides the Council with principles and guidelines for the appropriate delivery of Acknowledgement of Country and Welcome to Country.

### 2. OBJECTIVES

The objectives of this policy are:

- To ensure the appropriate and consistent use of Acknowledgement of Country and Welcome to Country
- To outline protocols and expectations associated with Acknowledgement of Country and Welcome to Country

### 3. DEFINITIONS

**“Acknowledgement of Country”** a spoken presentation that acknowledges and pays respect to the Traditional Custodians of the country on which the meeting or event is taking place, which, can be conducted by both Aboriginal and/or non-Aboriginal people.

**“First Nations People”** Aboriginal and Torres Strait Islander people as the indigenous people of Australia

**“Reconciliation”** the process for building respectful relationships between first nations people and the wider Australian community in order to close the gaps, and to achieve a shared sense of fairness and justice.

**“Traditional Custodian”** a person who identifies as Peramangk or Kaurna as the first nations people of the Adelaide Hills.

**“Welcome to Country”** a traditional welcoming ceremony performed by a Traditional Custodian of the land on which the meeting or event is taking place, or someone authorised by a recognised cultural authority of the Traditional Custodians.

**“Event”** for the purpose of this policy the term event refers to a gathering or occasion that is organised by Council

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## **4. POLICY STATEMENT**

### **4.1 Welcome to Country**

A Welcome to Country can only be performed by a Traditional Custodian.

A Welcome to Country should be performed at:

- Medium to large public gatherings (50 or more people)
- Formal events such as receptions, launches or awards ceremonies
- Events or occasions that involve VIPs, Dignitaries, Leaders or Aboriginal Elders
- Events that involve international, interstate visitors or other councils
- Community events run by the Council

On these occasions a Traditional Custodian shall be engaged to perform a Welcome to Country and shall be paid an agreed and commensurate fee for this service. The cost of this fee should be included in the budgeting and resource planning for the events and gatherings as described above.

In the event that a Traditional Custodian is not available to perform a Welcome to Country an Acknowledgement of Country must be delivered.

The Welcome to Country does not preclude the delivery of an Acknowledgement of Country.

### **4.2 Acknowledgement of Country**

An Acknowledgement of Country can be performed by any person Aboriginal or non-Aboriginal.

An Acknowledgement of Country should be performed at:

- Medium to large gatherings at which a Welcome to Country has also been performed
- Small to medium public gatherings (49 people or less)
- Council meetings
- Regular committee or working group meetings
- Formal Staff meetings
- Community gatherings run by the Council

The wording of the official Council Acknowledgement of Country has been determined in consultation with the Adelaide Hills Reconciliation Working Group and other relevant stakeholders and that is reflected in this Policy.

### **4.3** Council Meetings

At the opening of all Ordinary and Special Council meetings the following Acknowledgement of Country statement will be given by the Mayor or their representative:

*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.*

### **4.4** Council Officer or Elected Member Acknowledgement of Country

At the commencement of all gatherings, where an Acknowledgement of Country is deemed appropriate (refer 4.2) the designated Council Officer or Elected Member will deliver the following statement:

*Council acknowledges that we meet on the traditional lands and waters of the Peramangk and Kurna people. We pay our respects to Elders past, present and emerging as the Custodians of this ancient and beautiful land. Together we will care for this country for the generations to come.*

### **4.5** Written Acknowledgement of Country

**4.5.1** A written Acknowledgement of Country will be included in significant Council documents and publications including the Strategic Management Plans and Annual Business Plan and shall read as follows:

*Council acknowledges that we undertake our business on the traditional lands and waters of the Peramangk and Kurna people. We pay our respects to Elders past, present and emerging as the Custodians of this ancient and beautiful land for they hold the memories, traditions, spiritual relationships, culture and hopes of the First Nations of Australia. We are committed to working together to ensure that Peramangk and Kurna culture and traditions are sustained, valued and continuing. Together we will care for this country for the generations to come and in this context the decisions we make should be guided by the principle that nothing we do should decrease our children's ability to live on this land.*

**4.5.2** A written Acknowledgement of Country may also appear on short written documents, Council's website and digital platforms, including email signatures in either the same statement as detailed in 4.5.1 or the shorter version as follows:

*Council acknowledges that we undertake our business on the traditional lands and waters of the Peramangk and Kurna people. We pay our respects to Elders past, present and emerging as the Custodians of this ancient and beautiful land.*

#### **4.6**     Resources

Council will provide information for Elected Members, staff and community via the Council website promoting the understanding and appropriate use of Welcome to Country and Acknowledgement of Country including links to Reconciliation SA and Reconciliation Australia websites.

Council will provide contact details (with permission) of Peramangk and Kurna Elders willing to conduct a Welcome to Country and communicate the expectation that suitable remuneration should be paid for this service.

### **5.       DELEGATION**

**5.1**     The Chief Executive Officer has the delegation to:

- Approve, amend and review any procedures that shall be consistent with this Policy; and
- Make any formatting, nomenclature or other minor changes to the Policy during the period of its currency.

### **6.       AVAILABILITY OF THE POLICY**

**6.1**     This Policy will be available for inspection at the Council's Offices during ordinary business hours and via the Council's website [www.ahc.sa.gov.au](http://www.ahc.sa.gov.au). Copies will also be provided to the public upon request, and upon payment of a fee in accordance with the Council's Schedule of Fees and Charges.

**ADELAIDE HILLS COUNCIL  
ORDINARY COUNCIL MEETING  
Tuesday 19 December 2023  
AGENDA BUSINESS ITEM**

**Item:** 12.1

**Responsible Officer:** Jody Atkins  
A/Governance & Risk Coordinator  
Corporate Services

**Subject:** Confidential Items Review – December 2023

**For:** Decision

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**SUMMARY**

Section 91 of the *Local Government Act 1999* requires Council to review confidential orders at least once every year.

A review of the Register of Confidential Items has been undertaken and there is one (1) item that requires a new confidentiality order and five (5) Items that are due to be released. Council must determine the period of confidentiality for this item.

**NB: If the meeting wishes to discuss the status of any items in a manner that will result in the disclosure of information currently under an s91(7) confidentiality order, it should first consider making a s90 order to move into confidence.**

**RECOMMENDATION**

**DECISION 1**

1. That the report be received and noted.
2. That the items held as confidential in the Confidential Items Register (*Appendix 1*) be noted.

**DECISION 2 – Resolution 303/22 – Surplus Government Land Notification**

3. Pursuant to Section 91(7) of the *Local Government Act 1999*, Council orders that the following document(s) (or part) shall be kept confidential, being document(s) (or part) relating to a matter dealt with by the Council on a confidential basis under Sections 90(2) and 90(3)(i) of the Act:
  - The report, related attachments, minutes and other (presentation, documents or similar) of 20 December 2022, Item No. 18.1, Surplus Government Land Notifications, 202/22, unless previously released, remain confidential until this matter has concluded and that this order be reviewed every twelve (12) months.

- **On the grounds that the document(s) (or part) 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 would, on balance, be contrary to the public interest. The current expiry date occurs on 20 December 2023 a further twelve (12) months is required to 20 December 2024.**
4. **Pursuant to section 91(9)(c) of the *Local Government Act 1999*, Council delegates the power to revoke the confidentiality order either partially or in full to the Chief Executive Officer.**
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## 1. **BACKGROUND**

An Extract of the Confidential Items Register is contained on Council’s website and is reviewed on a monthly basis. Items that have progressed to the specified point and are no longer of a confidential nature are released in accordance with the respective council resolution. Items that remain in confidence are displayed on the Register.

For administrative and Council efficiencies, items may be included in reviews even though they may not be due for such. Processing items in this way eliminates the need for additional reports to Council whilst maintaining the confidential status of items.

## 2. **ANALYSIS**

### ➤ **Strategic Management Plan/Functional Strategy/Council Policy Alignment**

*Strategic Plan 2020-24 – A brighter future*

Goal 5	A Progressive Organisation
Objective O4	We actively represent our community
Priority O4.3	Attract and develop a diverse and capable elected body that represents, promotes and reflects the composition of the community
Priority O4.3	Advocate to, and exert influence with, our stakeholders on behalf of our community to promote the needs and ambitions of the region
Objective O5	We are accountable, informed, and make decisions in the best interests of the whole community
Priority O5.1	Enhance governance structures and systems to prudently adapt to changing circumstances and meet our legislative obligations

The review of Council’s *Confidential Items Register* is an important element of Council’s commitment to open and transparent decision making which facilitates public accountability.

### ➤ **Legal Implications**

Section 91(7) of the *Local Government Act 1999* sets out the provisions regarding the making of orders to retain documents and discussions considered at Council and Council Committees in confidence.

Section 91(9) requires that these orders must specify the duration of the order or the circumstances in which the order will cease to apply or must be reviewed. Any order that operates for a period exceeding 12 months must be reviewed at least once in every year.



To enable management of any order made under Section (90) a Confidential Orders Register is maintained.

➤ **Risk Management Implications**

Reviewing confidentiality orders assists with mitigating the risks of:

*Confidential information is released which prejudices Council's and/or third parties' interests.*

Inherent Risk	Residual Risk	Desired Risk
Extreme (3A)	Low (3E)	Low (3E)

*Information scheduled for release under a confidentiality order is not duly released resulting in a breach of legislation and depriving the community of public information.*

Inherent Risk	Residual Risk	Desired Risk
Extreme (3A)	Low (3E)	Low (3E)

Note: there are a number of other controls that assist with managing these risks.

➤ **Financial and Resource Implications**

Not applicable

➤ **Customer Service and Community/Cultural Implications**

There is a high expectation that Council has appropriate corporate governance processes in place including effective management and regular review of the Confidential Items Register.

➤ **Sustainability Implications**

Not applicable

➤ **Engagement/Consultation conducted in the development of the report**

Consultation on the development of this report was as follows:

<i>Council Committees:</i>	Not applicable
<i>Council Workshops:</i>	Not applicable
<i>Advisory Groups:</i>	Not applicable
<i>External Agencies:</i>	Not applicable
<i>Community:</i>	Not applicable

➤ **Additional Analysis**

The Register of Confidential Items has been reviewed and there is one (1) item that requires the consideration of a new confidentiality order at this time. An extract of the register is attached (**Appendix 1**) which provides a summary of all existing confidential orders highlighting the order that requires a new confidentiality provision, as follows:

- **Resolution 303/22 – Surplus Government Land Notification**

The Period of Confidentiality for this item concludes 20 December 2023.

It is recommended that a new confidentiality order be applied and that the item remain confidential until the matter has concluded on the grounds that the document(s) (or part) 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 would on balance, be contrary to the public interest and that this order be extended until 20 December 2024 and reviewed every twelve (12) months.

### 3. OPTIONS

Council has the following options:

- I. To extend the period of confidentiality as per the recommendations. (Recommended)
- II. Determine an alternative period of confidentiality. (Not Recommended)
- III. Allow the confidentiality order to expire thus releasing the information. (Not Recommended)

**NB: If the meeting wishes to discuss the status of any item in a manner that will result in the disclosure of information currently under an s91(7) confidentiality order, it should first consider making a s90 order to move into confidence.**

### 4. APPENDIX

- (1) Extract of Confidential Items Register - December 2023

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# **Appendix 1**

*Extract of Confidential Items Register*

*December 2023*

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# Extract of Confidential Items Register - December 2023

Register No	Date of Meeting	Council/Committee	Agenda No	Resolution Number	Officer	Responsible People Leader	Report Title	LG Act S90 Provision	Release date (no longer than 12 mths)	Original Resolution regarding Period of Confidentiality	Revised Period of Confidentiality	Next Review Date (8 mths less than release date)	Notes for Update	Still in confidence
428	6/11/2023	Special Council Meeting	8.1		Anne Pett	Terry Crackett	CEO Performance Review Process	S90(2) and S90(3)(a)(h)	21/06/2024	Report Until further order Related Attachments Until further order Minutes Until further order Other (including legal advice from Norman Waterhouse Lawyers relating to this matter) Until further order		26/04/2024		Yes
427	6/11/2023	Special Council Meeting	276/23		Anne Pett	Terry Crackett	CEO Performance Review Process – Exclusion of the Public	S90(2) and Section 90(3)(a) and (h) of the Local Government Act 1999	31/05/2024	Report Until further order Related Attachments Until further order Minutes Until further order Other (including legal advice from Norman Waterhouse Lawyers relating to this matter) Until further order		30/04/2024		Yes
426	14/11/2023	Ordinary Council	19.1		Ashley Curtis	David Waters	Provision of Spray Sealed Services Contract	S90(2) S90(3)(k)	13/11/2024	retain items in confidence as detailed in the Duration of Confidentiality table below Report 14 November 2023 until contracts are signed but not before 12 months. Related Attachments 14 November 2023 until contracts are signed but not before 12 months Minutes 14 November 2023 until contracts are signed but not before 12 months Other 14 November 2023 until contracts are signed but not before 12 months Pursuant to section 91(9)(c) of the Local Government Act 1999, the Council delegates the power to revoke to confidentiality order either partially or in full to the Chief Executive Officer.		13/09/2024		Yes
425	10/10/2023	231010 Ordinary Council Meeting - 10 October 2023	18.1	265/23	Terry Crackett	Terry Crackett	Electricity Procurement - Legal Matter	90(2) and 90(3)(h)	25/10/2024	Duration of Confidentiality 26 October 2024 or until legal release date		26/08/2024		Yes
424	4/09/2023	Special Council	6.1	233/23	John McArthur	David Waters	Amy Gillett Bikeway Stage 4 Alternate Offer to State Government	90(3)(j)	4/09/2024	retain the items in confidence as detailed in the Duration of Confidentiality Table below: Item Duration of Confidentiality NB: Item to be reviewed every 12 months if not released Report 4 September 2024 or upon finalisation of all relevant agreements with the State and Federal Governments. Related Attachments 4 September 2024 or upon finalisation of all relevant agreements with the State and Federal Governments. Minutes 4 September 2024 or upon finalisation of all relevant agreements with the State and Federal Governments. Other Nil 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.				Yes
422	25/07/2023	Council	18.1	207/23	Greg Georgopoulos	Greg Georgopoulos	Country Cabinet August 2023 Key Strategic Issues	90(3)(j)	30/06/2024	retain the items in confidence as detailed in the Duration of Confidentiality Table below: Item Duration of Confidentiality NB: Item to be reviewed every 12 months if not released Report Until the announcement has been made, but not longer than 30 June 2024 Related Attachments Until the announcement has been made, but not longer than 30 June 2024 Minutes Until the announcement has been made, but not longer than 30 June 2024 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.				Yes
421	27/06/2023	Council	18.1	183/23	Terry Crackett	Terry Crackett	Appointment of GRFMA Chairperson	90(3)(a)	30/09/2024	retain the items in confidence as detailed in the Duration of Confidentiality Table below: Item Duration of Confidentiality NB: Item to be reviewed every 12 months if not released Report until the appointment has been confirmed, but not longer than 30 September 2023 Related Attachments until the appointment has been confirmed, but not longer than 30 September 2023 Minutes until the appointment has been confirmed, but not longer than 30 September 2023 Other (presentation, documents, or similar) N/A 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.		30/07/2023	Due to withdrawal of successful applicants acceptance, GRFMA Executive Officer has requested extension until end 2024	Yes
420	13/06/2023	Council	18.1	167/23	Gary Lewis	Terry Crackett	Sale of Land for non payment of Rates	90(3)(i)	13/06/2024	retain the items in confidence as detailed in the Duration of Confidentiality Table below: Item Duration of Confidentiality NB: Item to be reviewed every 12 months if not released Report Until either the negotiations for sale are completed or a settlement reached or until legal proceedings have concluded, but no longer than 12 months. Related Attachments Until either the negotiations for sale are completed or a settlement reached or until legal proceedings have concluded, but no longer than 12 months. Minutes Until either the negotiations for sale are completed or a settlement reached or until legal proceedings have concluded, but no longer than 12 months. Other (presentation, documents, or similar) Nil 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.				Yes

Register No	Date of Meeting	Council/Committee	Agenda No	Resolution Number	Officer	Responsible People Leader	Report Title	LG Act 990 Provision	Release date (no longer than 12 mths)	Original Resolution regarding Period of Confidentiality	Revised Period of Confidentiality	Next Review Date (3 mths less than release date)	Notes for Update	Still in confidence
415	26/04/2023	Council	18.1	104/23	David Waters	David Waters	Amy Gillett Bikeway Stage 4 Agreement	90(3)(j)	26/04/2024	retain the items in confidence as detailed in the Duration of Confidentiality Table below: Item Duration of Confidentiality NB: Item to be reviewed every 12 months if not released Report Until execution of necessary funding deeds and a public announcement of the project by the State Government (whichever is the later), but no later than 26 April 2024. Related Attachments Nil Minutes Until execution of necessary funding deeds and a public announcement of the project by the State Government (whichever is the later), but no later than 26 April 2024. Other (presentation, documents, or similar) Nil		1/01/2024		Yes
413	14/02/2023	Council	9.1		Jennifer Blake	Rebecca Shepherd	9.1 South Australian Tourism Commission re Santos Tour Down Under	90(3)(j)	14/02/2024	retain the items in confidence as detailed in the Duration of Confidentiality Table below: Item Duration of Confidentiality NB: Item to be reviewed every 12 months if not released Report Nil Related Attachments Nil Minutes Nil Other (presentation, documents, or similar) 12 months – 14 Feb 2024		1/12/2023		Yes
408	20/12/2022	Council	18.1	303/22	Karen Cummings	David Waters	18.1 Surplus Government Land Notification	90(3)(d)	20/12/2024	Report Until the land has been placed on the open market by the State Government or until the State Government authorises release of the information, whichever event occurs first. Related Attachments Until the land has been placed on the open market by the State Government or until the State Government authorises release of the information, whichever event occurs first. Minutes Until the land has been placed on the open market by the State Government or until the State Government authorises release of the information, whichever event occurs first. Other (presentation, documents, or similar) Nil.	As at 30 November 2023 the land has not yet been placed on the market by State Government. Extend for a further 12 months and State Government will advise when this occurs	1/09/2024	30 November 2023 - request for extension put to Council 2311219	Yes
404	23/08/2022	Council	18.5	236/22 - 154/23	John McArthur	David Waters	Ministerial Exemption	90(3)(i)	13/06/2024	retain the items in confidence as detailed in the Duration of Confidentiality Table below: Item Duration of Confidentiality NB: Item to be reviewed every 12 months if not released Report 23 August 2024 Related Attachments 23 August 2024 Minutes 23 August 2024 Other 23 August 2024		1/03/2024	As per Council resolution of 13 June 2023	Yes
403	23/08/2022	Council	18.4	234/22 - 158/23	John McArthur	David Waters	Revised East Waste 2022-23 Annual Plan & Budget	90(3)(d)	13/06/2024	retain the items in confidence as detailed in the Duration of Confidentiality Table below: Item Duration of Confidentiality NB: Item to be reviewed every 12 months if not released Report Nil Related Attachments Appendix 1 Appendix 2 23 August 2024 Nil Minutes Nil Other Nil		13/06/2024	Reviewed at 13 June 2023 Council Meeting	Yes
402	23/08/2022	Council	18.3	229/22 - 157/23	John McArthur	David Waters	East Waste Recycling Contract	90(3)(d)	13/06/2024	retain the items in confidence as detailed in the Duration of Confidentiality Table below: Item Duration of Confidentiality NB: Item to be reviewed every 12 months if not released Report 23 August 2024 Related Attachments 23 August 2024 Minutes 23 August 2024 Other 23 August 2024		13/06/2024	As per Council resolution of 13 June 2023	Yes
395	28/06/2022	Council	18.3	171/22 - 155/23	John McArthur	David Waters	Ashton Landfill	90(3)(i)	28/06/2024	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 18.3 in confidence under sections 90(2) and 90(3)(i) 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 to retain the items in confidence as detailed in the Duration of Confidentiality Table below: Item Duration of Confidentiality NB: Item to be reviewed every 12 months if not released Report 28 June 2024 Related Attachments 28 June 2024 Minutes 28 June 2024 Other Nil.		1/03/2024	As reviewed in the 13 June 2023 Council Meeting	Yes
393	28/06/2022	Council	18.1	165/22 - 153/23	Peter Bice	David Waters	Warren Road Birdwood Blackspot	90(3)(d)	28/06/2024	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 18.1 in confidence under sections 90(2) and 90(3)(d) 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 to retain the items in confidence as detailed in the Duration of Confidentiality Table below: Item Duration of Confidentiality NB: Item to be reviewed every 12 months if not released Report Until all resolutions are executed, but not longer than 28 June 2023 Related Attachments Until all resolutions are executed, but not longer than 28 June 2023 Minutes Until all resolutions are executed, but not longer than 28 June 2023		1/03/2024	As resolved at the 13 June 2023 Council Meeting	Yes

Register No	Date of Meeting	Council/Committee	Agenda No	Resolution Number	Officer	Responsible People Leader	Report Title	LG Act 990 Provision	Release date (no longer than 12 mths)	Original Resolution regarding Period of Confidentiality	Revised Period of Confidentiality	Next Review Date (3 mths less than release date)	Notes for Update	Still in confidence
387	26/04/2022	Council	11.1.2	87/22	Natalie Armstrong	Natalie Armstrong	Property Lobethal Road, Lenswood - Confidential	90(3)(a)	14/03/2024	Report Two year term Related Attachments Two year term Minutes NIL Other (presentation, documents, or similar) NIL	Resolved 14 March 2023 Pursuant to Section 91(7) of the Local Government Act 1999, Council orders that the following document(s) (or part) shall be kept confidential, being document(s) (or part)	1/01/2024	Minute not confidential	Yes
382	26/10/2021	Council	18.1	238/21 - 156/23	David Collins	David Waters	Electricity Procurement Legal Matter	90(3)(h)	13/06/2024	that the report, related attachments and the minutes of Council and the discussion and considerations of the subject matter be retained in confidence until the matter is determined, but not longer than 26 October 2022.	The Report of 26 October 2021, Item No. 18.1, Electricity Procurement Legal Matter, 238/21 remain confidential until 27 September 2023 and that this order be reviewed every twelve (12) months.	1/03/2024	Further considered to remain at the 13 June 2023 Council Meeting	Yes
381	26/10/2021	Council	18.2	236/21	John McArthur	David Waters	Ashton Landfill	90(3)(i)	13/06/2024	that the report, related attachments and the minutes of Council and the discussion and considerations of the subject matter be retained in confidence until 26 October 2024.	The Report of 26 October 2021, Item No. 18.2, Ashton Landfill, 236/21 remain confidential until 27 September 2023 and that this order be reviewed every twelve (12) months.	13/03/2024	As per Council resolution of 13 June 2023	Yes
377	25/05/2021	Ordinary Council	18.1.1	105/21	Jennifer Blake	Terry Crackett	Multi-Year Road Rally Proposal	90(3)(d)	14/03/2024	that the report and related attachments of Council and the discussion and considerations of the subject matter be retained in confidence until 31 December 2023.	Resolved 14 March 2023 Pursuant to Section 91(7) of the Local Government Act 1999, Council orders that the following document(s) (or part) shall be kept	1/01/2024	PARTIAL RELEASE 08 OCTOBER 2021 Redaction and Appendices Remain Confidential	Yes
240	22/04/2014	Council	18.2.1	85/14	John McArthur	David Waters	AHRWMA	90(3)(b,d,i)	14/03/2025	That the Report of 22 April 2014, Item No. 18.2 Adelaide Hills Regional Waste Management Authority on the grounds that the document(s) (or part): (i) 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 (ii) would, on balance, be contrary to the public interest. Commercial information of a confidential nature (not being a trade secret) the disclosure of which: (f) 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 (g) would, on balance, be contrary to the public interest. Specifically, the present matter relates to Council considering an offer from a competitor with regard to where to take its waste stream, and to consider the long term implications and options in relation to the Regional Waste Management Authority of which it is a member, and due to the fact that the competitor has initiated legal proceedings against the aforementioned Authority where Council disposes of its waste. This order shall operate until further order of the Council and will be reviewed at least annually in accordance with the Act. Pursuant to section 91(9)(c) of the Local Government Act 1999, Council delegates the power to revoke the confidentiality order either partially or in full to the Chief Executive Officer.	Resolved - 14 March 2023 Pursuant to Section 91(7) of the Local Government Act 1999, Council orders that the following document(s) (or part) shall be kept confidential, being document(s) (or part) relating to a matter dealt with by the Council on a confidential basis under Sections 90(2) and 90(3)(i) of the Act: The Report of 22 April 2014, Item No. 18.2.1, AHRWMA, 85/14 remain confidential until the matter is determined and that this order be reviewed every twelve (12) months. On the grounds that the document(s) (or part) relates to information relating to actual litigation, or litigation that the council or council committee believes on reasonable grounds will take place, involving the council or an employee of the council Pursuant to section 91(9)(c) of the Local Government Act 1999, Council delegates the power to revoke the confidentiality order either partially or in full to the Chief Executive Officer.	1/01/2025	220224 Advice from Leah Maxwell, The payments from the settlement finish in 2024, so at this stage it would be appropriate to reconsider in 2 years time. 230123 Item to remain in confidence as settlement payment still in progress.. 231201 - add 12mths	Yes

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# **Item 14 Correspondence for Noting**

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**From:** [OMB:Ombudsman](#)  
**Subject:** Appointment of Ms Emily Strickland as Ombudsman for South Australia  
**Date:** Friday, 1 December 2023 10:55:33 AM  
**Attachments:** [image001.jpg](#)  
[image002.jpg](#)

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[EXTERNAL]

## OFFICIAL

I am pleased to announce that yesterday Her Excellency the Governor appointed Ms Emily Strickland to the Office of Ombudsman for South Australia. Ms Strickland will commence as Ombudsman in January 2024 after I retire at the end of this year.

Ms Strickland has extensive experience in public law, including over six years as Deputy Ombudsman at Ombudsman SA and a period as Acting Equal Opportunity Commissioner. Most recently, Ms Strickland has been Director of the Screening Unit at the Department for Human Services.

I would like to express my gratitude to the Attorney-General's Department and the Statutory Officers' Committee for conducting an efficient process to find my replacement before my retirement.

I extend my congratulations to Ms Strickland and look forward to her beginning her tenure as the State's seventh Ombudsman in the New Year.

Mr Wayne Lines, SA Ombudsman

[Ombudsman SA](#)  
PO Box 3651 Rundle Mall SA 5000  
T 08 8226 8699 | Toll free 1800 182 150 | E [ombudsman@ombudsman.sa.gov.au](mailto:ombudsman@ombudsman.sa.gov.au)

Diagram Description automatically generated with medium confidence



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*Any unauthorised disclosure of the contents of this email by the addressee or another person who gains access to this email, may be an offence under section 29A of the Ombudsman Act 1972.*



OFFICIAL

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11 December 2023

Greg Georgopoulos  
Chief Executive Officer  
Adelaide Hills Council  
63 Mount Barker Road  
STIRLING SA 5152

By email: [jszabo@ahc.sa.gov.au](mailto:jszabo@ahc.sa.gov.au)

A handwritten signature in black ink, appearing to read "CIRSE", written above the name "Craig Holden".

Dear Mr Georgopoulos

**Submission: Greater Adelaide Regional Plan Discussion Paper**

I acknowledge receipt of your incoming letter of 28 November 2023 regarding your submission on the Greater Adelaide Regional Plan Discussion Paper.

Thank you for taking the opportunity to participate in providing a comprehensive detailed written response reflecting the Council's Strategic Planning interests and stating your Council's highest priorities matters.

I am pleased to advise your written submission for Greater Adelaide Regional Plan discussion paper is with the relevant team for further consideration and review.

We look forward to collaborating with Council in the preparation of the draft plan in 2024.

Yours sincerely

A large, stylized handwritten signature in black ink, written over a horizontal line.

**Craig Holden**  
Chair

**ADELAIDE HILLS COUNCIL  
ORDINARY COUNCIL MEETING  
Tuesday 19 December 2023  
CONFIDENTIAL AGENDA BUSINESS ITEM**

**Item:** 19.1

**Responsible Officer:** Jennifer Blake  
Manager Communication, Engagement and Events  
Community Capacity

**Subject:** Citizen of the Year 2024 Recommendations

**For:** Decision

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**1. Citizen of the Year 2024 Recommendations – Exclusion of the Public**

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
- Minute Secretary, Kylie Hopkins

be excluded from attendance at the meeting for Agenda Item 19.1: (Citizen of the Year 2024 Recommendations) in confidence.

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:

Section 90(3)(o) of the *Local Government Act 1999*, the information to be received, discussed or considered in relation to this Agenda Item is information relating to a proposed award recipient before the presentation of the award, the disclosure of which could reasonably be expected to reveal award recipient information before a special event.

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.

**2. Citizen of the Year Awards 2023 Recommendations – Confidential Item**

**3. Citizen of the Year Awards 2024 Recommendations – Duration of Confidentiality**

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 (which may include disclosure to media outlets to aid in achieving reporting timelines for publication; and disclosure to award recipients and their nominators, families and friends) in the performance of the duties and responsibilities of office, Council, having considered Agenda Item 18.2 in confidence under sections 90(2) and 90(3)(o) 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* to retain the Items in confidence as detailed in the Duration of Confidentiality Table below:

<b>Item</b>	<b>Duration of Confidentiality NB: Item to be reviewed every 12 months if not released</b>
Report	25 January 2024
Related Attachments	25 January 2024
Minutes	25 January 2024
Other	Nil

The Australia Day Council allows recipient information to be disclosed from 22 January. 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.

**ADELAIDE HILLS COUNCIL  
ORDINARY COUNCIL MEETING  
Tuesday 19 December 2023  
CONFIDENTIAL AGENDA BUSINESS ITEM**

**Item:** 19.2

**Responsible Officer:** David Waters  
Director Environment and Infrastructure  
Environment and Infrastructure

**Subject:** Amy Gillet Bikeway Stage 4 Construction Option

**For:** Decision

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**1. Amy Gillett Stage 4 – Construction Option– Exclusion of the Public**

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 Community Capacity, Natalie Armstrong
- Director Corporate Services, Terry Crackett
- Director Environment and Infrastructure, David Waters
- Minute Secretary, Rebekah Lyons
- Governance Support, Tracy Riddle (Kelledy Jones Lawyers)
- Technical Support, Tom Portas

be excluded from attendance at the meeting for Agenda Item 19.2: (Amy Gillett Bikeway Stage 4 – Construction Option) in confidence.

The Council is satisfied that it is necessary that the public, except for Council staff in attendance as specified above, be excluded to enable Council to consider the report at the meeting on the following grounds:

- (j) Section 90(3)(j) of the *Local Government Act 1999*, the information to be received, discussed, or considered in relation to this Agenda Item is information the disclosure of which –
- (i) 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); and
  - (ii) would, on balance, be contrary to the public interest.

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.

**2. Amy Gillett Bikeway Stage 4 - Construction Option – Confidential Item**

**3. Amy Gillett Bikeway Stage 4 – Construction Option – Duration of Confidentiality**

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 6.1 in confidence under sections 90(2) and 90(3)(j) 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* to retain the Items in confidence as detailed in the Duration of Confidentiality Table below:

<b>Item</b>	<b>Duration of Confidentiality NB: Item to be reviewed every 12 months if not released</b>
Report	19 December 2024 or upon finalisation of all relevant agreements with the State and Federal Governments, whichever is the earlier.
Related Attachments	19 December 2024 or upon finalisation of all relevant agreements with the State and Federal Governments, whichever is the earlier.
Minutes	19 December 2024 or upon finalisation of all relevant agreements with the State and Federal Governments, whichever is the earlier.
Other	Nil

Notwithstanding, the fact that the Council is working with other levels of government to find a way to complete the Amy Gillett Bikeway extension within available funding levels shall not be subject to the confidentiality order.

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.

**ADELAIDE HILLS COUNCIL  
CEO PERFORMANCE REVIEW PANEL COMMITTEE  
MINUTES OF SPECIAL MEETING  
THURSDAY 12 DECEMBER 2023  
63 MT BARKER ROAD STIRLING**

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In Attendance

**Presiding Member:** Cr Chris Grant

**Members:**

Ms Janet Miller	Independent Member
Mayor Jan-Claire Wisdom	
Cr Nathan Daniell	
Cr Kirsty Parkin	

In Attendance:

Anne Pett	Manager People & Culture
Tracy Riddle	Kelley Jones Lawyers
Lincoln Smith	Norman Waterhouse Lawyers
Mel Blondell	Red Seed Productivity Strategists
Greg Georgopoulos	Chief Executive Officer

**1. COMMENCEMENT**

The meeting commenced at 5.01pm.

**2. OPENING STATEMENT**

Council acknowledges that we meet on the traditional lands and waters of the Peramangk and Kaurna people. We pay our respects to Elders past, present and emerging as the Custodians of this ancient and beautiful land. Together we will care for this country for the generations to come.

**3. APOLOGIES/LEAVE OF ABSENCE**

**3.1 Apology**

Nil

**3.2 Leave of Absence**

Nil

**3.3 Absent**

Nil

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Presiding Member \_\_\_\_\_ 22 February 2024



**ADELAIDE HILLS COUNCIL  
CEO PERFORMANCE REVIEW PANEL COMMITTEE  
MINUTES OF SPECIAL MEETING  
THURSDAY 12 DECEMBER 2023  
63 MT BARKER ROAD STIRLING**

---

**4. PRESIDING MEMBER'S OPENING COMMENTS**

An important decision needs to be made today and I ask that the discussion is done in a fair and respectful manner. Please be reminded to address any comments through the Chair.

**5. DELEGATION OF AUTHORITY**

The CEO Performance Review Panel operates in accordance with the relevant sections of the *Local Government Act 1999*, and its Terms of Reference.

**6. DECLARATION OF CONFLICT OF INTEREST BY MEMBERS OF THE COMMITTEE**

**6.1 Conflict of Interest**

Nil

**7. OFFICER REPORTS – DECISION ITEMS**

Nil

**8. MOTIONS WITHOUT NOTICE**

Confidential Motion without Notice

**PRP26/23**

**9. QUESTIONS WITHOUT NOTICE**

Nil

**10. CONFIDENTIAL ITEMS**

**10.1 CEO Probation Review Process – Exclusion of the Public**

**PRP27/23**

**Moved Mayor Wisdom  
S/- Cr Daniell**

**Pursuant to section 90(2) of the *Local Government Act 1999* the CEO Performance Review Panel (the Panel) orders that all members of the public, except:**

- **Mel Blondell, Red Seed Productivity Strategists**
- **Tracy Riddle, Kelledy Jones (Governance Lawyer)**
- **Lincoln Smith, Norman Waterhouse (Employment Relations Lawyer)**
- **Anne Pett, Manager People & Culture (Minute Taker)**
- **Greg Georgopolous (Chief Executive Officer)**

**be excluded from attendance at the meeting for Agenda Item 10.1 Red Seed Productivity Strategist Presentation in confidence save that the Chief Executive Officer is permitted to**

**ADELAIDE HILLS COUNCIL  
CEO PERFORMANCE REVIEW PANEL COMMITTEE  
MINUTES OF SPECIAL MEETING  
THURSDAY 12 DECEMBER 2023  
63 MT BARKER ROAD STIRLING**

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be in the room during that part of the meeting that he is at the request of the Panel to address the Panel in relation to this matter.

The Panel is satisfied that it is necessary that the public, with the exception of those in attendance as specified in (a) above, be excluded to enable the Panel to consider the report at the meeting on the following grounds:

Section 90(3) (a) and (h) of the Local Government Act, the information to be received, discussed or considered in relation to this Agenda Item is:

- (a) Information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead);
- (h) Legal advice.

Accordingly, on this basis the principle that meetings of the Panel should be conducted in a place open to the public has been outweighed by the need to keep the information and discussion confidential.

<b>Carried</b>
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**ADELAIDE HILLS COUNCIL  
CEO PERFORMANCE REVIEW PANEL COMMITTEE  
MINUTES OF SPECIAL MEETING  
THURSDAY 12 DECEMBER 2023  
63 MT BARKER ROAD STIRLING**

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**10.2 CEO Probation Review Process – Confidential Item**

**PRP28/23**

**ADELAIDE HILLS COUNCIL  
CEO PERFORMANCE REVIEW PANEL COMMITTEE  
MINUTES OF SPECIAL MEETING  
THURSDAY 12 DECEMBER 2023  
63 MT BARKER ROAD STIRLING**

**10.3 CEO Probation Review Process – Duration of Confidentiality**

**PRP29/23**

Moved Cr Grant  
S/- Cr Daniell

- a) Pursuant to Section 91(7) and (9) of the Local Government Act 1999, having considered Agenda Item 10.1 in confidence under sections 90(2) and 90(3)(a) and (h) of the Local Government Act 1999, the Committee resolves that an order be made to retain the Report and related attachments, including the CEO KPI Report, the 360 Degree Survey and the presentation prepared by Red Seed Productivity Strategists, as well as the Minutes in confidence pursuant to section 91(9)(c) of the Local Government Act 1999, with this order to operate in an ongoing manner, to be reviewed every 12 months as detailed in the Duration of Confidentiality Table below:

Item	Duration of Confidentiality NB: Item to be reviewed every 12 months if not released
Report	Ongoing, Reviewed every 12 months
Related Attachments	Ongoing, Reviewed every 12 months
Minutes	Ongoing, Reviewed every 12 months
Other (presentation, documents, or similar)	Ongoing, Reviewed every 12 months

**Carried**

**11. NEXT MEETING**

The next ordinary meeting of the CEO Performance Review Panel will be held on Thursday 22 February 2024 from 6.30pm at 63 Mt Barker Road Stirling.

**12. CLOSE MEETING**

The meeting closed at 7.45pm

**ADELAIDE HILLS COUNCIL  
ORDINARY COUNCIL MEETING  
Tuesday 19 December 2023  
CONFIDENTIAL AGENDA BUSINESS ITEM**

**Item:** 19.4

**Responsible Officer:** Anne Pett  
Manager People and Culture  
Corporate Services Directorate

**Subject:** CEO Probation Review Process

**For:** Decision

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**1. CEO Probation Review Process – Exclusion of the Public**

Pursuant to section 90(2) of the *Local Government Act 1999* the CEO Performance Review Panel (the Panel) orders that all members of the public, except:

- Mel Blondell, Red Seed Productivity Strategists
- Legal representation regarding general governance and employment legislation advice

be excluded from attendance at the meeting for Agenda Item 19.4 (CEO Probation Review Process) in confidence.

The Council is satisfied that it is necessary that the public, with the exception of those in attendance as specified in (a) above, be excluded to enable the Panel to consider the report at the meeting on the following grounds:

Section 90(3) (a) and (h) of the Local Government Act, the information to be received, discussed or considered in relation to this Agenda Item is:

- (a) Information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead);
- (h) Legal advice.

Accordingly, on this basis the principle that meetings of the Panel should be conducted in a place open to the public has been outweighed by the need to keep the information and discussion confidential.

**2. CEO Probation Review Process – Confidential Item**

**4. CEO Performance Review Process – Duration of Confidentiality**

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 10.1 in confidence under sections 90(2) and 90(3)(a) and (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* to retain the Items in confidence as detailed in the Duration of Confidentiality Table below:

<b>Item</b>	<b>Duration of Confidentiality NB: Item to be reviewed every 12 months if not released</b>
Report	Until further order
Related Attachments	Until further order
Minutes	Until further order
Other (presentation, documents, or similar)	Until further order