

**ADELAIDE HILLS COUNCIL
MINUTES OF ORDINARY COUNCIL MEETING
TUESDAY 26 November 2024
63 MT BARKER ROAD STIRLING**

In Attendance

Presiding Member: Deputy Mayor Melanie Selwood

Members:

Councillor Kirrilee Boyd
Councillor Adrian Cheater
Councillor Nathan Daniell
Councillor Chris Grant
Councillor Malcolm Herrmann
Councillor Leith Mudge
Councillor Mark Osterstock
Councillor Kirsty Parkin
Councillor Louise Pascale

In Attendance:

Greg Georgopoulos	Chief Executive Officer
Gary Lewis	Director Corporate Services
Jess Charlton	A/Director Community and Development
David Waters	Director Environment and Infrastructure
Zoe Gill	Executive Governance Officer
Skye Ludzay	Minute Secretary
Tom Portas	Technical Support

1. COMMENCEMENT

The meeting commenced at 6:30pm.

2. OPENING STATEMENT

2.1 Council acknowledges that we meet on the traditional Country of the Peramangk and Kurna people. We pay our respects to Ancestors and Elders past and present as the Custodians of this ancient and beautiful land.

2.2 Together we will care for this place 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.

Mayor _____

10 December 2024

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3. APOLOGIES/LEAVE OF ABSENCE

3.1 Apology

Mayor Jan-Claire Wisdom
Cr Pauline Gill
Cr Lucy Huxter

3.2 Leave of Absence

Nil

3.3 Absent

Nil

4. MINUTES OF PREVIOUS MEETINGS

4.1 Council Meeting – 12 November 2024

Moved Cr Malcolm Herrmann
S/- Cr Chris Grant

414/24

Council resolves that the minutes of the Ordinary Council meeting held on 12 November 2024, as supplied, be confirmed as an accurate record of the proceedings of that meeting.

Carried Unanimously

5. DECLARATION OF CONFLICT OF INTEREST BY MEMBERS OF COUNCIL

5.1 Cr Malcolm Herrmann, Item 12.1 – Community Development Grant Recommendations

Under section 75B of the Local Government Act 1999 Cr Malcolm Herrmann disclosed a General (section 74) Conflict of Interest in Item 12.1.

5.2 Cr Nathan Daniell, Item 12.1 – Community Development Grant Recommendations

Under section 75B of the Local Government Act 1999 Cr Nathan Daniell disclosed a General (section 74) Conflict of Interest in Item 12.1.

5.3 Cr Malcolm Herrmann, Item 12.2 – 2024-2025 Community and Recreation Facility Grant Recommendations

Under section 75B of the Local Government Act 1999 Cr Malcolm Herrmann disclosed a General (section 74) Conflict of Interest in Item 12.2.

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5.4 Cr Chris Grant, Item 12.2 2024-2025 – Community and Recreation Facility Grant Recommendations

Under section 75B of the Local Government Act 1999 Cr Chris Grant disclosed a General (section 74) Conflict of Interest in Item 12.2.

5.5 Deputy Mayor Melanie Selwood, Item 12.2 – 2024-2025 Community and Recreation Facility Grant Recommendations

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

5.6 Cr Mark Osterstock, Item 12.4 – Nominations to the Dog & Cat Management Board

Under section 75C of the *Local Government Act 1999* Cr Mark Osterstock disclosed a Material (section 75) Conflict of Interest in Item 12.4.

5.7 Cr Kirsty Parkin, Item 12.4 – Nominations to the Dog & Cat Management Board

Under section 75B of the Local Government Act 1999 Cr Kirsty Parkin disclosed a General (section 74) Conflict of Interest in Item 12.4.

5.8 Deputy Mayor Melanie Selwood, Item 19.1 – Behavioural Standards Complaint

Under section 75B of the Local Government Act 1999 Deputy Mayor Melanie Selwood disclosed a General (section 74) Conflict of Interest in Item 19.1.

6. PRESIDING MEMBER'S OPENING REMARKS

The Deputy Mayor welcomed and thanked members of the gallery for their attendance.

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

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8.2 Deputations

Nil

8.3 Public Forum

Nil

9. PRESENTATIONS**9.1 Regional Development Australia Update – Steve Shotton**

6:37pm Cr Adrian Cheater joined the meeting.

6:37pm Cr Louise Pascale left the meeting room.

6.38pm Cr Louise Pascale returned to the meeting room.

6.38pm Cr Louise Pascale left the meeting room.

10. QUESTIONS ON NOTICE

Nil

11. MOTIONS ON NOTICE

Nil

12. OFFICER REPORTS – DECISION ITEMS**12.1 Community Development Grant Recommendations**

Under section 75B of the Local Government Act 1999 Cr Nathan Daniell disclosed a General (section 74) Conflict of Interest in Item 12.1.

- I am Chair of Activating Bridgewater who auspiced an application. May receive an indirect pecuniary benefit if approved.

6:53pm Cr Nathan Daniell left the meeting room.

Under section 75B of the *Local Government Act 1999* Cr Malcolm Herrmann disclosed a General (section 74) Conflict of Interest in Item 12.1.

- I am a sponsor of the Mt Torrens & Districts Community Association.

Cr Herrmann advised the meeting that his private interest would not result in him acting in a manner contrary to his public duty and that he will remain in the meeting when the item is discussed and participate in the debate and vote on the matter.

6:54pm Cr Louise Pascale returned to the meeting room.

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Moved Cr Mark Osterstock
S/- Cr Chris Grant

415/24

Council resolves:

1. That the report be received and noted.
2. That Council approve the awarding of Community Development Grants totalling \$ 43,725.40 as follows:

Adelaide Hills Hawks Football Club Inc	Development of new website	\$2500
Balhannah Soldiers Memorial Hall Inc	Purchase and installation of wireless security system	\$2500
Bridgewater Adelaide Hills Walking Group	Automatic external defibrillator and backpack kit suitable for walks	\$2390
Bridgewater Hall Inc	Purchase tables and whiteboards	\$2500
Gravity Girls SA Inc	Purchase tools and equipment for bike trail maintenance	\$2475
Hills Biodiversity Inc	Engage contractors – control watsonia outbreak	\$2500
Hills Little Athletics Centre Inc	Purchase laptop and set of starter guns	\$1649
Mount Lofty Kindergym Inc	Purchase adult-friendly equipment designed for intergenerational activities	\$2358.05
Mount Torrens & Districts Community Association Inc	Purchase feather flags and double-sided A-frame boards	\$2500
Mylor Primary School	Contribute to First Nations Program run by Carclew	\$2500
Oakbank Golf Club Inc	Purchase and installation of industrial dishwasher	\$2500
Old School Community Garden Stirling Inc	Contribution towards purchase of new mower	\$2500
Save Our Wildlife Foundation Inc	Purchase possum nesting boxes	\$1928.85
SA Police Pistol Club Inc	Purchase laptop and tablets	\$2093
The Sustainability Fair Inc	Purchase storage units	\$2500
Top of the Torrens Gallery Inc	Purchase of custom made display units	\$2500
Upper Sturt CFS	Removal and replacement of flagpole	\$1336.50
Volunteers of Tour Down Under	Purchase event flags for existing GTRAX system	\$2000
Woodside Hall Inc	Purchase planter pots and plants	\$2495

6.55pm Cr Adrian Cheater left the meeting room.

Carried Unanimously Cr Herrmann voted in favour of the motion

6:56pm Cr Nathan Daniell returned to the meeting room.

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12.2 2024-2025 Community and Recreation Facility Grant Recommendations

Under section 75B of the Local Government Act 1999 Cr Malcolm Herrmann disclosed a General (section 74) Conflict of Interest in Item 12.2.

- I am a sponsor of the Birdwood Park and Sporting Club.

Cr Herrmann advised the meeting that his private interest would not result in him acting in a manner contrary to his public duty and that he will remain in the meeting when the item is discussed and participate in the debate and vote on the matter.

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

- I have an association with an applicant, but they are not a recommended applicant.

Deputy Mayor Selwood advised the meeting that her private interest would not result in her acting in a manner contrary to her public duty and that she will remain in the meeting when the item is discussed and participate in the debate and vote on the matter.

Under section 75B of the Local Government Act 1999 Cr Chris Grant disclosed a General (section 74) Conflict of Interest in Item 12.2.

- I am a member of the Forest Range Community and the Forest Range Recreation Ground are receiving a grant.

Cr Grant advised the meeting that his private interest would not result in him acting in a manner contrary to his public duty and that he will remain in the meeting when the item is discussed and participate in the debate and vote on the matter.

6:57pm Cr Adrian Cheater returned to the meeting room.

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Moved Cr Leith Mudge
S/- Cr Kirsty Parkin

416/24

Council resolves:

1. That the report be received and noted.
2. That Council approves the awarding of Community Recreation and Facility Grants for 2024-2025 totalling \$166,923.91 as follows:

Hills Archers	Clubroom Upgrade	\$9,239.08
Onkaparinga Cricket Club	Upgrade of Cricket Training Nets	\$31,500.00
Mount Lofty District Football Club	New Scoreboard	\$25,000.00
Johnston Memorial Park	New Football Coaches Boxes	\$40,000.00
Kersbrook Public Hall	External Building Maintenance	\$11,000.00
Uraidla Institute	Re-sealing Hall Floor	\$2,106.72
Sunset Rock Uniting Church	Community Connections Café Initiative	\$8,131.20
Aldgate Men's Shed	Relocation to new Shed	\$4,399.00
Birdwood Park & Sporting Clubs	Improving safety at Birdwood Park	\$9,239.08
Gumeracha District Bowling Club	Player and spectator shade and seating	\$9,918.00
Forest Range Recreation Ground	New Access Driveway	\$9,239.08
Bridgewater Junior Soccer Club	Soccer Pitch Extension	\$7,240.00

Carried Unanimously

Cr Herrmann voted in favour of the motion

Cr Grant voted in favour of the motion

Deputy Mayor Selwood did not use her casting vote

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12.3 Regional Climate Action Plan 2025-2030 and Regional Sector Agreement

Moved Cr Leith Mudge
S/- Cr Mark Osterstock

417/24

Council resolves:

1. That the report be received and noted.
2. To note the achievements of the Resilient Hills and Coasts partnership identified within the RH&C Annual Report 2023-2024 as provided in Appendix 1.
3. To note the outcomes of the stakeholder engagement associated with the development of the Resilient Hills & Coasts 'Regional Climate Action Plan' as provided in Appendix 4.
4. To endorse the Resilient Hills & Coasts *Regional Climate Action Plan 2025-2030* as one of the partner organisations of Resilient Hills & Coasts.
5. To recommit to the partnership by authorising the Mayor to sign the revised Resilient Hills & Coasts Climate Change Sector Agreement pursuant to the *Climate Change and Greenhouse Emissions Reduction Act 2007*, as contained in Appendix 3.
6. To authorise the Administration to make any changes to the *Regional Climate Action Plan 2025-2030* or Climate Change Sector Agreement of a minor, technical or formatting nature.
7. To note the Council's ongoing membership of the partnership includes a contribution of \$20,000 per annum to contribute to the engagement of a Coordinator to continue to advocate on climate change adaptation and mitigation for the region, and that this contribution remains subject to annual business planning and budget processes.

Carried

12.4 Nominations to the Dog & Cat Management Board

Under section 75B of the Local Government Act 1999 Cr Kirsty Parkin disclosed a General (section 74) Conflict of Interest in Item 12.4.

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- My father is the Chair of the Dog and Cat Management Board

Cr Parkin advised the meeting that she will remain in the meeting when the item is discussed and will not participate in the debate and will not vote on the matter.

Under section 75C of the *Local Government Act 1999* Cr Mark Osterstock disclosed a Material (section 75) Conflict of Interest in Item 12.4.

- Intends to nominate for the position which attracts a modest sitting fee.

7:06pm Cr Mark Osterstock left the meeting room.

Moved Cr Malcolm Herrmann

S/- Cr Chris Grant

418/24

Council resolves:

1. **That the report be received and noted.**
2. **To endorse the nomination of Cr Mark Osterstock for the Dog & Cat Management Board and authorise the Chief Executive Officer to lodge the completed nomination form to the Local Government Association by COB Friday 29 November 2024.**

Carried Unanimously

Cr Kirsty Parkin voted in favour of the motion
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7.08pm Cr Mark Osterstock returned to the meeting room.

12.5 Gawler River Floodplain Management Authority Membership

Moved Cr Nathan Daniell

S/- Cr Mark Osterstock

419/24

Council resolves:

1. **That the report be received and noted.**
2. **That the CEO formally write to the Minister, by 31 December 2024, seeking approval to withdraw from the GRFMA, as required by Clause 19 of the Charter.**

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3. That the CEO write to the GRFMA and Constituent Councils, by 31 December 2024, to officially advise of its intention to withdraw from the GRFMA, as required by Clause 19 of the Charter.
4. That the Council approve an initial budget allocation of \$20,000 for consultant fees, enabling Council to obtain expert advice and effectively manage the negotiations required to exit the GRFMA.

Carried Unanimously

12.6 Draft 2023-24 Annual Report

Moved Cr Malcolm Herrmann
S/- Cr Nathan Daniell

420/24

Council resolves:

1. That the report on the Draft 2023-24 Annual Report be received and noted.
2. That the 2023-24 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

12.7 Quarterly Council Performance Report – Q1 2024-25

Moved Cr Malcolm Herrmann
S/- Cr Chris Grant

421/24

Council resolves:

1. That the report on the Quarterly Council Performance Report – Q1 2024-25 be received and noted.
2. To adopt changes to the Corporate Performance Indicators as follows:

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- a. **CPI-B02 (Delivery of Capital Works Program) changed to an annual target of at least 90%, with cumulative quarterly reporting**
- b. **CPI-001 (Number of lost time injuries) changed to measure Lost Time Injury Frequency Rate (LTIFR) with a target of less than 13.2**
- c. **CPI-O11 (Employee turnover) changed to have two targets – 20% new starter turnover and 15% general turnover, with quarterly reporting that provides a 12 month percentage as at the end of the quarter.**

Carried

12.8 2024-25 Budget Review 1

Moved Cr Chris Grant
S/- Cr

Council resolves:

1. That the 2024-25 Budget Review 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 \$0.457m to a deficit of \$1.728m for the 2024-25 financial year.
 - b. An operating deficit ratio of 2.8%, Net Financial Liabilities ratio of 56.2% and an Asset Renewal Funding ratio of 133.2%.

Lapsed for want of a seconder

Moved Cr Nathan Daniell
S/- Cr Mark Osterstock

1. That the 2024-25 Budget Review 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 \$0.457m to a deficit of \$1.728m for the 2024-25 financial year.

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- b. Changes to Capital Works increasing capital expenditure by \$2.218 million for the 2024-25 financial year resulting in a revised capital expenditure budget of \$20.548 million.
- c. An operating deficit ratio of 2.8%, Net Financial Liabilities ratio of 56.2% and an Asset Renewal Funding ratio of 133.2%.

VARIATION

Through the Presiding Member, with the consent of the Mover and Seconder, leave of the meeting was sought and granted to vary the motion as follows:

Moved Cr Nathan Daniell
S/- Cr Mark Osterstock

1. That the 2024-25 Budget Review 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 \$0.457m to a deficit of \$1.728m for the 2024-25 financial year.
 - b. Changes to Capital Works increasing capital expenditure by \$2.218 million for the 2024-25 financial year resulting in a revised capital expenditure budget of \$20.548 million.
 - c. An operating deficit ratio of 2.8%, Net Financial Liabilities ratio of 56.2% and an Asset Renewal Funding ratio of 133.2%.
3. That a workshop be held regarding the increased capital expenditure endorsed in Budget Review 1 on 2 December 2024.

MOTION AS VARIED

Moved Cr Nathan Daniell
S/- Cr Mark Osterstock

422/24

1. That the 2024-25 Budget Review 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 \$0.457m to a deficit of \$1.728m for the 2024-25 financial year.

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- b. Changes to Capital Works increasing capital expenditure by \$2.218 million for the 2024-25 financial year resulting in a revised capital expenditure budget of \$20.548 million.
 - c. An operating deficit ratio of 2.8%, Net Financial Liabilities ratio of 56.2% and an Asset Renewal Funding ratio of 133.2%.
3. That a workshop be held regarding the increased capital expenditure endorsed in Budget Review 1 on 2 December 2024.

Carried

13. OFFICER REPORTS - INFORMATION ITEMS

Nil

14. CORRESPONDENCE FOR INFORMATION

14.1 Regional Development Australia Adelaide Hills, Fleurieu and Kangaroo Island Annual Report 2023-24

Moved Cr Adrian Cheater
S/- Cr Kirsty Parkin

423/24

Council resolves that the correspondence is received and noted.

Carried Unanimously

15. QUESTIONS WITHOUT NOTICE

Cr Louise Pascale asked a question about when a report on Community Forums would be circulated.

16. MOTIONS WITHOUT NOTICE

Nil

17. REPORTS

17.1 Council Member Function or Activity on the Business of Council

Cr Malcolm Herrmann

- 2 November 2024, Relay for Life, Balhannah

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- 3 November 2024, Top of the Valleys All Saints Day, Lobethal
- 6 November 2024, Opening of the SA Water Mural, Woodside
- 8 November 2024, Turning of the sod - Amy Gillett Bikeway, Mount Torrens
- 10 November 2024, Australia Day Celebrations, Gumeracha
- 11 November 2024, Remembrance Day – Memorial Arch, Birdwood
- 13 November 2024, GCA Annual General Meeting, Gumeracha
- 16 November 2024, Book Launch, Birdwood
- 19 November 2024, Presentation Evening – Birdwood High School, Modbury

Cr Leith Mudge

- 18 November 2024, The Hills Christian Community School – Senior Presentation Night & Year 12 Graduation, Verdun.
- 20 November 2024, The Hut AGM, Stirling
- 23 November 2024, Ashton Christmas Party, Ashton
- 24 November 2024, Stirling Market & Laneways, Stirling

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

Nil

17.3 CEO Report

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

- Meetings have been scheduled with the CEO's of member Councils' of the Gawler River Floodplain Management Authority
- Organisational Policies are being updated in line with improvement notices received from SafeWork SA
- An all staff meeting has been scheduled for the 12 December 2024
- Festivities have been scheduled for after the 10 December 2024 Council meeting.

18. REPORTS OF COMMITTEES

18.1 Council Assessment Panel – 13 November 2024

**Moved Cr Leith Mudge
S/- Cr Adrian Cheater**

424/24

Council resolves that the minutes of the Council Assessment Panel meeting held on 13 November 2024, as distributed, be received and noted.

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Carried Unanimously

18.2 Audit Committee – 18 November 2024

Moved Cr Malcolm Herrmann

S/- Cr Leith Mudge

425/24

Council resolves that the minutes of the Audit Committee meeting held on 18 November 2024, as distributed, be received and noted.

Carried Unanimously

18.3 CEO Performance Review Panel

Nil

18.4 Boundary Change Committee

Nil

19. CONFIDENTIAL ITEMS

19.1 Behavioural Standards Complaint – Exclusion of the Public

Moved Cr Chris Grant

S/- Cr Nathan Daniell

426/24

Council resolves:

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

- Director Corporate Services, Gary Lewis
- Executive Governance Officer, Zoë Gill
- Minute Secretary, Skye Ludzay
- Susie Inat, Special Counsel, MinterEllison

be excluded from attendance at the meeting for Agenda Item 19.1: (Behavioural Standards Complaint) in confidence.

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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:

1. Section 90(3)(a) 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 would involve the unreasonable disclosure of information concerning the personal affairs of any person
2. Section 90(3)(h) of the *Local Government Act 1999*, the information to be received, discussed or considered in relation to this Agenda Item is legal advice

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

Carried Unanimously

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19.1.1 Behavioural Standards Complaint – Confidential Item

MOTION AS VARIED

Moved Cr Chris Grant
S/- Cr Mark Osterstock

428/24

Council resolves:

Decision 1

1. To receive and note the Council report titled “Behavioural Standards Complaint”
2. To receive and note the following information in relation to (item 19. 1, 26 November 2024):
 - a) The independent report provided by Minter-Ellison titled “Final Investigation Report: Behavioural Management Framework”, (dated 16 August 2024) at Appendix 1
 - b) legal advice (including the presentation).
3. To adopt the findings in the Final Investigation Report and determine that action (under s262C of the *Local Government Act 1999*) against the Mayor is required.
5. To nominate the Deputy Mayor to inform the Mayor of the decisions made in relation to this item 19.1 as soon as practicable.

Carried Unanimously

Deputy Mayor Selwood did not use her casting vote

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19.1.2 Behavioural Standards Complaint – Duration of Confidentiality

Moved Cr Mark Osterstock
S/- Cr Adrian Cheater

429/24

Council resolves:

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)(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:

Item	Duration of Confidentiality NB: Item to be reviewed every 12 months if not released
Report	Nil
Related Attachments	Until further order for Appendix 1 Nil for Appendix 2
Minutes	Until further order for the minutes and part 4 of the resolution Nil for the remainder of the resolution
Other (presentation, documents, or similar)	Until further 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.

Carried Unanimously

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19.1.3 Behavioural Standards Complaint – Determination of Action

Moved Cr Chris Grant
S/- Cr Mark Osterstock

Council resolves:

Decision 2

1. To note that it has received and noted the Final Investigation Report, legal advice and presentation, in Item 19.1.
2. To note that it has adopted the findings that the Mayor breached the following clauses of the Behavioural Standards for Council Members:
 - a) 1.1 Show commitment and discharge duties conscientiously.
 - b) 1.4 Act in a reasonable, just, respectful and non-discriminatory way.
 - c) 2.2 Take all reasonable steps to provide accurate information to the community and the Council.
 - d) 2.3 Take all reasonable steps to ensure that the community and the Council are not knowingly misled.
 - e) 2.5 Act in a manner consistent with their roles, as defined in section 59 of the Act.
 - f) 3.1 Establish and maintain relationships of respect, trust, collaboration, and cooperation with all Council members.
 - g) 4.1 Establish and maintain relationships of respect, trust, collaboration, and cooperation with all Council employees.
 - h) 4.2 Not bully Council employees.
3. That the Mayor's series of inappropriate behaviour and conduct and the findings of multiple breaches warrant the making of the following determinations pursuant to section 262C of the *Local Government Act 1999*:
 - a) That Council formally censures the Mayor.
 - b) That Council declares it has no confidence in the Mayor and her capacity to continue as Mayor of the Council for the remainder of the Council term.
 - c) That Council calls on the Mayor to resign by close of business Friday, 29 November 2024.

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- d) That the Mayor is required to make an unconditional (and unreserved) public apology to the Council, the CEO, and the Administration at the next ordinary meeting of Council or by 10 December 2024 expressly apologising for the breaches identified in the Final Investigation Report, including explicitly her non-compliance with the Mayor Seeking Legal Advice Policy, and in a form approved by the Deputy Mayor.
- e) That the Mayor is required to make a private written apology to the identified victim or victims of bullying in a form approved by the Deputy Mayor by the 10 December 2024.
- f) That the Mayor is required to attend a program of training and education (organised by the Administration) directed towards:
- i. re-building the working relationship between the Mayor, elected members, the CEO and the Administration,
 - ii. workplace bullying and harassment,
 - iii. conflict of interest and the roles and responsibilities of elected members with such training and education
- to be completed before 31 March 2025.
- g) That the Mayor provide written confirmation to the Deputy Mayor by 10 December 2024 that she will attend the training outlined in part 3(f) of the resolution.
- h) That any and all functions, duties, responsibilities and roles (inclusive of any representative role) given to the Mayor under any Council policy, resolution, direction or convention be revoked. That the functions, duties, responsibilities and roles be undertaken by the Deputy Mayor, or other councillor nominated by the Deputy Mayor, with effect from the date of this resolution until the end of the Council term.
- i) That the Mayor be removed from any section 41 Council committee that the Mayor has been appointed to by Council for the balance of the Council term.
- j) That Council requests that the Mayor repay Council for the costs of the investigation and report into this behavioural matter as soon as possible, but in any event by 31 January 2025.
- k) That the Mayor's access to the Council building is restricted to only those parts which are necessary for her to access to undertake her roles and responsibilities.
- l) That Council instructs the Administration to write to:

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- i. the CEO, Office of Local Government,
- ii. the CEO, Department of Premier and Cabinet,
- iii. the CEO, Local Government Association,
- iv. Josh Teague, Member for Heysen,
- v. Dan Cregan, Member for Kavel,
- vi. Ashton Hurn, Member for Schubert, and
- vii. Rebekha Sharkie, Member for Mayo,

informing them of Councils' resolution. The correspondence should request that all future official correspondence be directed to the CEO and Deputy Mayor.

- m) that any invitation, request or other communication received by the Mayor, as a result of her position as Mayor, from the Federal Government or any State Government body, or any community group, local government or any other organisation, be immediately forwarded to the CEO and the Deputy Mayor for attendance or action.
 - n) that any requests from the media for interview or comment that are directed to the Mayor on any matter, that are received as a result of her position as Mayor, be immediately forwarded to the CEO and the Deputy Mayor for attendance or action.
4. That the Deputy Mayor, with the support of Council Administration (Director Corporate Services and/or delegate) as required:
- a) inform the Mayor of Council's decisions as soon as possible but otherwise before close of business Wednesday 27 November 2024.
 - b) report back to Council on the Mayor's response (if any) to parts 3(c),(e), (g) and (j) and otherwise any non-compliance by the Mayor with Council's determinations.
 - c) report to Council (as necessary) on any other matters arising and requiring Council consideration and/ or decision as a result of the actions determined by Council including but not limited to the removal of the Mayor and substitution of the Deputy Mayor in all policy, resolution, direction or convention.
5. Council notes and endorses the Mayor's office having been moved from the Stirling Administration Office Area to the Coventry Library.

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FORMAL MOTION

Moved Cr Kirrilee Boyd

S/- Cr Louise Pascale

Council resolves that the question be adjourned until the 10 December 2024 meeting.

Motion Lost

10:35pm Cr Louise Pascale left the meeting room and did not return.

Moved Cr Chris Grant

S/- Cr Mark Osterstock

430/24

Council resolves:

1. To note that it has received and noted the Final Investigation Report, legal advice and presentation, in Item 19.1.
2. To note that it has adopted the findings that the Mayor breached the following clauses of the Behavioural Standards for Council Members:
 - a) 1.1 Show commitment and discharge duties conscientiously.
 - b) 1.4 Act in a reasonable, just, respectful and non-discriminatory way.
 - c) 2.2 Take all reasonable steps to provide accurate information to the community and the Council.
 - d) 2.3 Take all reasonable steps to ensure that the community and the Council are not knowingly misled.
 - e) 2.5 Act in a manner consistent with their roles, as defined in section 59 of the Act.
 - f) 3.1 Establish and maintain relationships of respect, trust, collaboration, and cooperation with all Council members.
 - g) 4.1 Establish and maintain relationships of respect, trust, collaboration, and cooperation with all Council employees.
 - h) 4.2 Not bully Council employees.
3. That the Mayor's series of inappropriate behaviour and conduct and the findings of multiple breaches warrant the making of the following determinations pursuant to section 262C of the *Local Government Act 1999*:
 - a) That Council formally censures the Mayor.

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- b) That Council declares it has no confidence in the Mayor and her capacity to continue as Mayor of the Council for the remainder of the Council term.**
- c) That Council calls on the Mayor to resign by close of business Friday, 29 November 2024.**
- d) That the Mayor is required to make an unconditional (and unreserved) public apology to the Council, the CEO, and the Administration at the next ordinary meeting of Council or by 10 December 2024 expressly apologising for the breaches identified in the Final Investigation Report, including explicitly her non-compliance with the Mayor Seeking Legal Advice Policy, and in a form approved by the Deputy Mayor.**
- e) That the Mayor is required to make a private written apology to the identified victim or victims of bullying in a form approved by the Deputy Mayor by the 10 December 2024.**
- f) That the Mayor is required to attend a program of training and education (organised by the Administration) directed towards:
 - i. re-building the working relationship between the Mayor, elected members, the CEO and the Administration,**
 - ii. workplace bullying and harassment,**
 - iii. conflict of interest and the roles and responsibilities of elected members with such training and education**to be completed before 31 March 2025.**
- g) That the Mayor provide written confirmation to the Deputy Mayor by 10 December 2024 that she will attend the training outlined in part 3(f) of the resolution.**
- h) That any and all functions, duties, responsibilities and roles (inclusive of any representative role) given to the Mayor under any Council policy, resolution, direction or convention be revoked. That the functions, duties, responsibilities and roles be undertaken by the Deputy Mayor, or other councillor nominated by the Deputy Mayor, with effect from the date of this resolution until the end of the Council term.**
- i) That the Mayor be removed from any section 41 Council committee that the Mayor has been appointed to by Council for the balance of the Council term.**
- j) That Council requests that the Mayor repay Council for the costs of the investigation and report into this behavioural matter as soon as possible, but in any event by 31 January 2025.**

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- k) That the Mayor's access to the Council building is restricted to only those parts which are necessary for her to access to undertake her roles and responsibilities.
- l) That Council instructs the Administration to write to:
- i. the CEO, Office of Local Government,
 - ii. the CEO, Department of Premier and Cabinet,
 - iii. the CEO, Local Government Association,
 - iv. Josh Teague, Member for Heysen,
 - v. Dan Cregan, Member for Kavel,
 - vi. Ashton Hurn, Member for Schubert, and
 - vii. Rebekha Sharkie, Member for Mayo,
- informing them of Councils' resolution. The correspondence should request that all future official correspondence be directed to the CEO and Deputy Mayor.
- m) that any invitation, request or other communication received by the Mayor, as a result of her position as Mayor, from the Federal Government or any State Government body, or any community group, local government or any other organisation, be immediately forwarded to the CEO and the Deputy Mayor for attendance or action.
- n) that any requests from the media for interview or comment that are directed to the Mayor on any matter, that are received as a result of her position as Mayor, be immediately forwarded to the CEO and the Deputy Mayor for attendance or action.
4. That the Deputy Mayor, with the support of Council Administration (Director Corporate Services and/or delegate) as required:
- a) inform the Mayor of Council's decisions as soon as possible but otherwise before close of business Wednesday 27 November 2024.
 - b) report back to Council on the Mayor's response (if any) to parts 3(c),(e), (g) and (j) and otherwise any non-compliance by the Mayor with Council's determinations.
 - c) report to Council (as necessary) on any other matters arising and requiring Council consideration and/or decision as a result of the actions determined by Council including but not limited to the removal of the Mayor and

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substitution of the Deputy Mayor in all policy, resolution, direction or convention.

- 5. Council notes and endorses the Mayor's office having been moved from the Stirling Administration Office Area to the Coventry Library.**

Carried

Deputy Mayor Selwood did not use her casting vote

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19.2 Amy Gillett Bikeway Tender Approval – Exclusion of the Public

Moved Cr Nathan Daniell

S/- Cr Kirsty Parkin

431/24

Council resolves:

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
- Director Corporate Services, Gary Lewis
- Acting Director Community & Development, Jess Charlton
- Executive Governance officer, Zoë Gill
- Minute Secretary, Skye Ludzay
- IT Support, Tom Portas

be excluded from attendance at the meeting for Agenda Item 19.2: (Amy Gillett Bikeway Pavement and Seal Tender Approval) 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)(k) of the *Local Government Act 1999*, the information to be received, discussed or considered in relation to this Agenda Item is tenders for the supply of goods, the provision of services or the carrying out of works the disclosure of which could reasonably be expected to prejudice the commercial position of the business who supplied the information by disclosing specific quotes and modelling by the tenderer.

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

Carried Unanimously

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19.2.1 Amy Gillett Bikeway Tender Approval – Confidential Item

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19.2.2 Amy Gillett Bikeway Tender Approval – Duration of Confidentiality

Moved Cr Mark Osterstock
S/- Cr Nathan Daniell

433/24

Council resolves:

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)k 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 the contracts are signed.
Related Attachments	until the contracts are signed.
Minutes	until the contracts are signed.
Other	until the contracts are signed.

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

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19.3 Provision of Unsealed Road Materials – Exclusion of the Public

Moved Cr Kirsty Parkin

S/- Cr Adrian Cheater

434/24

Council resolves:

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
- Director Corporate Services, Gary Lewis
- Acting Director Community & Development, Jess Charlton
- Executive Governance Officer, Zoë Gill
- Minute Secretary, Skye Ludzay
- IT Support, Tom Portas

be excluded from attendance at the meeting for Agenda Item 19.3: (Provision of Unsealed Road Materials - Contract) 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)(k) of the *Local Government Act 1999*, the information to be received, discussed or considered in relation to this Agenda Item is tenders for the supply of goods, the provision of services or the carrying out of works.

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

Carried Unanimously

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19.3.1 Provision of Unsealed Road Materials – Confidential Item

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19.3.2 Provision of Unsealed Road Materials – Duration of Confidentiality

Moved Cr Chris Grant
S/- Cr Mark Osterstock

436/24

Council resolves:

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 19.3 in confidence under sections 90(2) and 90(3)(k) 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 Contracts are signed, but not longer than 12 months
Related Attachments	Until Contracts are signed, but not longer than 12 months
Minutes	Until Contracts are signed, but not longer than 12 months
Other	Until Contracts are signed, but not longer than 12 months

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

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19.4 Deputy Mayor Seeking Legal Advice – Exclusion of the Public

Moved Cr Nathan Daniell

S/- Cr Chris Grant

437/24

Council resolves:

Pursuant to section 90(2) of the *Local Government Act 1999* the Council orders that all members of the public except

- Director Corporate Services, Gary Lewis
- Executive Governance Officer, Zoë Gill
- Minute Secretary, Skye Ludzay

be excluded from attendance at the meeting for Agenda Item 19.4: (Deputy Mayor Seeking Legal Advice) in confidence.

The Council is satisfied that it is necessary that the public be excluded to enable Council to consider the report at the meeting on the following grounds:

Section 90(3)(a) 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 would involve the unreasonable disclosure of information concerning the personal affairs of any person.

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

Carried Unanimously

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19.4.1 Deputy Mayor Seeking Legal Advice – Confidential Item

Moved Cr Adrian Cheater

S/- Cr Leith Mudge

438/24

Council resolves that the report be received and noted.

Carried

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19.4.2 Deputy Mayor Seeking Legal Advice – Duration of Confidentiality

Moved Cr Mark Osterstock

S/- Cr Adrian Cheater

439/24

Council resolves:

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 19.3 in confidence under sections 90(2) and 90(3)(k) 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	
Report	Until further order
Related Attachments	Until further order
Minutes	Nil
Other	Until further 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.

Carried Unanimously

20. NEXT ORDINARY MEETING

The next ordinary meeting of the Adelaide Hills Council will be held on Tuesday 10 December 2024 from 6.00pm at 63 Mt Barker Road, Stirling.

21. CLOSE MEETING

The meeting closed at 10:58pm.