

**ADELAIDE HILLS COUNCIL
MINUTES OF ORDINARY COUNCIL MEETING
TUESDAY 14 MAY 2024
63 MT BARKER ROAD STIRLING**

In Attendance

Presiding Member: Acting Mayor Nathan Daniell

Members:

Councillor Kirrilee Boyd
Councillor Adrian Cheater
Councillor Chris Grant
Councillor Malcolm Herrmann
Councillor Lucy Huxter
Councillor Leith Mudge
Councillor Louise Pascale
Councillor Melanie Selwood

In Attendance:

Greg Georgopoulos	Chief Executive Officer
Ashley Curtis	Acting Director Corporate Services
Jess Charlton	Acting Director Community and Development
David Waters	Director Environment and Infrastructure
Zoë Gill	Governance and Risk Coordinator
Rebekah Lyons	Minute Secretary
Skye Ludzay	Governance and Risk Officer
Tom Portas	Technical Support
Kira-marie Laverty	Corporate Planning and Performance Coordinator
Gary Lewis	Manager Financial Services
Karen Cummings	Manager Property Services
Sarah Hill	Acting Manager Communication, Engagements and Events

1. COMMENCEMENT

The meeting commenced at 6:30pm

2. OPENING STATEMENT

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

Mayor _____

28 May 2024

**ADELAIDE HILLS COUNCIL
MINUTES OF ORDINARY COUNCIL MEETING
TUESDAY 14 MAY 2024
63 MT BARKER ROAD STIRLING**

3. APOLOGIES/LEAVE OF ABSENCE

3.1 Apology

Cr Kirsty Parkin

3.2 Leave of Absence

Mayor Jan-Claire Wisdom, 13 February 2024 to 14 May 2024, approved by Council at its meeting of 13 February 2024.

Cr Pauline Gill 26 April 2024 to 31 May 2024, approved by Council at its meeting of 9 April 2024.

Moved Cr Chris Grant

S/- Cr Adrian Cheater

141/24

- 1 That a Leave of Absence from all duties of office be granted to Cr Mark Osterstock from 14 May 2024 to 27 May 2024.**
- 2 That any committee or panel membership currently held by Cr Mark Osterstock be undertaken by the Deputy during the leave of absence.**

Carried Unanimously

3.3 Absent

Nil

4. MINUTES OF PREVIOUS MEETINGS

4.1 Council Meeting – 23 April 2024

Moved Cr Malcolm Herrmann

S/- Cr Chris Grant

142/24

Council resolves that the minutes of the Ordinary Council meeting held on 23 April 2024, as supplied, be confirmed as an accurate record of the proceedings of that meeting.

Carried Unanimously

**ADELAIDE HILLS COUNCIL
MINUTES OF ORDINARY COUNCIL MEETING
TUESDAY 14 MAY 2024
63 MT BARKER ROAD STIRLING**

5. DECLARATION OF CONFLICT OF INTEREST BY MEMBERS OF COUNCIL

5.1 General Conflict of Interest, Cr Louise Pascale - Item 19.1 Forensic Analysis of Boundary Change Submission

Under section 75B of the *Local Government Act 1999* Cr Louise Pascale disclosed a General (section 74) Conflict of Interest in Item 19.1

5.2 General Conflict of Interest, Cr Louise Pascale - Item 19.2 Strategic Communication and Engagement Plan Woodforde, Teringie and Rostrevor

Under section 75B of the *Local Government Act 1999* Cr Louise Pascale disclosed a General (section 74) Conflict of Interest in Item 19.2.

6. PRESIDING MEMBER'S OPENING REMARKS

The Acting Mayor expressed his support for the '*Give a Sheet for the Planet*' initiative, in which Council has partnered with Green Industries SA and BlockTexx to offer a free textile recycling event on Saturday 25th May.

Acting Mayor Daniell also congratulated Council's Community Resilience Team on receiving the *Excellence in Emergency Management/ Disaster Recovery Award* for their *Towards Community Led Emergency Resilience Project* at the Local Government Professionals Annual Leadership Excellence Awards on Friday 10th May.

In closing, the Acting Mayor wished Mayor Wisdom well for her return from a Leave of Absence on 15th May.

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

**ADELAIDE HILLS COUNCIL
MINUTES OF ORDINARY COUNCIL MEETING
TUESDAY 14 MAY 2024
63 MT BARKER ROAD STIRLING**

9. PRESENTATIONS

- 9.1 Department for Energy and Mining: Ben Zammit, Executive Director Regulation and Compliance Division, Paul De Ionno, Director Minerals Regulation presented to Council regarding the Mine Operations Plan for White Rock Quarry
- 9.2 Adelaide Hills Tourism – Executive Officer, Tanya Jarman presented to Council a summary of Adelaide Hills Tourism key initiatives

10. QUESTIONS ON NOTICE

10.1 Fabrik Arts and Heritage – Cr Chris Grant

- 1. What is the current anticipated completion date for FABRIK and how robust is this estimate?**

The building contractor has confirmed in writing an expected completion date of 1 July 2024.

- 2. What opening date is scheduled?**

The operational opening date is planned to be the last week of August 2024, being the week commencing 26 August 2024.

- 3. Can the program of events now be circulated, and what connections have been established with other festivals such as the Fringe, SALA and the like?**

Yes, a draft program of events can now be circulated. Please see **Appendix 1**.

Council has established multiple connections across the Arts sector, such as the Adelaide Fringe, History Month and SALA since opening in 2019.

- 4. What are the specific causes of delay, and is there now a clear and definite timeline for all the steps leading up to the opening date?**

Some delays have occurred due to difficulties in securing qualified subcontractors and material shortages.

The primary cause of the latest completion delay (from February to June) has been SA Power Networks' scheduling of the upgrade of the power supply to the site. This request for works was formally submitted to SA Power Networks in November 2023. The work is now scheduled for 2 June 2024.

The main steps leading up to completion from here on are:

- Completion of external landscaping works (May-June)

**ADELAIDE HILLS COUNCIL
MINUTES OF ORDINARY COUNCIL MEETING
TUESDAY 14 MAY 2024
63 MT BARKER ROAD STIRLING**

- Replacement of the electricity main supply transformer by SA Power Networks (2 June)
- Internal works to finalise the electricity supply, commissioning of infrastructure (June)
- Certificate of Occupancy and handover to Council (July)
- Addressing any minor defects (July)
- Marketing activities to promote the opening, exhibitions and program (July-August)
- Installation and set up by Fabrik staff (July-August)

A Gantt Chart showing the final completion phase and dependent activities is included in Appendix 2.

5. What is the estimated net cost to AHC of operating Fabrik, and how robust is this estimate?

The estimated net cost of Fabrik in 2024-25 is \$484,322. This estimate is founded on detailed income and expenditure forecasts derived from the best available information, although it is important to acknowledge the inherent variability in any long-term financial projections, particularly for a redeveloped service which has not yet commenced its expanded operations.

An external consultant reviewed the financial estimates which have considered various scenario variables such as retail sales per day and retail mark up. Projected expenditure factors in required staff resourcing, including new business development and public programs positions as well as marketing (equivalent to 5% of revenue) and contingency costs (equivalent to 5% of total costs).

Further details on the financial estimates are included in the Fabrik Business and Implementation Plan which will be presented to Council on 28 May 2024. The Plan also details the social and economic benefits that are anticipated to flow from Fabrik, including a benefit-cost ratio of 4.69 (a return of \$4.69 for every \$1 of investment) for the Adelaide Hills region, meaning there are significant positive community impacts from investment in Fabrik.

10.2 Country Cabinet – Cr Malcolm Herrmann

What responses, if any, have been received from the Premier in regards to the submission made to him following the Country Cabinet meeting held in August 2023?

Appendix 3 outlines letters between the Council and The Premier of South Australia, the Hon Peter Malinauskas MP.

Various forms of communication between Council and relevant Ministers or State Government Departments have occurred since Country Cabinet was held. Council is updated on progress on a particular focus area when it occurs.

**ADELAIDE HILLS COUNCIL
MINUTES OF ORDINARY COUNCIL MEETING
TUESDAY 14 MAY 2024
63 MT BARKER ROAD STIRLING**

10.3 Legal Fees – Cr Louise Pascale

- 1. Could we please have an update of the spend on legal costings including until the end of April 2024?**

AHC Legal Costs to end April 2024	2023/24 YTD Actuals to April 2024	2023/24 YTD Budget to April 2024	2023/24 Full Year Budget BR3
Corporate Services			
Governance & Performance	92,792	3,960	136,000
People and Culture & WHS	20,943	9,900	22,000
Information Management	2,553	0	0
Rates	7,725	(14,220)	12,000
	124,013	(360)	170,000
Community & Development			
C&D Director's Office	6,495	840	6,500
Animal Management	17,304	5,400	20,000
Parking and By-Laws	8,816	840	8,000
Development Assessment & Compliance	(38,999)	19,070	10,000
Environmental Health	0	0	3,360
	(6,385)	26,150	47,860
Environment & Infrastructure			
E&I Director's Office	4,368	840	7,000
Manager Open Space	1,326	2,250	2,000
AHBTC	0	1,500	1,500
Property Management	39,281	26,460	41,000
	44,975	31,050	51,500
Total Legal Costs	162,603	56,840	269,360

- 2. What is the rationale for the increase in spending on legal fees?**

The general rationale for legal expenses is to respond to events that occur throughout the year, ensuring that Council acts in accordance with its legal obligations and that it mitigates risks to Council in the most appropriate way.

Legal fees are generally not an intended or planned expense as they are incurred in response to events as they occur. One exception to this is planned expenditure on pursuing overdue rates. This is a periodic activity that can be anticipated as it is initiated by Council. Therefore, the increase in legal fees is primarily a result of unexpected events often of a confidential nature.

**ADELAIDE HILLS COUNCIL
MINUTES OF ORDINARY COUNCIL MEETING
TUESDAY 14 MAY 2024
63 MT BARKER ROAD STIRLING**

3. What is the anticipated spend on legal fees to the end of this financial year?

Refer to table in *Answer 1*.

4. While savings have been made in staffing with Governance & Performance to accommodate the increased spending in this area, how far in to the 2024/25 Financial year are we expected to be paying an increase in Governance & Performance?

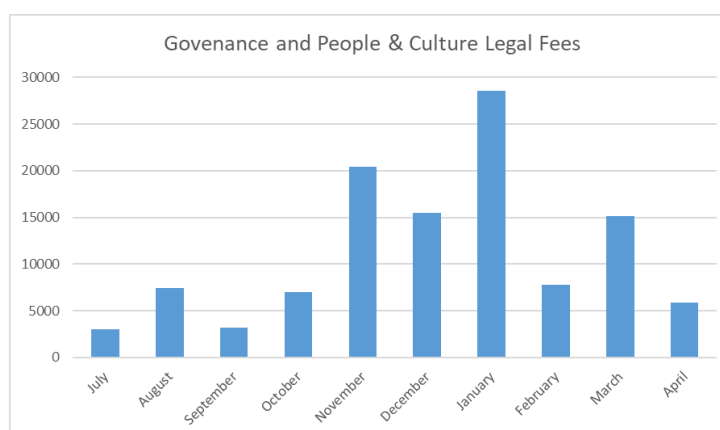
Given legal fees are a result of unexpected events, it is difficult to determine at this stage what the spend in legal fees will be in the 2024-25 financial year.

5. What is the rationale for the tripling of spending in People and Culture & WHS between YTD's?

The rationale for the increase in spend on legal fees in People and Culture is primarily related to an increase in events that required legal advice in relation to Council's legal obligations and risk minimisation. Per question 2, legal fees are primarily a result of unexpected events often of a confidential nature.

6. At what point did our legal spend begin to spike? What is the rationale for this?

The analysis below shows the timing of payments made during 2023-24 financial year. There has been a spike in legal fees in January 2024, stemming from events in late 2023. The rationale for this is primarily related to an increase in events that required legal advice in relation to Council's legal obligations and risk minimisation. Per question 2, legal fees are primarily a result of unexpected events often of a confidential nature.



11. MOTIONS ON NOTICE

Nil

**ADELAIDE HILLS COUNCIL
MINUTES OF ORDINARY COUNCIL MEETING
TUESDAY 14 MAY 2024
63 MT BARKER ROAD STIRLING**

12. OFFICER REPORTS – DECISION ITEMS

12.1 Annual Business Plan 2024-25 Draft for Consultation

Moved Cr Malcolm Herrmann
S/- Cr Chris Grant

Council resolves:

1. That the *Annual Business Plan 2024-25 Draft for Consultation* report be received and noted.
2. To amend any/all of the draft *2024-25 Annual Business Plan* prior to progression to the next stage of community consultation, to include the following:

To endorse the draft Annual Business Plan 2024-25 (ABP) as contained in Appendix 1 for community consultation in accordance with Section 123 of the Local Government Act 1999, which includes a budget with an average residential rate rise of 6.42% resulting in the following financial sustainability targets as set by Council:

- a. *Operating Surplus of \$654,000*
 - b. *Adjusted Operating surplus ratio of 1% (target of 1% to 5%)*
 - c. *Net financial liabilities ratio of 55% (target of 25% to 75%)*
 - d. *Asset sustainability ratio of 100% (target of 95% to 105%)*
3. That the CEO be authorised to:
 - a. Make any formatting, nomenclature or other minor changes to the ABP prior to being released for public consultation and
 - b. Determine the consultation timings, media and processes while ensuring consistency and compliance with the provisions of applicable legislation and Council's *Public Consultation Policy*.

Motion Lost

Moved Cr Leith Mudge
S/- Cr Melanie Selwood

143/24

1. That the *Annual Business Plan 2024-25 Draft for Consultation* report be received and noted.
2. To endorse the draft *2024-25 Annual Business Plan* to enable progression to the next stage of community consultation (Recommended). That is to:

**ADELAIDE HILLS COUNCIL
MINUTES OF ORDINARY COUNCIL MEETING
TUESDAY 14 MAY 2024
63 MT BARKER ROAD STIRLING**

To endorse the draft Annual Business Plan 2024-25 (ABP) as contained in Appendix 1 for community consultation in accordance with Section 123 of the Local Government Act 1999, which includes a budget with an average residential rate rise of 5.78% resulting in the following financial sustainability targets as set by Council:

- a) Operating Surplus of \$365,000
- b) Adjusted Operating surplus ratio of 0.56% (target of 1% to 5%)
- c) Net financial liabilities ratio of 55% (target of 25% to 75%)
- d) Asset sustainability ratio of 100% (target of 95% to 105%)

3. That the CEO be authorised to:

- a) Make any formatting, nomenclature or other minor changes to the ABP prior to being released for public consultation and
- b) Determine the consultation timings, media and processes while ensuring consistency and compliance with the provisions of applicable legislation and Council's Public Consultation Policy.

Carried

12.2 Status Report – Council Resolutions Update

Moved Cr Chris Grant
S/- Cr Leith Mudge

144/24

Council resolves:

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

**ADELAIDE HILLS COUNCIL
MINUTES OF ORDINARY COUNCIL MEETING
TUESDAY 14 MAY 2024
63 MT BARKER ROAD STIRLING**

Meeting Date	Meeting	Res No.	Item Name	Previously Declared COI
24/05/2022	Ordinary Council	122/22	Purchase of Land 8 St John Road Norton Summit	Perceived - Cr Leith Mudge
13/06/2023	Ordinary Council	164/23	Boundary Change Committee Recommendations to Council	General - Cr Pascale
13/06/2023	Ordinary Council	166/23	Confidential Item - Sale of Land for <u>non payment</u> of Rates	Material - Cr Mudge
12/09/2023	Ordinary Council	236/23	Road Exchange Decision - 13 Upper Sturt Road Crafers West	Nil
10/10/2023	Ordinary Council	258/23	Bushfire Mitigation Strategy Public Consultation	Melanie Selwood - Material COI - Husband employed by <u>Treecovery Ltd</u>
6/11/2023	Special Council	274/23	Houghton Hub Funding Request	Nil
14/11/2023	Ordinary Council	285/23	CEO PRP Council Member Appointments	Under section 75C of the <i>Local Government Act 1999</i> Cr Chris Grant disclosed a Material (section 75) Conflict of Interest at Agenda Item 5 'Declaration of Interest by Members of the Council' in relation to Item 12.2, the nature of which is as follows: I am the Presiding Member of the CEO PRP which is a remunerated position.
21/11/2023	Special Council	297/23	Motion on Notice - Houghton Hermitage Inglewood and Paracombe Hub - Cr Malcolm Herrmann	Nil
28/11/2023	Ordinary Council	303/23	MON - Recognition of Statement of Commitment (Cr Louise Pascale)	Nil
28/11/2023	Ordinary Council	306/23	Proposed Road Closure – portion of Unmade Public Road adjacent 474b Springhead Road Mount Torrens	Nil
28/11/2023	Ordinary Council	307/23	Deputy Mayor Appointment	Under section 75C of the <i>Local Government Act 1999</i> Cr Nathan Daniell IJ 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.
28/11/2023	Ordinary Council	314/23	Burning on Private Land	Nil
23/01/2024	Ordinary Council	2/24	International Women's Day - 8 March 2024	Nil
23/01/2024	Ordinary Council	9/24	Customer Relationship Management (CRM) System	Nil
23/01/2024	Ordinary Council	13/24	CEO Performance Review Panel Independent Member Appointment	Nil
13/02/2024	Ordinary Council	21/24	Treasury Policy Report	Nil
13/02/2024	Ordinary Council	22/24	Debt Recovery Policy Report	Nil
13/02/2024	Ordinary Council	23/24	Council Resolutions Report - February 2024	Nil
13/02/2024	Ordinary Council	24/24	Confidential Items Review - February 2024	Nil
27/02/2024	Ordinary Council	41/24	Appointment of Selection Panel for CAP Membership	Under section 75C of the <i>Local Government Act 1999</i> Acting Mayor Nathan Daniell disclosed a Material (section 75) Conflict of Interest in Item 12.1 Appointment of Selection Panel for CAP Members and adoption of Revised Terms of Reference for CAP, the nature of which is as follows: I receive a sitting fee as a deputy member when I attend a panel meeting and have a pecuniary interest in the Revised Terms of Reference. Under section 75C of the <i>Local Government Act 1999</i> Cr Leith Mudge disclosed a Material (section 75) Conflict of Interest in Item 12.1 Appointment of Selection Panel for CAP Members and adoption of Revised Terms of Reference for CAP, the nature of which is as follows: I receive a sitting fee as a panel member and have a pecuniary interest in the Revised Terms of Reference.

Mayor _____

28 May 2024

**ADELAIDE HILLS COUNCIL
MINUTES OF ORDINARY COUNCIL MEETING
TUESDAY 14 MAY 2024
63 MT BARKER ROAD STIRLING**

27/02/2024	Ordinary Council	42/24	Adoption of Terms of Revised Terms of Reference for CAP	Under section 75C of the <i>Local Government Act 1999</i> Acting Mayor Nathan Daniell disclosed a Material (section 75) Conflict of Interest in Item 12.1 Appointment of Selection Panel for CAP Members and adoption of Revised Terms of Reference for CAP, the nature of which is as follows: I receive a sitting fee as a deputy member when I attend a panel meeting and have a pecuniary interest in the Revised Terms of Reference. 7:26pm Acting Mayor Nathan Daniell left the meeting room. Under section 75C of the <i>Local Government Act 1999</i> Cr Leith Mudge disclosed a Material (section 75) Conflict of Interest in Item 12.1 Appointment of Selection Panel for CAP Members and adoption of Revised Terms of Reference for CAP, the nature of which is as follows: I receive a sitting fee as a panel member and have a pecuniary interest in the Revised Terms of Reference.
27/02/2024	Ordinary Council	TBA	Petition - Miss Daisy Karamanlis	Nil
27/02/2024	Ordinary Council	46/24	Adelaide Hills Council Budget Review 2	Nil
27/02/2024	Ordinary Council	51/24	Recovery of Unpaid Rates	Nil
27/02/2024	Ordinary Council	45/24	Local Government Participation and Elections Review Report	Nil
27/02/2024	Ordinary Council	58/24	Audit Committee Minutes of Meeting – 12 February 2024	Nil
12/03/2024	Ordinary Council	63/24	Support for Stirling Main Street businesses due to Stirling Village Mall (Woolworths) fire	Nil
12/03/2024	Ordinary Council	68/24	Our Watch Toolkit	Nil
26/03/2024	Ordinary Council	86/84	Adelaide Hills Council Bushfire Mitigation Landscape Strategy	Material Conflict of Interest, Cr Melanie Selwood – Item 12.2 Bushfire Mitigation Strategy Under section 75C of the <i>Local Government Act 1999</i> Cr Melanie Selwood disclosed a Material (section 75) Conflict of Interest in Item 12.2.

Carried Unanimously

12.3 Confidential Items Review – May 2024

DECISION 1

**Moved Cr Leith Mudge
S/- Cr Chris Grant**

145/24

Council resolves:

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

Carried Unanimously

Mayor _____

28 May 2024

**ADELAIDE HILLS COUNCIL
MINUTES OF ORDINARY COUNCIL MEETING
TUESDAY 14 MAY 2024
63 MT BARKER ROAD STIRLING**

DECISION 2 – Resolution 277/23– CEO Performance Review Process

Moved Cr Chris Grant
S/- Cr Adrian Cheater

146/24

Council resolves:

1. To note that in relation to resolution 277/23 Council resolved the following:

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)(a) and (h) of the Act:

- The Report, related attachments, minutes or other (presentation, documents or similar) of 6 November 2023, Item No. 8.1.1, CEO Performance Review Process, 277/23 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 the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead) specifically, the present matter relates to the CEO Probation Review Process, and it would be unreasonable at this stage to disclose that information, together with legal advice from Norman Waterhouse Lawyers.

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.

2. The document(s) in relation to resolution 277/23 be kept confidential for 3 years to 31 May 2027.

Carried Unanimously

DECISION 3 – Resolution 233/23 – Amy Gillett Bikeway Stage 4 Alternate Offer to State Government

Moved Cr Malcolm Herrmann
S/- Cr Chris Grant

147/24

Council resolves:

1. To note that in relation to resolution 233/23 Council resolved the following:

**ADELAIDE HILLS COUNCIL
MINUTES OF ORDINARY COUNCIL MEETING
TUESDAY 14 MAY 2024
63 MT BARKER ROAD STIRLING**

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)(j) of the Act:

- The Report of 4/9/2023, Item No. 6.1, Amy Gillett Bikeway Stage 4 – Alternate Offer to State Government, 232/23 remain confidential until 4 September 2025 and that this order be reviewed every twelve (12) months.
- On the grounds that the document(s) (or part) relates to information the disclose of which would involve the unreasonable disclosure of information provided on a confidential basis by or to a Minister of the Crown, or another public authority or official (not being employee of council, or a person engaged by the council).
- Would on balance, be contrary to the public interest.

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.

2. The document(s) in relation to resolution 233/23 be kept confidential for a further period of 12 months to 4 September 2025.

Carried Unanimously

DECISION 4 – Resolution 207/23 - Country Cabinet August 2023 Key Strategic Issues

Moved Cr Adrian Cheater

S/- Cr Chris Grant

148/24

Council resolves:

1. To note that in relation to resolution 207/23 Council resolved the following:

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 and minutes of 25 July 2023, Item No. 18.1.1, Country Cabinet August 2023 Key Strategic Issues remain confidential until the announcement has been made but no longer than 30 June 2024 and that this order be reviewed every twelve (12) months.
- On the grounds that the document(s) (or part) relates to information to be received, discussed or considered in relation to this Agenda Item is information the disclosure of which would divulge information provided on a confidential basis by or to a Minister of the Crown, or another public authority or official (not being an employee of Council, or a person engaged by the

**ADELAIDE HILLS COUNCIL
MINUTES OF ORDINARY COUNCIL MEETING
TUESDAY 14 MAY 2024
63 MT BARKER ROAD STIRLING**

Council); and would on balance be contrary to the public interest.

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.

2. The document(s) in relation to resolution 207/23 be kept confidential for a period of 12 months to 30 June 2025.

Carried Unanimously

DECISION 5 – Resolutions 236/22 & 154/23 – Ministerial Exemptions

Moved Cr Louise Pascale
S/- Cr Leith Mudge

149/24

Council resolves:

1. To note that in relation to resolution 236/22 and 154/23 Council resolved the following:

Pursuant to section 91(7) of the *Local Government Act 1999* the Council orders that the following document(s) (or part) shall be kept confidential, being document(s) (or part) relating to a matter with by the Council on a confidential basis under Sections (90(2) and 90(3)(i) of Act:

- The Report of 23 August 2022, Item No. 18.5, Ministerial Exemption – Ashton Landfill, 236/22 & 154/23 remain confidential and that this order be reviewed every twelve (12) months. On the grounds that the document(s) (or part of) would divulge 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 the disclosure of which could reasonably be expected to prejudice the legal position of the council in relation to legal proceedings.

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.

2. The document(s) in relation to resolutions 236/22 and 154/23 be kept confidential until a further order of Council is resolved.

Carried Unanimously

**ADELAIDE HILLS COUNCIL
MINUTES OF ORDINARY COUNCIL MEETING
TUESDAY 14 MAY 2024
63 MT BARKER ROAD STIRLING**

DECISION 6 – Resolutions 234/22 & 158/23 – Revised East Waste 2022-23 Annual Plan and Budget

Moved Cr Kirrilee Boyd
S/- Cr Melanie Selwood

150/24

Council resolves:

1. To note that in relation to resolution 234/22 and 158/23 Council resolved the following:

Pursuant to section 90(2) of the *Local Government Act 1999* the 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)(d) of the Act:

- The report, related attachments, minutes and other (presentation, documents or similar) of 23 August 2022, Item No. 18.4, Revised East Waste 2022-23 Annual Plan & Budget, 234/22, unless previously released, remain confidential until 23 August 2024 and that this order be reviewed every twelve (12) months.
- On the grounds that the document(s) (or part) is commercial information of a confidential nature (not being a trade secret) the disclosure of which could reasonably be expected to prejudice the commercial position of the person who supplied the information.

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.

2. The document(s) in relation to resolution 234/22 and 158/23 be kept confidential for a period of 12 months to 23 August 2025.

Carried Unanimously

DECISION 7 – Resolution 229/22 & 157/23 – East Waste Recycling Contract

Moved Cr Kirrilee Boyd
S/- Cr Chris Grant

151/24

Council resolves:

1. To note that in relation to resolutions 229/22 and 157/23 Council resolved:

**ADELAIDE HILLS COUNCIL
MINUTES OF ORDINARY COUNCIL MEETING
TUESDAY 14 MAY 2024
63 MT BARKER ROAD STIRLING**

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)(d) of the Act:

- The report, related attachments, minutes and other (presentation, documents or similar) of 23 August 2022, Item No. 18.3, East Waste Recycling Contract, 229/22, unless previously released, remain confidential until 23 August 2024 and that this order be reviewed every twelve (12) months.
- On the grounds that the document(s) (or part) is commercial information of a confidential nature (not being a trade secret) the disclosure of which could reasonably be expected to prejudice the commercial position of the person who supplied the information.

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.

2. The document(s) in relation to resolutions 229/22 and 157/23 be kept confidential for a period of 12 months to 23 August 2025.

Carried Unanimously

DECISION 8 – Resolution 236/21 – Ashton Landfill

Moved Cr Adrian Cheater

S/- Cr Chris Grant

152/24

Council resolves:

1. To note that in relation to resolution 236/21 Council resolved the following:

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 28 June 2022, Item No. 18.3, Ashton Landfill, 171/22, 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) 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 the disclosure of which could reasonably be

**ADELAIDE HILLS COUNCIL
MINUTES OF ORDINARY COUNCIL MEETING
TUESDAY 14 MAY 2024
63 MT BARKER ROAD STIRLING**

expected to prejudice the legal position of the council in relation to the matter.

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.

2. The document(s) in relation to resolution 236/21 be kept confidential until a further order of Council is resolved.

Carried Unanimously

DECISION 9 – Resolution 165/22 – Warren Road Birdwood Blackspot

Moved Cr Malcolm Herrmann

S/- Cr Leith Mudge

153/24

Council resolves:

1. To note that in relation to resolution 165/22 Council resolved the following:

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)(d) of the Act:

- The report, related attachments, minutes and other (presentation, documents or similar) of 28 June 2022, Item No. 18.1, Warren Road Birdwood Blackspot, 165/22, 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) is commercial information of a confidential nature (not being a trade secret) the disclosure of which could reasonably be expected to prejudice the commercial position of the person who supplied the information.

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.

2. The document(s) in relation to resolution 165/22 be kept confidential for a period of 12 months to 28 June 2025.

Carried Unanimously

**ADELAIDE HILLS COUNCIL
MINUTES OF ORDINARY COUNCIL MEETING
TUESDAY 14 MAY 2024
63 MT BARKER ROAD STIRLING**

DECISION 10 – Resolution 238/21 – Electricity Procurement Legal Matter

Moved Cr Chris Grant
S/- Cr Adrian Cheater

154/24

Council resolves:

1. 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)(h) of the Act:
 - The report, related attachments, minutes and other (presentation, documents or similar) of 26 October 2021, Item No. 18.1, Electricity Procurement Legal Matter, 238/21, unless previously released, remain confidential until the matter is concluded and that this order be reviewed every twelve (12) months.
 - On the grounds that the document(s) (or part) relates to is legal advice the disclosure of which could reasonably be expected to prejudice Council's position in future legal proceedings.
2. 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.
3. The document(s) to be kept confidential for a period of 12 months to 13 June 2025.

Carried Unanimously

DECISION 11 – Resolution 236/21 – Ashton Landfill

Moved Cr Kirrilee Boyd
S/- Cr Adrian Cheater

155/24

Council resolves:

1. To note that in relation to resolution 236/21 Council resolved the following:

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:

**ADELAIDE HILLS COUNCIL
MINUTES OF ORDINARY COUNCIL MEETING
TUESDAY 14 MAY 2024
63 MT BARKER ROAD STIRLING**

- The report, related attachments, minutes and other (presentation, documents or similar) of 26 October 2021, Item No. 18.2, Ashton Landfill, 236/21, unless previously released, remain confidential until the matter is concluded 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 the disclosure of which could reasonably be expected to prejudice the legal position of the council in relation to the Ashton Landfill.

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.

2. The document(s) in relation to resolution 236/21 be kept confidential until a further order of Council is resolved.

Carried Unanimously

13. OFFICER REPORTS - INFORMATION ITEMS

13.1 Kersbrook Cemetery and Martungka Natural Burial Ground Update

Moved Cr Melanie Selwood
S/- Cr Adrian Cheater

156/24

Council resolves that the report be received and noted.

Carried Unanimously

14. CORRESPONDENCE FOR INFORMATION

14.1 GRFMA – Notice of Dispute and Response

7:54pm Cr Louise Pascale left the meeting room
7:56pm Cr Pascale returned to the meeting room

Moved Cr Leith Mudge
S/- Cr Chris Grant

157/24

Council resolves that the correspondence is received and noted.

Carried Unanimously

**ADELAIDE HILLS COUNCIL
MINUTES OF ORDINARY COUNCIL MEETING
TUESDAY 14 MAY 2024
63 MT BARKER ROAD STIRLING**

14.2 GRFMA – Appointment of Chairperson

Moved Cr Malcolm Herrmann

S/- Cr Kirrilee Boyd

158/24

Council resolves that the correspondence is received and noted.

Carried Unanimously

14.3 Footpath between Lenswood Primary School and the General Store – Thank you letters from Daisy K and Lenswood and Forest Range Community Association

Moved Cr Melanie Selwood

S/- Cr Adrian Cheater

159/24

Council resolves that the correspondence is received and noted.

Carried Unanimously

15. QUESTIONS WITHOUT NOTICE

Cr Melanie Selwood asked a question about Adelaide Hills Council receiving the Heritage Code Amendment grant being offered to eight other councils by the State Government.

16. MOTIONS WITHOUT NOTICE

Nil

17. REPORTS**17.1 Council Member Function or Activity on the Business of Council****Acting Mayor Nathan Daniell**

24th April – Upper Sturt ANZAC Day Eve service - Upper Sturt

25th April – Mylor dawn service - Mylor

25th April – Lenswood/Forest Range morning service - Forest Range

1st May – Activating Bridgewater meeting - Bridgewater

3rd May – Meeting with South Australian Transport Action Group - Stirling

5th May – Inaugural Adelaide Hills Garden Affair. Welcomed Governor of South Australia

Her Excellency the Honourable Frances Adamson - Aldgate

10th May – Opening night for Hills Musical Company show - Stirling

13th May – Interview with The Courier regarding “Give a Sheet” initiative – Heathfield

**ADELAIDE HILLS COUNCIL
MINUTES OF ORDINARY COUNCIL MEETING
TUESDAY 14 MAY 2024
63 MT BARKER ROAD STIRLING**

Cr Melanie Selwood

25th April - ANZAC Day Dawn Service - Norton Summit

30th April - Community Forum for the residents of Woodforde, Rostrevor & Teringie –
Norton Summit

Cr Malcolm Herrmann

25th April - Anzac Day commemorations - Gumeracha and Birdwood

27th April Presentation of Anzac Day medal- Gumeracha

1st May - Launch of new seat at GDSM Hospital- Gumeracha

Cr Louise Pascale

22nd April – Woodforde Residents Association

11th May – Kathy McKenna re property issues in Hamilton Hill

13th May – Woodforde Residents Association

17.2 Reports of Members as Council/Committee Representatives on External Organisations**Acting Mayor Nathan Daniell**

1st May – S&HLGA Management meeting on Teams

17.3 CEO Report

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

Priorities arising from Country Cabinet in 2023 including:

Fire mitigation across the region: The CEO discussed that a tech company has been engaged by Council to develop a fire mitigation proposal unique to the Adelaide Hills. A proposal will be shared with the State Government and updates provided to Council in due course;

Amy Gillett Bikeway Project: The CEO discussed the recent successes of the project;

Drainage and stormwater issues: The CEO reported that ongoing conversations are being held specifically regarding Junction Road, Balhannah, including in-principle funding support from the Minister for Infrastructure and Transport;

Master Planning in the Central Hills District: The CEO reported that there has been progress regarding potential funding to create a Master Plan for the Central Hills district. Updates will be provided to Council as information becomes available;

Regional Plan: The CEO reported that lobbying the State Government and relevant departments to develop regional plan is ongoing. Updates will be provided to Council as information becomes available;

**ADELAIDE HILLS COUNCIL
MINUTES OF ORDINARY COUNCIL MEETING
TUESDAY 14 MAY 2024
63 MT BARKER ROAD STIRLING**

The CEO confirmed that an Information or Briefing Session of Council will be held in due course focusing on outcomes and priorities arising from the Country Cabinet, as well as a formal report to Council.

Other items raised by the CEO included:

- Recruitment update for the Director of Corporate Services and Acting Director of Community and Development;
- Development of a strategic approach in the area of Human Resources including recruitment of a HR Manager;
- Overview of a recent meeting with Leyton Holdings regarding progress with the rebuild of the shopping centre.

18. REPORTS OF COMMITTEES

18.1 Council Assessment Panel

Nil

18.2 Audit Committee

Nil

18.3 CEO Performance Review Panel

Nil

18.4 Boundary Change Committee

Nil

**ADELAIDE HILLS COUNCIL
MINUTES OF ORDINARY COUNCIL MEETING
TUESDAY 14 MAY 2024
63 MT BARKER ROAD STIRLING**

19. CONFIDENTIAL ITEMS

19.1 Forensic Analysis of Boundary Change Submission – Exclusion of the Public

Moved Cr Chris Grant
S/- Cr Adrian Cheater

160/24

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 Environment & Infrastructure, David Waters
- A/Director Corporate Services, Ashley Curtis
- A/Director Community & Development, Jess Charlton
- Governance and Risk Coordinator, Zoe Gill
- Governance and Risk Officer, Skye Ludzay
- Minute Secretary, Rebekah Lyons
- IT Support, Tom Portas

be excluded from attendance at the meeting for Agenda Item 19.1: (Forensic Analysis of Boundary Change Submission) 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) (b) of the Local Government Act, the information to be received, discussed or considered in relation to this Agenda Item is information the disclosure of which could reasonably be expected to prejudice the commercial position of Council and would, on balance, be contrary to the public interest.

Section 90(3) (i) of the Local Government Act, the information to be received, discussed or considered in relation to this Agenda Item is information relating to actual litigation, or litigation that the council or council committee believes on reasonable grounds will take place, involving the council.

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

Carried Unanimously

**ADELAIDE HILLS COUNCIL
MINUTES OF ORDINARY COUNCIL MEETING
TUESDAY 14 MAY 2024
63 MT BARKER ROAD STIRLING**

19.1.1 Forensic Analysis of Boundary Change Submission – Confidential Item

**ADELAIDE HILLS COUNCIL
MINUTES OF ORDINARY COUNCIL MEETING
TUESDAY 14 MAY 2024
63 MT BARKER ROAD STIRLING**

19.1.2 Forensic Analysis of Boundary Change Submission – Duration of Confidentiality

Moved Cr Chris Grant

S/- Cr Adrian Cheater

162/24

Subject to the CEO, or his delegate, disclosing information or any document (in whole or in part) for the purpose of implementing Council's decision(s) in this matter in the performance of the duties and responsibilities of office, Council, having considered Agenda Item 19.1 in confidence under sections 90(2) and 90(3) (b) and (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	22 April 2028
Related Attachments	22 April 2028
Minutes	22 April 2028
Other (presentation, documents, or similar)	22 April 2028

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

Carried Unanimously

8:18pm Cr Louse Pascale returned to the meeting room.

**ADELAIDE HILLS COUNCIL
MINUTES OF ORDINARY COUNCIL MEETING
TUESDAY 14 MAY 2024
63 MT BARKER ROAD STIRLING**

19.2 Strategic Communication and Engagement Plan Woodforde, Teringie and Rostrevor – Exclusion of the Public

Moved Cr Adrian Cheater
S/- Cr Kirrilee Boyd

163/24

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 Environment & Infrastructure, David Waters
- A/Director Corporate Services, Ashley Curtis
- A/Director Community & Development, Jess Charlton
- Governance and Risk Coordinator, Zoe Gill
- Governance and Risk Officer, Skye Ludzay
- Minute Secretary, Rebekah Lyons
- IT Support, Tom Portas
- Sarah Hill, Acting Manager Communications, Engagements and Events

be excluded from attendance at the meeting for Agenda Item 19.2: (Strategic Communications & Engagement Plan Woodforde, Teringie & Rostrevor) 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) (b) of the Local Government Act, the information to be received, discussed or considered in relation to this Agenda Item is information the disclosure of which could reasonably be expected to prejudice the commercial position of Council and would, on balance, be contrary to the public interest.

Section 90(3) (i) of the Local Government Act, the information to be received, discussed or considered in relation to this Agenda Item is information relating to actual litigation, or litigation that the council or council committee believes on reasonable grounds will take place, involving the council.

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

Carried Unanimously

**ADELAIDE HILLS COUNCIL
MINUTES OF ORDINARY COUNCIL MEETING
TUESDAY 14 MAY 2024
63 MT BARKER ROAD STIRLING**

19.2.1 Strategic Communication and Engagement Plan Woodforde, Teringie and Rostrevor –

Mayor _____

28 May 2024

**ADELAIDE HILLS COUNCIL
MINUTES OF ORDINARY COUNCIL MEETING
TUESDAY 14 MAY 2024
63 MT BARKER ROAD STIRLING**

19.2.2 Strategic Communication and Engagement Plan Woodforde, Teringie and Rostrevor – Duration of Confidentiality

Moved Cr Chris Grant
S/- Cr Leith Mudge

165/24

Subject to the CEO, or his delegate, disclosing information or any document (in whole or in part) for the purpose of implementing Council's decision(s) in this matter in the performance of the duties and responsibilities of office, Council, having considered Agenda Item 19.2 in confidence under sections 90(2) and 90(3) (b) and (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	22 April 2028
Related Attachments	22 April 2028
Minutes	22 April 2028
Other (presentation, documents, or similar)	22 April 2028

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

Carried Unanimously

8:32pm Cr Louise Pascale returned to the meeting room.

**ADELAIDE HILLS COUNCIL
MINUTES OF ORDINARY COUNCIL MEETING
TUESDAY 14 MAY 2024
63 MT BARKER ROAD STIRLING**

**19.3 Additional Confidential Item: Questions relating to Item 10.3 of the Agenda -
Exclusion of the Public**

Moved Cr Louise Pascale
S/- Cr Leith Mudge

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 Environment & Infrastructure, David Waters
- A/Director Corporate Services, Ashley Curtis
- A/Director Community & Development, Jess Charlton
- Governance and Risk Coordinator, Zoe Gill
- Governance and Risk Officer, Skye Ludzay
- Minute Secretary, Rebekah Lyons
- IT Support, Tom Portas

be excluded from attendance at the meeting for the purpose of asking questions in relation to Item 10.3 of the agenda.

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 item at the meeting on the following grounds:

Section 90(3) (h) of the Local Government Act, the information to be received, discussed or considered in relation to this Agenda Item is information relating to legal advice.

Carried Unanimously

**ADELAIDE HILLS COUNCIL
MINUTES OF ORDINARY COUNCIL MEETING
TUESDAY 14 MAY 2024
63 MT BARKER ROAD STIRLING**

20. NEXT ORDINARY MEETING

The next ordinary meeting of the Adelaide Hills Council will be held on Tuesday 28 May 2024 from 6.30pm at 63 Mt Barker Road, Stirling.

21. CLOSE MEETING

The meeting closed at 8:38pm