

**ADELAIDE HILLS COUNCIL
MINUTES OF ORDINARY COUNCIL MEETING
TUESDAY 27 AUGUST 2024
63 MT BARKER ROAD STIRLING**

In Attendance

Presiding Member: Acting Mayor Melanie Selwood

Members:

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

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	Governance and Risk Coordinator
Rebekah Lyons	Minute Secretary
Tom Portas	Technical Support

1. COMMENCEMENT

The meeting commenced at 6:30pm

2. OPENING STATEMENT

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

3. APOLOGIES/LEAVE OF ABSENCE

3.1 Apology

Cr Kirrilee Boyd

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3.2 Leave of Absence

Mayor Jan-Claire Wisdom, 16 August 2024 to 13 September 2024, approved by Council at its meeting of 25 June 2024.

Moved Cr Chris Grant

S/- Cr Kirsty Parkin

287/24

- 1 That a Leave of Absence from all duties of office be granted to Cr Leith Mudge from 9 September 2024 to 16 September 2024.**
- 2 That any committee or panel membership currently held by Cr Leith Mudge be undertaken by the Deputy during the leave of absence.**

Carried Unanimously

3.3 Absent

Nil

4. MINUTES OF PREVIOUS MEETINGS

4.1 Council Meeting – 13 August 2024

Moved Cr Malcolm Herrmann

S/- Cr Chris Grant

288/24

Council resolves that the minutes of the Ordinary Council meeting held on 13 August 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

6:33pm Cr Louise Pascale joined the meeting.

5.1 Cr Leith Mudge, Item 12.5 Request to Waive LMA Obligations – 2/133 Main Street Lobethal

Under section 75B of the Local Government Act 1999 Cr Leith Mudge disclosed a General (section 74) Conflict of Interest in Item 12.5.

5.2 Acting Mayor Melanie Selwood, Item 12.6 Temporary Road Closures – Youth Drivers Awareness Course 2024-25

Under section 75B of the Local Government Act 1999 Acting Mayor Melanie Selwood disclosed a General (section 74) Conflict of Interest in Item 12.6.

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5.3 Acting Mayor Melanie Selwood, Item 19.2 Mayor's Use of the Mayor Seeking Legal Advice Policy

Under section 75B of the Local Government Act 1999 Acting Mayor Melanie Selwood disclosed a General (section 74) Conflict of Interest in Item 19.2.

5.4 Cr Chris Grant, Item 19.3 Work, Health and Safety Matters

Under section 75B of the Local Government Act 1999 Cr Chris Grant disclosed a General (section 74) Conflict of Interest in Item 19.3.

5.5 Cr Louise Pascale, Item 19.3 Work, Health and Safety Matters

Under section 75C of the Local Government Act 1999 Cr Louise Pascale disclosed a Material (section 74) Conflict of Interest in Item 19.3.

5.6 Acting Mayor Melanie Selwood, Item 19.3 Work, Health and Safety Matters

Under section 75B of the Local Government Act 1999 Acting Mayor Melanie Selwood disclosed a General (section 74) Conflict of Interest in Item 19.3.

6. PRESIDING MEMBER'S OPENING REMARKS

The Acting Mayor asked Council members to be succinct and consider the lengthy agenda when speaking to and debating motions during the meeting.

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

Di Liebelt of Forest Range and Chris Badenoch of Uraidla – upgrade of access road in Soldiers Memorial Park, Uraidla.

6:42pm Cr Leith Mudge left the meeting room.

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Kate Westland and Jamie Williams of Athelstone – Support for Item 12.5 Land Management Agreement Waiver Request.

6:46pm Cr Leith Mudge returned to the meeting room.

With leave of the meeting items 12.1 and 12.5 were brought forward on the agenda.

12.1 Uraidla Districts Soldiers Memorial Park – Request for Funding

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

289/24

Council resolves:

- 1. That the report be received and noted.**
- 2. That Council contributes \$38,000 towards upgrading and re-surfacing the access road and oval ring road including the Uraidla Primary School and Uraidla and Hills Community Kindy drop-off and pick-up area within the Uraidla District Soldiers Memorial Park site and that this funding be made available as soon as other funding sources are confirmed and works can proceed.**
- 3. That Council's contribution of \$38,000 is contingent on:**
 - a. the Department for Education also contributing \$38,000 towards the upgrade and resurfacing project and entering into a tripartite upgrade and maintenance agreement.**
 - b. the remaining necessary funds be contributed by or sourced by Uraidla District Soldiers Memorial Park Inc.**
- 4. That Council authorises the Chief Executive Officer (CEO) to negotiate and enter into a tripartite upgrade and maintenance agreement with The Uraidla District Soldiers Memorial Park Inc and Department for Education for the maintenance of the access road and oval ring road including the Uraidla Primary School and Uraidla and Hills Community Kindy drop-off and pick-up area within Uraidla District Soldiers Memorial Park site, based on the upgrade contribution specified above (\$38,000 made available as soon as other funding sources are confirmed) and a one-third ongoing maintenance cost contribution by the Council (approximately \$1,000 per annum).**
- 5. That this decision should not be taken to imply any particular commitment to future upgrade or renewal of the access road and oval ring road, including the Uraidla Primary School and Uraidla and Hills Community Kindy drop-off and pick-up area within Uraidla District Soldiers Memorial Park site, and that any future upgrade or renewal work proposal should be considered by the Council at the time it is proposed.**

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Carried Unanimously

12.5 Land Management Agreement Waiver Request – 2/133 Main Street Lobethal

Under section 75B of the *Local Government Act 1999* Cr Leith Mudge disclosed a General (section 74) Conflict of Interest in Item 12.5.

- The subject land is part of a development application that may come before CAP. As Council's representative on CAP, I am not allowed to discuss or express an opinion on a matter that may come to CAP.

6:55pm Cr Leith Mudge left the meeting room.

Moved Cr Lucy Huxter
S/- Cr Malcolm Herrmann

290/24

Council resolves:

1. That the report be received and noted.
2. To waive the landowner's obligations in clause 2.3 of the Land Management Agreement (LMA) registered on Certificate of Title Volume 6090/Folio 302 and known as 2/133 Main Street Lobethal, in order for the proposed outbuilding and carport lodged as part of Development Application 24000861, to be located outside the LMA building envelope, subject to Planning Consent being granted by the planning authority.
3. That the Chief Executive Officer or his delegate be authorised to provide written communication of Council's waiver of the Land Management Agreement obligations to the landowners.

Carried Unanimously

7:03pm Cr Leith Mudge returned to the meeting room.

9. PRESENTATIONS

Nil

10. QUESTIONS ON NOTICE

10.1 Hamilton Hill – Cr Louise Pascale

Q. Can the Chamber please have an update on issues that were raised at the workshop of Monday 4 March where we were briefed on the development of Hamilton Hill, particularly the BBQ that is not connected and inaccessible? Also, what is the update on addressing car parking issues within Hamilton Hill?

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A. Part 1 - update on issues that were raised at the workshop of Monday 4 March 2024 and the barbeque

On March 4 2024 a workshop was held with Council Members regarding the progressive completion of the Hamilton Hill development and how elements of the public realm were being handed over the Council.

The current status of the development is that building work continues along Forsyth Road (known as Stage 3C) and Kintyre Road/Highland Drive (3A and 3B). Stages 1, 2 and 4 are essentially complete. Council has care and control of the public road network in Stages 1, 2 and 4 and the public parks including the Lewis Yarluperka O'Brien Reserve, which comprises the bulk of the open space area.

At the workshop, a number of matters were raised which had been brought to Council's attention by members of the community and these are addressed below.

Verge maintenance within the development

As Members are aware, residents are generally expected to maintain the verge at the front of their properties in urbanised and township areas. In this instance, the developer planted out the verges with a variety of plants and included some lawned sections. It became apparent that some residents were not maintaining their verges and so Council staff have commenced undertaking essential maintenance to maintain the amenity of the streetscape where residents are not doing so. In some cases, staff are replanting verges with species more tolerant to the environment or applying mulch.

Landscape amenity and plant survival

The parkland areas of the development were planted out by the developer with a variety of species and irrigation systems were installed to help establish planted beds. While some species have thrived in the environment and conditions in which they were planted, some have not. Council staff have commenced progressive replanting of areas where plants have not survived and, in areas where it is evident that no plants are likely to thrive (such as shaded areas and some embankments), staff are converting them to mulched beds. Staff have also had to undertake considerable repairs to irrigation systems, some of which are now five or more years old, where there had been breakages or failed valves and controllers.

Grassed areas

While much of the grassed area of the reserves are irrigated, some are not (particularly in the 'upper' parts of the reserve. These areas were never intended to be irrigated so dry-off in the warmer parts of the year should be expected. Should Council wish to provide an all-year green standard, an investment of capital funds to install new irrigation systems and

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undertake seeding would be required, plus additional ongoing maintenance through mowing, edge trimming and weed management.

Tree die off

A number of trees in the reserve, particularly in the section between Lewis Walk and Forsyth Road, died over the past 12 – 18 months. The cause of the die off is not certain, however there has been evidence of vandalism in some cases. These trees are being replaced. Staff continue to monitor the condition of trees in other parts of the site.

Barbeque and access

Although not included in the initial landscape plans, the developer installed an electric public barbeque in the 'upper' (eastern) part of the reserve. The barbeque is sheltered and there are also picnic tables. The site has impressive views to the coast, which would be impeded if the shelter was protected from the westerly late afternoon sun.

The barbeque has been out of order over most of winter due to an electrical supply fault and Council staff have engaged electrical contractors to diagnose and resolve the problem. While there have been some delays due to weather in recent weeks, the repairs were expected to be completed around the time of the Council meeting.

In terms of access, residents in the 'lower' (western) part of Hamilton Hill need to use a steps or walk on landscaped areas to get to the barbeque and picnic area. The landscape plans did not include disability access to the upper part of the reserve.

Should Council wish to provide all-abilities access to the upper part of the reserve from the lower section, it would be necessary to design and construct a series of switchback concrete ramped pathways at the appropriate standard gradient (no steeper than 1:14 with landings at intervals) to scale the slope. This would come at significant cost and there would need to be an initial investment of funds to have the project scoped, designed and costed.

Alternatively, Council could seek to establish separate vehicular access to the park via Norton Summit Road which would be at the same level as the barbeque and picnic area. It is currently intended to formalise this access for maintenance purposes and while some additional investment would be required to establish accessible parking spaces, it is considered the only realistically feasible way to provide disability access to the upper portion of the reserve.

Council may also wish to establish similar barbeque and picnic facilities in the lower portion of the reserve, which could be designed with all ability access. Local residents could be engaged in the planning and design of such amenities.

A. Part 2 - car parking issues

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While each property nominally has off street parking, there will be occasions where properties have more vehicles than can be accommodated off street or, as is sometimes the case, people use garages for other purposes.

While on street parking is regularly observed, it has generally been done in a lawful manner, albeit creating a level of congestion.

Options to alleviate the congestion include regulatory actions such as installing yellow lines (prohibiting parking) on say one side of each road or physical options such as creating indented parking bays so there is more room for vehicles to travel along the road when a car is parked. The most realistic way to accommodate the latter is to convert some of the planted verge sections into parking bays, which would come at a capital cost to Council and possibly a perceived loss of amenity.

On street parking in tightly developed residential areas can be an emotive and sensitive issue with differing views often held regarding the severity of the problem and the options to overcome it. Should Council wish to address on street parking in the area, it is suggested that a consultant be commissioned to work with both Council and the community to define the problem and propose potential cost-effective solutions.

10.2 Staffing and Legal Advice Questions

1. How many staff (in numbers) have left AHC organisation in total in the last financial year 2023-2024 - broken down by senior staff (directors and managers) and other staff?

In the 2023/24 financial year 49 staff left the organisation. This included six who were senior (employed on contract).

	Number of staff	Average length of service
Director	3	8.1
Manager	3	6.3
Community & Development	14	9.2
Corporate Services	10	8.2
Environment & Infrastructure	9	10.5
Civil	3	9

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Open space	7	2.2
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Considering all staff who left the organisation, the following is the profile of their length of service.

Length of service	Frequency
0-1	3
1-2	8
2-5	8
5-10	13
10-20	10
20-30	4

In addition to the above, three staff did not complete their probation periods.

2. **What recruitment and backfilling staff costs are we expected to face especially given the additional financial impact is generally recognised to be 30-50% for each employee replaced.**

With regards to backfilling costs, Council has set a target saving through the ‘Vacancy Management’ process of \$500,000 in 2024/25. This is a process at Adelaide Hills Council whereby positions are kept vacant for a period of time to make a financial saving. Establishing the actual saving made at any point in time can be complex as some high priority tasks that would have been carried out by staff have to be outsourced normally to a contractor (backfilling). Therefore, the savings are estimated retrospectively through the normal financial reporting processes, and this requires positions to be held vacant until sufficient savings have been documented.

Therefore, the expected ‘net backfilling’ costs is a saving of \$500,000.

3. **How many of those people have been replaced to date; and of the remainder how many are we intending to replace in the 2024-2025 year?**

In 2023/24, 23 of these positions were filled. Two roles were made redundant, and two roles were restructured into a new position. 22 roles are currently vacant.

For both 2022/23 and 2024/25 Council has required financial savings to be made through ‘vacancy management’. The required saving in 2023/24 was \$300,000 and this

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rose to \$500,000 in 2024/25. Meeting these targets is a priority that has to be balanced with service delivery.

Current recruitment activities include five appointments in process of being finalised, five roles being advertised as well as three internal Expression of Interest. There are also two recruitment processes that are currently proceeding through final stages.

Of the remaining roles some are being held vacant awaiting the completion of the Strategic Plan to give the Administration the flexibility to consider how best to resource Councils ambitions. Additionally, some roles may also be held vacant subject to the service review.

There is currently no plan to reduce total FTE staff levels.

4. What is the total expenditure for legal fees for financial year 2024-2025 (broken down by directorate as before by Director of Corporate, and by service provider).

	2024/25 Aug Actuals	2024/25 Budget	Legal Consultants					
			Norman Waterhouse	Kelley Jones	Mellor Olsen	EMA Legal	Scott Lawyers	ARMA Group
Corporate Services								
Governance & Performance	16,291	50,000	8,629	5,509		2,153		
People and Culture & WHS	2,343	20,000		2,343				
Information Management	1,448	1,100		1,448				
Rates	2,620	65,050					1,485	1,135
	22,702	136,150	8,629	9,300	0	2,153	1,485	1,135
Community & Development								
C&D Director's Office		1,100						
Animal Management		6,400						
Parking and By-Laws	492	1,100	492					
Development Services	9,715	96,280	9,715					
	10,207	104,880	10,207	0	0	0	0	0
Environment & Infrastructure								
E&I Director's Office		3,000						
Property Management	2,516	20,000	683		1,833			
	2,516	23,000	683	0	1,833	0	0	0
Total Gross Legal Costs	35,425	264,030	19,519	9,300	1,833	2,153	1,485	1,135
2a) Rates Revenue Other Charges								
RATES Recoverables: Legal Fees	(3,789)	(58,300)						
2f) Other Income Sundry								
DEVELOPMENT: Recoverables: Legal Fees	(4,364)	(20,240)						
Net Legal Costs	27,273	185,490						

5. What is the total cost of legal advice/fees for providing services to enquire into Elected Member behavioural complaints?

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In 2024-25 Council have been invoiced for \$2368.30.

6. How many complaints against Elected Members have been or attempted to have been resolved informally and internally rather than through legal firms?

In 2024-25 Council has received one complaint that has been resolved informally.

11. MOTIONS ON NOTICE

11.1 Lobethal Community Kindergarten 'Bush Kindy' Signage – Cr Lucy Huxter

Moved Cr Lucy Huxter
S/- Cr Chris Grant

291/24

That

1. The Council commemorates the 10 year anniversary of the Lobethal Community Kindergarten's 'Bush Kindy' program by installing a sign or similar at Lobethal Bushland Park, celebrating the program and promoting its aims and objectives.
2. The CEO consults directly with the Lobethal Community Kindergarten and the Friends of Lobethal Bushland Park Group to negotiate the wording of the sign and agrees to a location and placement of such.
3. The CEO works with the Lobethal Community Kindergarten to plan a small celebration to commemorate this milestone at Bushland Park before the end of 2024.

Carried Unanimously

11.2 Development of a Board of Directors for FABRIK – Cr Kirsty Parkin

Moved Cr Kirsty Parkin
S/- Cr Louise Pascale

292/24

That

1. The CEO prepare a report that explores and provides options for the structure and formation of a Board to provide ongoing strategic, cultural, commercial, tourism and financial advice regarding the Fabrik Arts and Heritage Hub, and bring this report back to Council by December 2024.

Carried Unanimously

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12. OFFICER REPORTS – DECISION ITEMS

12.1 Uraidla Districts Soldiers Memorial Park – Request for Funding

This item was considered earlier in the meeting.

12.2 Draft Strategic Plan for Community Consultation

Moved Cr Nathan Daniell

S/- Cr Leith Mudge

293/24

Council resolves:

1. That the report be received and noted.
2. That Council endorses the Draft Strategic Plan as contained in *Appendix 1* for consultation purposes, with the following changes:
 - a) Amending the vision to delete the words “where rural and sustainable practices coexist” and replace with “with sustainable practices in rural landscapes.”
 - b) Changing the date for a forum at Norton Summit to Monday 17 September 2024.
3. That consultation be undertaken in accordance with the engagement plan outlined in *Appendix 2*.
4. That the CEO be authorised to:
 - a. Make any formatting, nomenclature or other minor changes to the Draft Strategic Plan prior to it being released for public consultation, and
 - b. Amend the consultation timings, media and processes if required for any reason, while keeping substantially aligned to the adopted engagement plan and the provisions of applicable legislation and Council’s *Public Consultation Policy*.
5. That a report containing the outcomes of the community consultation process be brought back to Council for consideration as part of adopting the final Strategic Plan.

Carried Unanimously

12.3 Quarterly Performance Report

Moved Cr Mark Osterstock

S/- Cr Chris Grant

294/24

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Council resolves that the Quarterly Council Performance Report – Q4 2023-24 be received and noted.

Carried Unanimously

12.4 2024-2025 Australian Government Black Spot Program – Funding Deeds

Moved Cr Leith Mudge
S/- Cr Malcolm Herrmann

295/24

Council resolves:

1. That the report be received and noted.
2. To execute the Funding Deed for the 2024-2025 Australian Government Black Spot Program – Basket Range Road, Between Lobethal Road and Ranns Road N, Uraidla. Installation of shoulder sealing and improved delineation on curves (\$165,000 GST Inclusive).
3. To execute the Funding Deed for the 2024-2025 Australian Government Black Spot Program – Fox Creek Road, Between Cudlee Creek Road and Coldstore Road, Cudlee Creek. Installation of sealed shoulders and safety barrier at curves with delineation improvements (\$1,122,000 GST Inclusive).
4. The Chief Executive Officer and Mayor are authorised to affix the seal of the Adelaide Hills Council to the respective Funding Deeds under the State Blackspot Program.
5. That Council notes that in signing the Deeds, that \$1,287,000 (GST Inclusive) will be available to Council in the 2024-25 financial year to complete the installation of shoulder sealing and improved delineation on curves at Basket Range Road, between Lobethal Road and Ranns Road N, Uraidla and installation of sealed shoulders and safety barrier at curves with delineation improvements at Fox Creek Road, Between Cudlee Creek Road and Coldstore Road, Cudlee Creek.

Carried Unanimously

12.5 Land Management Agreement Waiver Request – 2/133 Main Street Lobethal

This item was considered earlier in the meeting.

12.6 Temporary Road Closures – Youth Drivers Awareness Course 2024-25

Under section 75B of the *Local Government Act 1999* Acting Mayor Melanie Selwood disclosed a General (section 74) Conflict of Interest in Item 12.6.

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- I reside in the town of Charleston, but not the area that will be affected by the road closure.

Cr 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.

Moved Cr Kirsty Parkin

S/- Cr Leith Mudge

296/24

Council resolves:

1. That the report be received and noted.
2. Pursuant to Section 33(1) of the *Road Traffic Act 1961* and Clause G of the Instrument of General Approval of the Minister dated 22 August 2013, to:
 - a. Declare that the Drivers Awareness Course that is to take place on Newman Road, Charleston is an event to which Section 33 of the *Road Traffic Act 1961* applies.
 - b. Make an order directing that a section of Newman Road, Charleston, between Five Lanes Road and Lewis Road, be closed to traffic for the period between 9.00am and 6.00pm on Wednesday 9th October 2024, and 9.00am and 6.00pm on Wednesday 16 April 2025.
 - c. Make an order directing that persons taking part in the event be exempt from the duty to observe the Australian Road Rules Rule 238 (Pedestrians travelling along a road).
 - d. Make an order directing that all vehicles except emergency and participant vehicles and local residents living at the named section of Newman Road, be excluded from the closed section of road for the period of the closure.

Carried Unanimously

12.7 Grant Opportunity – Thriving Suburbs Grant Program

Item withdrawn.

12.8 CEO Performance Review Panel Recommendations to Council – CEO KPI's

Moved Cr Chris Grant

S/- Cr Kirsty Parkin

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Council resolves:

1. That the report be received and noted.
2. That the CEO has substantially met the June 2024 Key Performance Indicators.

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Carried Unanimously

12.9 Council Resolutions Update

Moved Cr Malcolm Herrmann
S/- Cr Mark Osterstock

298/24

Council resolves:

1. That the report be received and noted.
2. That the completed items in Appendix 1 be removed from the Action List.
3. That from 27 August 2024 until the end of the current Council term the Administration deliver a status update on a quarterly basis.

Carried Unanimously

13. OFFICER REPORTS - INFORMATION ITEMS

Nil

14. CORRESPONDENCE FOR INFORMATION

14.1 Correspondence from GRFMA – 2024-25 Adopted Budget

Moved Cr Malcolm Herrmann
S/- Cr Mark Osterstock

299/24

Council resolves that the correspondence is received and noted.

Carried Unanimously

15. QUESTIONS WITHOUT NOTICE

Cr Malcolm Herrmann asked a question regarding the expected completion date of the Balhannah Bridge.

Cr Louise Pascale – see confidential items.

16. MOTIONS WITHOUT NOTICE

Nil

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17. REPORTS

17.1 Council Member Function or Activity on the Business of Council

Cr Kirrilee Boyd

- 17 August 2024 – Opening of Circle 9 of the Circle of Friends Afghan Cultural Night, music and art exhibition

Cr Malcolm Herrmann

- 25 August 2024 – Mt Torrens CFS 70th Anniversary, Mt Torrens

Cr Chris Grant

- 21 August 2024 – attended Lenswood and Forest Range Community Association AGM
- 26 August 2024 – attended meeting on-site with DIT Representative regarding Lenswood Main Street

Cr Kirsty Parkin

- 23 August 2024 – Southern and Hills Local Government Association

7:38pm Cr Mark Osterstock left the meeting room.

7:39pm Cr Mark Osterstock returned to the meeting room.

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

Cr Malcolm Herrmann

- 15 August 2024 – GRFMA Board Meeting, Gawler

17.3 CEO Report

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

- Information being prepared to release to the media regarding the financial statements
- The appointment of Manager People and Culture
- Confirmation that the Enterprise Agreement negotiations will soon commence

18. REPORTS OF COMMITTEES

18.1 Council Assessment Panel – 14 August 2024

**Moved Cr Leith Mudge
S/- Cr Kirsty Parkin**

300/24

Council resolves that the minutes of the Council Assessment Panel meeting held on 14 August 2024, as supplied, be received and noted.

Carried Unanimously

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18.2 Audit Committee – 19 August 2024

Moved Cr Malcolm Herrmann
S/- Cr Mark Osterstock

301/24

Council resolves that the minutes of the Audit Committee meeting held on 19 August 2024 as supplied, be received and noted.

Carried Unanimously

18.3 CEO Performance Review Panel – 12 August 2024

Moved Cr Chris Grant
S/- Cr Kirsty Parkin

302/24

Council resolves that the minutes of the CEO Performance Review Panel meeting held on 12 August 2024, as supplied, be received and noted.

Carried Unanimously

18.4 Boundary Change Committee

Nil

7:43pm the meeting was adjourned for a short break.

7:58pm the meeting resumed.

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19. CONFIDENTIAL ITEMS

Question Without Notice (Item 15) Exclusion of the Public

Moved Cr Pauline Gill

S/- Cr Kirsty Parkin

303/24

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
- Director Corporate Services, Gary Lewis
- Acting Director Community & Development, Jess Charlton
- Governance and Risk Coordinator, Zoe Gill
- Minute Secretary, Rebekah Lyons
- IT Support, Tom Portas

be excluded from attendance at the meeting for Question Without Notice (Item 15) 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)(g) and (h) of the *Local Government Act 1999*, the information to be received, discussed or considered in relation to this Agenda Item is:

(g) matters that must be considered in confidence in order to ensure that the council does not breach any law, order or direction of a court or tribunal constituted by law, any duty of confidence, or other legal obligation or duty

(h) 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

**ADELAIDE HILLS COUNCIL
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Question Without Notice – Confidential Item

Cr Louise Pascale asked the following questions:

1. Will elected members be provided with the media release regarding the confidential financial matters prior to it being released?
2. Will speaking notes be issued to assist if members are questioned by the public?

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Question Without Notice (Item 15) – Duration of Confidentiality

Moved Cr Malcolm Herrmann

S/- Cr Leith Mudge

304/24

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 Question Without Notice (Item 15) in confidence. under sections 90(2) and 90(3)(g) 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
Minutes	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 Mayor Jan-Claire Wisdom – Question on Notice: Cost for Mayor’s Use of the Mayor Seeking Legal Advice Policy – Exclusion of the Public

Moved Cr Nathan Daniell
S/- Cr Chris Grant

305/24

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
- Director Corporate Services, Gary Lewis
- Acting Director Community & Development, Jess Charlton
- Governance and Risk Coordinator, Zoe Gill
- Minute Secretary, Rebekah Lyons
- IT Support, Tom Portas

be excluded from attendance at the meeting for Agenda Item 10.3: (Cost for Mayor’s Use of the Mayor Seeking Legal Advice Policy) 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)(a) and (h) of the *Local Government Act 1999*, the information to be received, discussed or considered in relation to this Agenda Item is:

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

(h) legal advice;

Accordingly, on this basis the principle that meetings of the 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 Mayor Jan-Claire Wisdom – Question with Notice: Cost for Mayor’s Use of the Mayor Seeking Legal Advice Policy – Confidential Item

Q. How much has the Inquiry into 'Mayor Seeking Legal Advice' cost so far and what is the expected final cost?

A. Administration is currently negotiating the cost for the Independent Inquiry into the Mayor’s Use of the Mayor Seeking Legal Advice. The total amount will exceed the original estimated cost primarily due to the complexity of the matter and procedural fairness requirements.

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19.1.2 Mayor Jan-Claire Wisdom – Question with Notice: Cost for Mayor’s Use of the Mayor Seeking Legal Advice Policy – Duration of Confidentiality

Moved Cr Leith Mudge
S/- Cr Chris Grant

306/24

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 10.3 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	Until Further Order
Related Attachments	Until Further Order
Minutes	Until Further Order
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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19.2 Mayor's Use of the Mayor Seeking Legal Advice Policy – Exclusion of the Public

Moved Cr Leith Mudge

S/- Cr Chris Grant

307/24

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
- Governance and Risk Coordinator, Zoë Gill
- Special Counsel MinterEllison, Susie Inat
- Minute Secretary, Rebekah Lyons

be excluded from attendance at the meeting for Agenda Item 19.2: (Mayor's Use of the Mayor Seeking Legal Advice Policy) 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)(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 (living or dead).
- 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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19.2.1 Mayor's Use of the Mayor Seeking Legal Advice Policy – Confidential Item

8:10pm The Presiding Member, with leave of at least two thirds of the members present at the meeting, suspended operations of the formal meeting procedures for the purposes of a presentation on the item.

9:14pm The Presiding Member determined that the period of suspension should be brought to an end and resumed the formal meeting procedures.

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

308/24

1. That Council receive and note the Independent Inquiry Report (Inquiry Report).
2. That Council accepts and adopts the findings in the Inquiry Report.
3. That the Mayor not be permitted to use or rely on the *Mayor Seeking Legal Advice Policy* for the purposes of obtaining legal advice and that if the Mayor requires legal advice for the benefit of Council, a resolution of Council permitting the Mayor to seek the advice must first be obtained.
4. The Council instructs the administration:
 - a. with the assistance of legal advice as required, to undertake a fulsome review of the Mayor Seeking Legal Advice Policy, including having regard to the findings and recommendations in the Inquiry Report, including whether any legal advice procured must be provided in writing, the timeframes in which the Mayor must report/ disclose any legal advice to elected members, and the application of the Policy to committees (particularly where the Mayor is a member of a committee but not the presiding member); and
 - b. to present the draft policy to Council as soon as possible, but otherwise by January 2025, for its consideration and if appropriate adoption.
5. That Council requires the Mayor:
 - a. at the next Council meeting the Mayor attends, to acknowledge (publicly) that the Mayor did not comply with the Mayor Seeking Legal Advice Policy; and
 - b. attend training in relation to the use of the Mayor Seeking Legal Advice Policy adopted by Council following a review of the same.
6. That Council and the administration, as appropriate:
 - a. undertake a review of its practice of considering 'late items' for the purposes of ensuring compliance with the *Local Government Act 1999* (SA);
 - b. review the accuracy of its report writing; and
 - c. consider and approve any leave requests of the Chief Executive Officer

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(CEO) in accordance with the CEO's employment agreement.

7. That the Administration provide a report to Council on or before its first (ordinary) meeting in January 2025 on the matters (ie specifically on the changes to any practices or procedures) to address the findings arising out of the Inquiry Report and relating to the matters set out in resolution 6.
8. Council acknowledges that the Mayor Seeking Legal Advice Policy requires Council be fully informed as to the legal advice received by the Mayor under that Policy. The independent inquiry has found that Council was not fully informed.
9. As a matter of principle, and because Council paid all costs relating to the legal advice obtained by the Mayor (and a staff member) the subject of the Independent Inquiry, Council requires a full understanding of and to be apprised of the content of all the legal advice sought and received.
10. Council, therefore, instructs the Administration to write to Norman Waterhouse requesting, at no cost to Council:
 - a. that the details of all the legal advice sought by the Mayor and/ or the staff member (ie the instructions), and the legal advice provided to the Mayor and/ or the staff member between 28 October 2023 and 20 December 2023 be provided to the Council in writing; and
 - b. One or more of the legal practitioners who received instructions and/ or provided legal advice to the Mayor and/ or the staff member, attend a Council information briefing to provide a verbal explanation to Council of the advice sought and advice they provided.
11. In making the request to Norman Waterhouse per part 10 of this resolution, Council requires the Administration to make it clear that Council has an expectation that Norman Waterhouse will provide Council the information, advice and materials sought - at no charge given their previous engagement concerning this matter and their standing in the South Australian Local Government sector.
12. If, in response to the request in part 10 of this resolution, Norman Waterhouse advises that the provision of any information or legal advice, and/ or the attendance at a Council information briefing will incur a fee, Council instructs the Administration to seek a fee estimate from Norman Waterhouse for the same and report the response and fee estimate to Council (at the next available meeting), for Council to determine how to proceed.
13. Council instructs the administration to inform the Mayor and the Mayor's lawyers of the aforementioned resolutions at the earliest opportunity.

Carried Unanimously

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MOTION

Moved Cr Melanie Selwood

S/- Cr Mark Osterstock

309/24

Council resolves to extend the meeting by 30 minutes to 10.30pm.

Carried Unanimously

19.2.2 Mayor's Use of the Mayor Seeking Legal Advice Policy – Duration of Confidentiality

Moved Cr Mark Osterstock

S/- Cr Kirsty Parkin

310/24

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)(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	Until Further Order
Related Attachments	Until Further Order
Minutes	Until the Mayor is informed
Other (presentation, documents, or similar)	Until Further Order

Carried Unanimously

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19.3 Work, Health and Safety Matters – Exclusion of the Public

9:57pm Cr Leith Mudge, Cr Adrian Cheater, Cr Kirsty Parkin and Cr Mark Osterstock left the meeting room.

Moved Cr Nathan Daniell

S/- Cr Chris Grant

311/24

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
- Governance and Risk Coordinator, Zoë Gill
- Special Counsel MinterEllison, Susie Inat
- Minute Secretary, Rebekah Lyons

be excluded from attendance at the meeting for Agenda Item 19.3: (Work, Health and Safety Matters) 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)(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.
- 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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19.3.1 Work, Health and Safety Matters – Confidential Item

MOTION AS AMENDED

Moved Cr Chris Grant
S/- Cr Kirsty Parkin

316/24

Council resolves:

DECISION ONE

1. That Council receive and note the presentation, information, reports and legal advice in relation to this Item 19.3.
2. That Council, pursuant to s 41(5) of the Local Government Act 1999 (SA), removes the Mayor from the Chief Executive Officer's Performance Review Panel.
3. That having removed the Mayor from the Chief Executive Officer's Performance Review Panel, the Council amends the Terms of Reference for the Panel as follows:
 - a. In clause 5.1.1 delete "Mayor and"; and
 - b. In clause 5.1.2 delete "Two (2) Council Members" and substitute with "Three (3) Council Members (not being the Mayor)".
4. That the amendments to the Terms of Reference (per part 3 of this Resolution) remain in effect unless and until the Council resolves otherwise.
5. That at its next Ordinary meeting, Council's Administration prepare and present a report to Council for the purposes of taking nominations and appointing a member of Council (other than the Mayor) to fill the vacancy of the CEO PRP.
8. Council acknowledge the work of and following measures adopted by the Chief Executive Officer to address organisational culture and psychosocial risks at Council:
 - Reviewing and updating a suite of WHS policies, including developing a psychosocial policy and procedure
 - Developing a psychosocial risk survey to be implemented across the organisation, including a distinct process for elected members
 - Hosting a professional development for elected members directed at exploring the expectations on elected members and how to support a chamber that is effective, healthy, and a safe environment for all
 - Implementing mandatory mental health first aid training for all people leaders within the organisation.

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- Sending quarterly emails to elected members reminding them of their WHS obligations
- Undertaking a values survey that is currently underway
- Being in the final stages of recruiting a People and Culture Manager with a strong background in organisational development
- Further actions will be taken on the advice of the newly recruited manager.

Carried Unanimously

DECISION TWO

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

317/24

1. That Council, pursuant to section 58(2) of the Local Government Act, appoint the Deputy Mayor as the principal spokesperson of the Council.

Carried Unanimously

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19.3.2 Work, Health and Safety Matters – Duration of Confidentiality

Moved Cr Lucy Huxter

S/- Cr Adrian Cheater

318/24

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 19.3 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	Until Further Order
Related Attachments	Until Further Order
Minutes with the exception of Decision One: part 1 to 5, part 8 Decision Two	Until Further Order That the exceptions not be released until the Mayor is advised
Other (presentation, documents, or similar)	Until Further Order

Carried Unanimously

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20. NEXT ORDINARY MEETING

The next ordinary meeting of the Adelaide Hills Council will be held on Tuesday 10 September 2024 from 6.30pm at 63 Mt Barker Road, Stirling.

21. CLOSE MEETING

The meeting closed at 11:29pm.