

**ADELAIDE HILLS COUNCIL
MINUTES OF ORDINARY COUNCIL MEETING
TUESDAY 13 FEBRUARY 2024
63 MT BARKER ROAD STIRLING**

In Attendance

Presiding Member: Deputy Mayor Nathan Daniell

Members:

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

In Attendance:

Greg Georgopoulos	Chief Executive Officer
Gary Lewis	Acting Director Corporate Services
Natalie Armstrong	Director Community and Development
David Waters	Director Environment and Infrastructure
Zoë Gill	Governance & Risk Coordinator
Jody Atkins	Acting Governance & Risk Coordinator
Karen Cummings	Manager Property Services
Renee O'Connor	Coordinator Sport & Recreation
Stacey Dutton	Sport & Recreation Officer
Andy Nicolson	Department for Infrastructure and Transport
Tiffany Davis	Department for Infrastructure and Transport
Tracy Riddle (Kelledy Jones)	Governance Support
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.

Mayor _____ next meeting date

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3. APOLOGIES/LEAVE OF ABSENCE

3.1 Apology

Mayor Jan-Claire Wisdom
Cr Louise Pascale

3.2 Leave of Absence

Moved Cr Pauline Gill
S/- Cr Kirrilee Boyd

15/24

Council resolves:

- 1. That a Leave of Absence from all duties of office be granted to Mayor Jan-Claire Wisdom from 13 February 2024 to 14 May 2024.**
- 2. That any committee or panel membership currently held by Mayor Jan-Claire Wisdom be undertaken by the Deputy during the leave of absence.**

Carried Unanimously

3.3 Absent

Nil

4. MINUTES OF PREVIOUS MEETINGS

4.1 Council Meeting – 23 January 2024

Moved Cr Malcolm Herrmann
S/- Cr Chris Grant

16/24

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

Carried Unanimously

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4.2 Special Council Meeting – 5 February 2024

Moved Cr Pauline Gill

S/- Cr Leith Mudge

17/24

Council resolves that the minutes of the Special Council meeting held on 5 February 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

Nil

6. PRESIDING MEMBER'S OPENING REMARKS

The Acting Mayor spoke to Mayor Wisdom's Leave of Absence and extended his best wishes to her for a full and swift recovery.

The Acting Mayor discussed the importance of the elected member body working together effectively not only with each other, but also with Council administration to achieve outcomes. It was noted that many important items of business will be arising over the coming months, including work towards the strategic plan.

In closing, the Acting Mayor requested that elected members be respectful and thoughtful of one another's views during debate or when engaging in other forms of communication.

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

Mayor _____ next meeting date

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8.3 Public Forum

Nil

9. PRESENTATIONS

9.1 Department for Infrastructure and Transport, Crafers Park n Ride Project Update

Mr Andy Nicolson and Ms Tiffany Davis from the Department for Infrastructure and Transport presented the update.

10. QUESTIONS ON NOTICE

Nil

11. MOTIONS ON NOTICE

11.1 Proposed Amendment – Mayor Seeing Legal Advice Policy

Moved Cr Mark Osterstock

S/- Cr Chris Grant

18/24

Council resolves:

1. Council notes the proposed amendments to the Mayor Seeking Legal Advice Policy.
2. Council supports the proposed amendments.

5.1 *In circumstances in which it is not possible or appropriate for the CEO to seek legal advice, the Mayor should, ideally, seek a Council resolution to obtain legal advice. However, where this is not possible, the Mayor may seek the advice as set out below.*

5.3 *The legal advice relates to the CEO or the exercise of the CEO's powers:*

5.3.1 *In circumstances where Council is to consider a matter related to the CEO (e.g. urgent CEO-employment related issues or where the Council is investigating a failure by the CEO to comply with a resolution of Council or where a matter relates to the exercise of a CEO's powers) and it is the view of the Mayor, **together with that of the Deputy Mayor and the Presiding Member of a Council Committee**, that the consideration of this matter by the Council should occur with the benefit of legal advice:*

- a.** *The advice will be obtained as a matter of administrative necessity by the Mayor to ensure the legality of the Council's actions and decisions. The Mayor **will confer with the Deputy Mayor and the Presiding Member of a Council Committee**, and may also confer with relevant senior Council staff where the legal advice relates to the CEO's employment or other personal matter(s);*

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-
- b. *The Mayor will confer with the Deputy Mayor and the Presiding Member of a Council Committee, and may also confer with relevant senior Council staff if the matter concerns an issue that is not confidential to the CEO, such as a conflict-of-interest matter relating matters disclosed in the register of interests;*
 - c. *The Mayor will keep the Deputy Mayor and the Presiding Member of a Council Committee, together with the Council fully informed of any advice obtained on behalf of the Council and advise members of the advice received at the next available meeting;*
 - d. *Where the Mayor has obtained the advice, other than in accordance with a Council resolution, Council should, as a matter of caution, retrospectively endorse the Mayor's decision to obtain the advice.*

5.3.2 *In the event that the Mayor is unable to obtain agreement from both the Deputy Mayor and the Presiding Member of a Council Committee, as to the necessity for the obtaining of legal advice, and the Mayor is of the view that the advice should still be obtained, the Mayor will be required to refer the matter to Council for consideration.*

VARIATION

The Acting Mayor, with the consent of the Mover and Seconded sought and was granted leave of the meeting to vary the motion by adding the word *relevant* ahead of *Presiding Member of a Council Committee* for sections 5.3.1, 5.3.1 a, 5.3.1b, 5.3.1c, and 5.3.2.

The Acting Mayor with the consent of the Mover and Seconded sought and was granted leave of the meeting to vary the motion by adding point 3.

Council resolves:

1. Council notes the proposed amendments to the Mayor Seeking Legal Advice Policy.
2. Council supports the proposed amendments.

5.1 *In circumstances in which it is not possible or appropriate for the CEO to seek legal advice, the Mayor should, ideally, seek a Council resolution to obtain legal advice. However, where this is not possible, the Mayor may seek the advice as set out below.*

5.3 *The legal advice relates to the CEO or the exercise of the CEO's powers:*

5.3.1 *In circumstances where Council is to consider a matter related to the CEO (e.g. urgent CEO-employment related issues or where the Council is investigating a failure by the CEO to comply with a resolution of Council or where a matter relates to the exercise of a CEO's powers) and it is the view of the Mayor, together with that of the Deputy*

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Mayor and the relevant Presiding Member of a Council Committee, that the consideration of this matter by the Council should occur with the benefit of legal advice:

- a. *The advice will be obtained as a matter of administrative necessity by the Mayor to ensure the legality of the Council's actions and decisions. The Mayor will confer with the Deputy Mayor and the relevant Presiding Member of a Council Committee, and may also confer with relevant senior Council staff where the legal advice relates to the CEO's employment or other personal matter(s);*
- b. *The Mayor will confer with the Deputy Mayor and the relevant Presiding Member of a Council Committee, and may also confer with relevant senior Council staff if the matter concerns an issue that is not confidential to the CEO, such as a conflict-of-interest matter relating matters disclosed in the register of interests;*
- c. *The Mayor will keep the Deputy Mayor and the relevant Presiding Member of a Council Committee, together with the Council fully informed of any advice obtained on behalf of the Council and advise members of the advice received at the next available meeting;*
- d. *Where the Mayor has obtained the advice, other than in accordance with a Council resolution, Council should, as a matter of caution, retrospectively endorse the Mayor's decision to obtain the advice.*

5.3.2 In the event that the Mayor is unable to obtain agreement from both the Deputy Mayor and the relevant Presiding Member of a Council Committee, as to the necessity for the obtaining of legal advice, and the Mayor is of the view that the advice should still be obtained, the Mayor will be required to refer the matter to Council for consideration.

- 3. That the CEO will cause this policy to be further reviewed and presented to Council for consideration, and, as part of that review, a Council workshop is to be convened within the next 3 months.

Carried Unanimously

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12. OFFICER REPORTS – DECISION ITEMS

12.1 Adelaide Hills Woodside Memorial Swimming Centre Feasibility Study Outcomes

Moved Cr Kirrilee Boyd
S/- Cr Leith Mudge

19/24

Council resolves:

1. That the report be received and noted.
2. That Council allocates a further \$350,000 in capital funding towards the Adelaide Hills War Memorial Swimming Centre Splash Park Project in the 2024/2025 financial year, bringing the total budget available for the project to \$750,000, with the nominal funding breakdown as follows:

Council general funding	\$150,000
Council from Commonwealth LRCIP Phase 3	\$200,000
Council from Commonwealth LRCIP Phase 4	\$200,000
AHWMSC Inc	\$200,000
TOTAL	\$750,000
3. That the Commitment of Council's additional \$350,000 in capital funding towards the Splash Park is conditional a contribution of \$200,000 from the Adelaide Hills War Memorial Swimming Centre Committee.
4. That a draft standalone Asset Management Plan be prepared for the Adelaide Hills War Memorial Swimming Centre (AHWMSC).
5. That Council discuss the summary report findings and AHWMSC draft Asset Management Plan at a future workshop and consider allocation of additional funding in the Long Term Financial Plan review process to implement other short, medium and long term recommendations coming out of the Adelaide Hills War Memorial Swimming Centre Feasibility Study.
6. Note that Administration is currently processing the return of the Adelaide Hills War Memorial Swimming Centre Committee's \$200,000 funding allocation to the Splash Pad Project until a successful tenderer has been selected for the larger \$750,000 Splash Park.

Carried Unanimously

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12.2 CRFF Community Halls Insurance Grant Guidelines Report

Cr Kirrilee Boyd left the meeting room at 7:21pm

Cr Kirrilee Boyd returned to the meeting room at 7:21pm

Moved Cr Malcolm Herrmann

S/- Cr Kirsty Parkin

20/24

Council resolves:

- 1. That the report be received and noted.**
- 2. That the Council endorse the Building Insurance Grant Guidelines for Community Owned Halls as contained in Appendix 3.**
- 3. That the Chief Executive Officer be authorised to make changes to the Guidelines, not affecting the substantive intent and direction, as may be required from time to time, to ensure the issuing of grants remains in line with the intent of the Community and Recreation Facilities Framework.**

VARIATION

The Acting Mayor with the consent of the Mover and Seconder sought and was granted leave of the meeting to vary the motion by adding point 4.

Council resolves:

- 1. That the report be received and noted.**
- 2. That the Council endorse the Building Insurance Grant Guidelines for Community Owned Halls as contained in Appendix 3.**
- 3. That the Chief Executive Officer be authorised to make changes to the Guidelines, not affecting the substantive intent and direction, as may be required from time to time, to ensure the issuing of grants remains in line with the intent of the Community and Recreation Facilities Framework.**
- 4. That the Building Insurance Grant Guidelines are reviewed in 12 months.**

Carried Unanimously

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12.3 Treasury Policy Report

Moved Cr Mark Osterstock

S/- Cr Melanie Selwood

21/24

Council resolves:

- 1. That the report on the Treasury Policy be received and noted.**
- 2. With an effective date of 1 March 2024, to revoke the 19 January 2020 Treasury Policy and to adopt the 13 February 2024 Treasury Policy as per Appendix 1.**
- 3. That the Chief Executive Officer be authorised to make any formatting, nomenclature, or other minor changes to the Policy as per Appendix 1 prior to the date of effect.**

Carried Unanimously

12.4 Debt Recovery Policy Report

Moved Cr Malcolm Herrmann

S/- Cr Chris Grant

22/24

Council resolves:

- 1. That the report on the Debt Recovery Policy be received and noted.**
- 2. With an effective date of 1 March 2024, to revoke the 19 January 2021 Debt Recovery Policy and to adopt the 13 February 2024 Debt Recovery Policy as per Appendix 1.**
- 3. That the Chief Executive Officer be authorised to make any formatting, nomenclature, or other minor changes to the Policy as per Appendix 1 prior to the date of effect.**

Carried Unanimously

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12.5 Council Resolutions Report (February 2024)

**Moved Cr Mark Osterstock
S/- Cr Chris Grant**

23/24

Council resolves:

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

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Meeting Date	Meeting	Res No.	Item Name	Previously Declared COI	Status
12/09/2023	Ordinary Council	237/23 & 238/23	CEO PRP Independent Member Recruitment	CEO Performance Review Panel Independent Member Recruitment Under section 75B of the Local Government Act 1999 Cr Kirsty Parkin disclosed a General (section 74) Conflict of Interest in Item 12.2, CEO Performance Review Panel Independent Member Recruitment, the nature of which is as follows: I will be nominating for this position. Cr Kirsty Parkin voted in favour of the motion and the majority of Council Members present voted in favour of the motion.	Completed
26/09/2023	Ordinary Council	246/23	Dangerous Driving at Basket Range	No	Completed
24/10/2023	Ordinary Council	269/23	Service Review – Development Services	Nil	Completed
24/10/2023	Ordinary Council	270/23	Draft CEO PRP Terms of Reference	Nil	Completed
14/11/2023	Ordinary Council	283/23	Audit Committee - Council Member and Presiding Member Appointments	Under section 75B of the <i>Local Government Act 1999</i> Cr Melanie Selwood disclosed a General (section 74) Conflict of Interest at Agenda Item 5 'Declaration of Interest by Members of the Council' in relation to Item 12.1, the nature of which is as follows: I am intending to nominate for Audit Committee Membership Under section 75C of the <i>Local Government Act 1999</i> Cr Malcolm Herrmann disclosed a Material (section 75) Conflict of Interest at Agenda Item 5 'Declaration of Interest by Members of the Council' in relation to Item 12.1, the nature of which is as follows: I am intending to nominate for Presiding Member which is a remunerated position.	Completed
14/11/2023	Ordinary Council	12.3	Boundary Change Committee - Presiding Member Appointment	Under section 75B of the Local Government Act 1999 Cr Louise Pascale disclosed a General (section 74) Conflict of Interest at Agenda Item 5 'Declaration of Interest by Members of the Council' in relation to Item 12.3, the nature of which is as follows: I am a resident of Woodforde Under section 75C of the <i>Local Government Act 1999</i> Cr Mark Osterstock disclosed a Material (section 75) Conflict of Interest at Agenda Item 5 'Declaration of Interest by Members of the Council' in relation to Item 12.3, the nature of which is as follows: I am intending to nominate for Presiding Member which is a remunerated position.	Completed
14/11/2023	Ordinary Council	288/23	East Waste Independent Chair Appointment	Cr Lucy Huxter - General COI - Council Member on the East Waste Board.	Completed
28/11/2023	Ordinary Council	302/23	Boundary Change Committee – Item 12.3 adjourned from 14 November 2023 Council Meeting	Under section 75C of the <i>Local Government Act 1999</i> Cr Mark Osterstock disclosed a Material (section 75) Conflict of Interest at Agenda Item 5 'Declaration of Interest by Members of the Council' in relation to Item 11.1, the nature of which is as follows: I am named in the resolution for what is a remunerated position. Under section 75B of the <i>Local Government Act 1999</i> Cr Louise Pascale disclosed a General (section 74) Conflict of Interest at Agenda Item 5 'Declaration of Interest by Members of the Council' in relation to Item 11.1, the nature of which is as follows: I am a resident of Woodforde, a suburb which is included in the boundary change proposal.	Completed
28/11/2023	Ordinary Council	303/23	MON - Recognition of Statement of Commitment (Cr Louise Pascale)	Nil	Completed
28/11/2023	Ordinary Council	309/23	LMA Waiver Request – Unit 1 100a Main Street Lobethal	Under section 75B of the Local Government Act 1999 Cr Nathan Daniell disclosed a General (section 74) Conflict of Interest in Items 13.4, the nature of which is as follows: I am the Deputy Council Member appointed to the Council Assessment Panel, which is the relevant authority that may consider future development applications relating to sites in this report. Under section 75B of the Local Government Act 1999 Cr Leith Mudge disclosed a General (section 74) Conflict of Interest in Item 13.4, the nature of which is as follows: I am the Council Member appointed to the Council Assessment Panel, which is the relevant authority that may consider future development applications relating to sites in this report.	Completed
28/11/2023	Ordinary Council	311/23	Community Development Grant Recommendations	Under section 75C of the Local Government Act 1999 Cr Malcolm Herrmann disclosed a Material (section 74) Conflict of Interest in Item 13.9, the nature of which is as follows: I am the treasurer of The Returned & Services League (Gumeracha District) Sub Branch Incorporated, who are recommended to receive a Community Development Grant.	Completed
28/11/2023	Ordinary Council	315/23	Adelaide Hills Council Submission to the Greater Adelaide Regional Plan Discussion Paper	Nil	Completed

Mayor _____

next meeting date

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Carried Unanimously

12.6 Confidential Items Review (February 2024)

Moved Cr Leith Mudge
S/- Cr Mark Osterstock

24/24

Council resolves:

DECISION ONE

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

Carried Unanimously

DECISION TWO – Resolution 85/14 - AHRWMA

Moved Cr Chris Grant
S/- Cr Adrian Cheater

25/24

1. Pursuant to Section 91(7) of the Local Government Act 1999, Council orders that the following document(s) (or part) shall be kept confidential, being document(s) (or part) relating to a matter dealt with by the Council on a confidential basis under Sections 90(2) and 90(3)(i) of the Act:
 - The Report of 22 April 2014, Item No. 18.2.1, AHRWMA, 85/14 remain confidential until the matter is determined and that this order be reviewed every twelve (12) months.
 - On the grounds that the document(s) (or part) relates to information relating to actual litigation, or litigation that the council or council committee believes on reasonable grounds will take place, involving the council or an employee of the council.
2. Pursuant to section 91(9)(c) of the Local Government Act 1999, Council delegates the power to revoke the confidentiality order either partially or in full to the Chief Executive Officer.

Carried Unanimously

DECISION THREE – Resolution 105/21 – Multi Year Road Rally Proposal

Mayor _____ next meeting date

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Moved Cr Mark Osterstock
S/- Cr Kirsty Parkin

26/24

1. Pursuant to Section 91(7) of the Local Government Act 1999, Council orders that the following document(s) (or part) shall be kept confidential, being document(s) (or part) relating to a matter dealt with by the Council on a confidential basis under Sections 90(2) and 90(3)(d) of the Act:
 - The Report of 25 May 2021, Item No. 18.1.1, Multi Year Road Rally Proposal, 105/21 remain confidential until 14 March 2025 and that this order be reviewed every twelve (12) months.
 - On the grounds that the document(s) (or part) relates to commercial information of a confidential nature (not being a trade secret) the disclosure of which— (i) could reasonably be expected to prejudice the commercial position of the person who supplied the information, or to confer a commercial advantage on a third party; and (ii) would, on balance, be contrary to the public interest.
2. Pursuant to section 91(9)(c) of the Local Government Act 1999, Council delegates the power to revoke the confidentiality order either partially or in full to the Chief Executive Officer.

Carried Unanimously

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DECISION FOUR – Resolution 87/22 – Property Lobethal Road, Lenswood

Moved Cr Chris Grant

S/- Cr Leith Mudge

27/24

1. Pursuant to Section 91(7) of the Local Government Act 1999, Council orders that the following document(s) (or part) shall be kept confidential, being document(s) (or part) relating to a matter dealt with by the Council on a confidential basis under Sections 90(2) and 90(3)(a), (h), and (i) of the Act:
 - The Report of 26 April 2022, Item No. 11.1, Property Lobethal Road, Lenswood, 87/22 remain confidential until 14 March 2025 and that this order be reviewed every twelve (12) months.
 - On the grounds that the document(s) (or part) relates to information to be received, discussed or considered in relation to this Agenda Item is information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of a person; and information to be received, discussed or considered in relation to this Agenda Item is information the disclosure of which would waive privilege to legal advice received by the Council; and information to be received, discussed or considered in relation to this
 - Agenda Item is information relating to actual litigation, or litigation that the council believes on reasonable grounds will take place, involving the council.
2. Pursuant to section 91(9)(c) of the Local Government Act 1999, Council delegates the power to revoke the confidentiality order either partially or in full to the Chief Executive Officer.

Carried Unanimously

DECISION FIVE – Resolution 23/22 – South Australian Tourism Commission SANTOS TDU

Moved Cr Malcolm Herrmann

S/- Cr Chris Grant

28/24

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

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- The Report of 14 February 2023, Item No. 9.1, South Australian Tourism Commission re Santos Tour Down Under, 23/23 remain confidential until 14 February 2025 and that this order be reviewed every twelve (12) months.
 - On the grounds that the document(s) (or part of) would divulge information provided on a confidential basis by or to a Minister of the Crown, or another public authority or official (not being an employee of the council, or a person engaged by the council); and
 - would, on balance, be contrary to the public interest.
2. 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

DECISION SIX – Resolution 104/23 – Amy Gillett Bikeway Stage 4 Agreement

Moved Cr Chris Grant

S/- Cr Pauline Gill

29/24

1. Pursuant to section 90(2) of the Local Government Act 1999 the Council orders that the following document(s) (or part) shall be kept confidential, being document(s) (or part) relating to a matter dealt with by the Council on a confidential basis under Sections 90(2) and 90(3)(j) of the Act:
- The report, related attachments, minutes and other (presentation, documents or similar) of 26 April 2023, Item No. 18.1, Amy Gillett Bikeway – Stage 4 Agreement, 104/23, unless previously released, remain confidential until this matter has concluded and that this order be reviewed every twelve (12) months.
 - On the grounds that the document(s) (or part) if released could reasonably be expected to divulge information provided on a confidential basis by or to a Minister of the Crown, or another public authority or official (not being an employee of the council, or a person engaged by the council); and
 - would, on balance, be contrary to the public interest.
2. 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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DECISION SEVEN – Resolution 183/23 – Appointment of GRFMA Chairperson

Moved Cr Pauline Gill

S/- Cr Mark Osterstock

30/24

1. Pursuant to Section 90(2) of the Local Government Act 1999, Council orders that the following document(s) (or part) shall be kept confidential, being document(s) (or part) relating to a matter dealt with by the Council on a confidential basis under Sections 90(2) and 90(3)(a) of the Act:
 - The report, related attachments, minutes and/or other (presentations, documents or similar) of 27 June 2023, Item No. 18.1, Appointment of GRFMA Chairperson, 181/23, unless previously released, remain confidential until this matter has concluded and that this order be reviewed every twelve (12) months.
 - On the grounds that the document(s) (or part) the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead).
2. Pursuant to section 91(9)(c) of the Local Government Act 1999, Council delegates the power to revoke the confidentiality order either partially or in full to the Chief Executive Officer.

Carried Unanimously

13. OFFICER REPORTS - INFORMATION ITEMS

13.1 Annual Investment Performance

Moved Cr Chris Grant

S/- Cr Adrian Cheater

31/24

Council resolves that the report on Investment Performance for 2022-2023 be received and noted.

Carried Unanimously

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14. CORRESPONDENCE FOR INFORMATION

14.1 Adelaide Hills Projects for Tourism – Letter from Hon Zoe Bettison MP

Moved Cr Kirsty Parkin
S/-Cr Leith Mudge

32/24

Council resolves that the correspondence is received and noted.

Carried Unanimously

15. QUESTIONS WITHOUT NOTICE

Cr Pauline Gill asked a question about the potential removal of the Stirling Memorial Cross.
Cr Malcolm Herrmann asked a question about payment of the Mayoral allowance during extended leave of absence.

Cr Malcolm Herrmann asked a question about the appointment of an Acting Deputy Mayor during the extended period that the current Deputy Mayor is Acting Mayor.

Cr Kirrilee Boyd asked a question about an additional allowance for the Acting Mayor.

Cr Chris Grant asked a question about the FABRIK opening date.

Acting Mayor Nathan Daniell asked a question about the FABRIK project delivery delay.

16. MOTIONS WITHOUT NOTICE

Nil

17. REPORTS

17.1 Council Member Function or Activity on the Business of Council

Cr Louise Pascale

- 25 January - Woodforde Community Residents
- 7 February - Rostrevor College, Siobhan Paley, Assistant Principal Junior Years
- 12 February - Teringie Residents Association
- 12 February - Rostrevor College, Frank Ranaldo, Deputy Principal and Anita Frangiosa, Risk & Compliance Manager

Cr Melanie Selwood

- 25 January - Citizenship and Community Award Ceremony, Coventry Library, Stirling
- 26 January - Mourning in the Morning, Elder Park, Adelaide
- 27 January - Community Award Ceremony, Uraidla Hotel, Uraidla
- 28 January - Community Award Ceremony, Federation Park, Gumeracha
- 3 February - Coolamon Sculpture Launch, Federation Park Gumeracha

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Cr Leith Mudge

- 26 January - Survival Day Laratinga Wetlands in Mt Barker

Cr Kirrilee Boyd

- 26 January - Survival Day Laratinga Wetlands in Mt Barker

Mayor Jan-Claire Wisdom

- 24 January - Meeting Mayor of Mitcham re GAROC at Belair
- 24 January - Meeting with Deputy Mayor at Stirling
- 25 January - AHC Citizenship ceremony at Stirling
- 26 January - Mourning in the Morning in Adelaide
- 26 January - Aus Lights on the River (guest of Lord Mayor) in Adelaide
- 27 January - AHC Civic Awards presentation at community event at Uraidla
- 27 January - Network meeting with Mayors Jenkins, Were and Holmes-Ross
- 28 January - AHC Civic Awards presentation and community event at Gumeracha
- 30 January - Meeting at LGA re new governance and behavioural legislation in Adelaide
- 31 January - Meeting of GAROC Mayors at LGA re Minster Brock's elections review in Adelaide
- 6 February - Council Agenda meeting at Stirling
- 8 February - CEOPRP meeting at Stirling
- 13 February - Meeting with EA re potential leave of absence handover processes

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

Cr Malcolm Herrmann

- 8 February - GRFMA Confidential Workshop in Munno Para

17.3 CEO Report

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

- Internal communication strategy
- All staff survey with Senior Leadership Team including a 'pulse check' for the organisation
- Progressing KPIs with CEOPRP
- Strategic plan and the development of a framework and schedule to engage Elected Members, staff and community
- Working with Green Industries regarding future partnerships
- Discussions with Warwick Mittiga, Managing Director, Leyton Property regarding the Stirling Village redevelopment

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18. REPORTS OF COMMITTEES

18.1 Council Assessment Panel

Nil

18.2 Audit Committee

Nil

18.3 CEO Performance Review Panel

Nil

18.4 Boundary Change Committee

Nil

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19. CONFIDENTIAL ITEMS

Cr Kirsty Parkin left the meeting room at 7:57pm
Cr Kirsty Parkin returned to the meeting room at 7:59pm

**19.1 CEO Performance Review Panel Recommendation (Decision 2) (Deferred Item) –
Exclusion of the Public**

**Moved Cr Kirrilee Boyd
S/- Cr Adrian Cheater**

33/24

Carried Unanimously

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

- **Greg Georgopoulos, Chief Executive Officer**
- **David Waters, Director Environment and Infrastructure**
- **Natalie Armstrong, Director Community and Development**
- **Gary Lewis, A/Director Corporate Services**
- **Zoë Gill, Governance and Risk Coordinator**
- **Tracy Riddle, Legal Governance Advisor**
- **Rebekah Lyons, Minute Secretary**
- **Jody Atkins, Governance Support**
- **Tom Portas, Technical Support**

be excluded from attendance at the meeting for Agenda Item 19.1: (Deferred – Item 19.4 Confidential Council Report – CEO Probation Review Process) in confidence.

The Council is satisfied that it is necessary that the public, with the exception of Council staff in attendance and legal advisor 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) specifically, the present matter relates to the CEO Probation Review Process and it would be unreasonable at this stage to disclose that information;**

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.

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19.2 CEO Performance Review Panel Recommendation (Decision 2) (Deferred Item) – Confidential Item

Cr Chris Grant left the meeting room at 8:03pm

Cr Chris Grant returned to the meeting room at 8:04pm

Moved Cr Mark Osterstock

S/- Cr Chris Grant

34/24

Council resolves:

- 1. In accordance with Section 5.2 of the Mayor Seeking Legal Advice Policy, Council approves the Mayor seeking independent legal advice - be deferred, for further consideration by Council, to an Ordinary Meeting of Council in March 2024.**
- 2. That in order for Council to be in a fully informed position, prior to making a decision, and, importantly, be satisfied that it was appropriate for the Mayor to have sought independent legal advice on this occasion, including yet not limited to, in accordance with the provisions of the Policy [and, if applicable, Legislative and Regulatory instruments], Council requests that the CEO, or their delegate, undertake a thorough inquiry, including yet not limited to, the circumstances giving rise to the obtaining of the said independent legal advice.**
- 3. That following the outcome of the inquiry, appropriate recommendations are made to Council, for consideration at an Ordinary Meeting of Council in March 2024, including yet not limited to, whether retrospective approval should be granted.**

VARIATION

The Mover with the consent of the Secunder sought and was granted leave of the meeting to vary the motion.

Council resolves:

- 1. In accordance with Section 5.2 of the Mayor Seeking Legal Advice Policy, Council approves the Mayor seeking independent legal advice be deferred, for further consideration by Council, to an Ordinary Meeting of Council on 28 May 2024.**
- 2. That in order for Council to be in a fully informed position, prior to making a decision, and, importantly, be satisfied that it was appropriate for the Mayor to have sought independent legal advice on this occasion, including yet not limited to, in accordance with the provisions of the Policy [and, if applicable, Legislative and Regulatory instruments], Council requests that the Administration engage an external legal provider to undertake a thorough independent inquiry, including yet**

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not limited to, the circumstances giving rise to the obtaining of the said independent legal advice.

3. That following the outcome of the inquiry, appropriate recommendations are made to Council, for consideration at an Ordinary Meeting of Council in May 2024, including yet not limited to, whether retrospective approval should be granted.

Carried Unanimously

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**19.3 CEO Performance Review Panel Recommendation (Decision 2) (Deferred Item) –
Duration of Confidentiality**

Moved Cr Chris Grant
S/- Cr Kirsty Parkin

35/24

Carried Unanimously

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	Until further order
Related Attachments	Until further order
Minutes	Until further order
Other (including legal advice from Norman Waterhouse Lawyers relating to this matter)	Until further order

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.

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20. NEXT ORDINARY MEETING

The next ordinary meeting of the Adelaide Hills Council will be held on Tuesday 27 February 2024 from 6.30pm at 63 Mt Barker Road, Stirling.

21. CLOSE MEETING

The meeting closed at 8:42pm