

ADELAIDE HILLS COUNCIL
MINUTES OF ORDINARY COUNCIL MEETING
TUESDAY 11 JUNE 2024
63 MT BARKER ROAD STIRLING

In Attendance

Presiding Member: Mayor Jan-Claire Wisdom

Members:

Councillor Kirrilee Boyd
Councillor Adrian Cheater
Councillor Nathan Daniell
Councillor Pauline Gill
Councillor Chris Grant
Councillor Malcolm Herrmann
Councillor Leith Mudge
Councillor Mark Osterstock
Councillor Louise Pascale
Councillor Melanie Selwood

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
Skye Ludzay	Governance and Risk Officer
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 Lucy Huxter

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3.2 Leave of Absence

Moved Cr Adrian Cheater

S/- Cr Chris Grant

190/24

- 1 That a Leave of Absence from all duties of office be granted to Cr Kirsty Parkin from 11 June 2024 to 15 June 2024
- 2 That any committee or panel membership currently held by Cr Kirsty Parkin be undertaken by the Deputy during the leave of absence.

Carried Unanimously

Moved Cr Kirrilee Boyd

S/- Cr Pauline Gill

191/24

- 1 That a Leave of Absence from all duties of office be granted to Cr Adrian Cheater from 15 July 2024 to 21 July 2024.
- 2 That any committee or panel membership currently held by Cr Adrian Cheater be undertaken by the Deputy during the leave of absence.

Carried Unanimously

Moved Cr Louise Pascale

S/- Cr Adrian Cheater

192/24

- 1 That a Leave of Absence from all duties of office be granted to Cr Melanie Selwood from 26 June 2024 to 29 June 2024.
- 2 That any committee or panel membership currently held by Cr Melanie Selwood be undertaken by the Deputy during the leave of absence.

Carried Unanimously

3.3 Absent

4. MINUTES OF PREVIOUS MEETINGS

4.1 Council Meeting – 28 May 2024

Moved Cr Malcolm Herrmann

S/- Cr Chris Grant

193/24

Council resolves that the minutes of the Ordinary Council meeting held on 28 May 2024, as supplied, be confirmed as an accurate record of the proceedings of that meeting.

Carried Unanimously

Mayor _____

25 June 2024

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5. DECLARATION OF CONFLICT OF INTEREST BY MEMBERS OF COUNCIL

5.1 Material Conflict of Interest, Cr Leith Mudge – Item 8.3 Public Forum

Under section 75C of the *Local Government Act 1999* Cr Leith Mudge disclosed a Material (section 75) Conflict of Interest in Item 8.3.

5.2 Material Conflict of Interest, Cr Leith Mudge – Item 11.2 Public Forum

Under section 75C of the *Local Government Act 1999* Cr Leith Mudge disclosed a Material (section 75) Conflict of Interest in Item 11.2.

5.3 Material Conflict of Interest, Cr Adrian Cheater – Item 12.2 Attendance at National General Assembly of Local Government

Under section 75C of the *Local Government Act 1999* Cr Adrian Cheater disclosed a Material (section 75) Conflict of Interest in Item 12.2.

5.4 Material Conflict of Interest, Cr Louise Pascale – Item 12.2 Attendance at National General Assembly of Local Government

Under section 75C of the *Local Government Act 1999* Cr Louise Pascale disclosed a Material (section 75) Conflict of Interest in Item 12.2.

5.5 General Conflict of Interest, Cr Louise Pascale – Item 12.3 Road Closure Approval – Inside Line State Series 2024

Under section 75B of the *Local Government Act 1999* Cr Louise Pascale disclosed a General (section 74) Conflict of Interest in Item 12.3.

5.6 General Conflict of Interest, Cr Leith Mudge – Item 12.3 Road Closure Approval – Inside Line State Series 2024

Under section 75B of the *Local Government Act 1999* Cr Leith Mudge disclosed a General (section 74) Conflict of Interest in Item 12.3.

5.7 General Conflict of Interest, Cr Melanie Selwood – Item 12.4 Road Closure Approval – Adelaide Hills Rally (Unsealed Roads)

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

5.8 Material Conflict of Interest, Mayor Jan-Claire Wisdom – Item 19.3 Mayor Seeking Legal Advice Update

Under section 75C of the *Local Government Act 1999* Mayor Jan-Claire Wisdom disclosed a Material (section 75) Conflict of Interest in Item 19.3.

6. PRESIDING MEMBER'S OPENING REMARKS

Mayor Jan-Claire Wisdom informed the gallery that an hour would be available during the meeting for comments on the 2024/25 Annual Business Plan.

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7. QUESTIONS ADJOURNED/LYING ON THE TABLE

7.1 Questions Adjourned

Nil

7.2 Questions Lying on the Table

Nil

8. PETITIONS/DEPUTATIONS/PUBLIC FORUM

8.1 Petitions

8.1.1 Onkaparinga Valley Football Club – Unisex Change Rooms

Moved Cr Pauline Gill

S/- Cr Adrian Cheater

194/24

Council resolves:

1. That the petition signed by 107 signatories requesting that in 2024/25 the Adelaide Hills Council provides financial support to the Onkaparinga Valley Football Club, towards the construction of Unisex change rooms and associated Medical Facilities at the Johnston Memorial Park, be received and noted.
2. That the CEO advise the principal signatory of the Council's noting of the petition and of any resolutions relating to the matter, but in particular, the Council's resolution of 28 May 2024 seeking a report on the proposal.

Carried Unanimously

8.2 Deputations

6:39pm Cr Mark Osterstock left the meeting room.

6:43pm Cr Mark Osterstock returned to the meeting room.

8.2.1 Onkaparinga Valley Football Club, Mr Andrew Adcock, Club Representative and Ms Rebecca Tappert Community Venue Development Lead, SANFL

8.3 Public Forum

Under section 75C of the *Local Government Act 1999* Cr Leith Mudge disclosed a Material (section 75) Conflict of Interest in Item 8.3.

- I am a member of the Council Assessment Panel (CAP) and am prevented by its Code of Conduct from being included in any matters that may come before CAP outside of panel meetings.

6:58pm Cr Leith Mudge left the meeting room.

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8.3.1 2024/25 Annual Business Plan Public Consultation

Angela Harvey – Support for Onkaparinga Football Club Unisex Changeroom.
Sandhya Sharma & Dev McIntosh – Renewal of Uraidla Playground in the Annual Business Plan

8.3.2 Public Forum

Justin Gear – Supporting Council's stance to reject the Development Application from On The Run for a service station in Heathfield.

9. PRESENTATIONS

Nil

10. QUESTIONS ON NOTICE

7:11pm Cr Leith Mudge returned to the meeting room.

10.1 Legal Fees – Cr Pauline Gill

1. **What is the current spend on consultants for FY 23/24?**
2. **What was the spend on consultants in FY 22/23 by comparison?**

A comprehensive analysis up to 15th May shows a total expenditure on consultants of \$209,737 for financial year 2023/2024.

In 2022/23 Council started reporting consultancy fees in Financial Statements. The amount reported for consultancy fees for 2022/2023 was \$108,000. An incorrect accounting method was applied. If the same accounting approach was applied to the 2023/24 year the result would be zero.

Administration have commenced a review of how consulting fees are reported, prioritising the current financial year.

There is ongoing work to recalculate the prior years figure so a more meaningful comparison can be made, and this will be included in the Financial Statements for 2023/24.

There is no clear, universally accepted definition of what a consultant is which can lead to challenges in differentiating between contractors and consultants. The approach taken in performing the new analysis is that contractors 'are professionals who provide skills or services for a fixed period', while a consultant is someone who 'works with clients to provide advice, strategies and solutions to specific challenges or goals'.

3. **What is the current spend on legal fees for FY 23/24?**
4. **What was the spend on legal fees in FY 22/23 by comparison?**

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Refer to the Legal Cost table below. Comparisons to the prior year expenditure need to consider that there was a large recovery of legal costs of \$34k (in addition to the normal rates recoveries). This related to expenses in the preceding year, therefore it reduced the apparent spend in 2022/23.

Table: Legal fees for 2022/23 and 2023/2024*

	2022/23 Actuals	2023/24 YTD Actuals to April 2024
Corporate Services		
Governance & Performance	6,896	92,792
People and Culture & WHS	9,534	20,943
Information Management	0	2,553
Rates	10,538	7,725
	26,968	124,013
Community & Development		
C&D Director's Office	0	6,495
Animal Management	2,902	17,304
Parking and By-Laws	4,637	8,816
Development Assessment & Compliance	181,999	(38,999)
Environmental Health	0	0
	189,538	(6,385)
Environment & Infrastructure		
E&I Director's Office	0	4,368
Manager Open Space	222	1,326
AHBTC	0	0
Property Management	30,936	39,281
	31,158	44,975
Total legal costs	247,664	162,603

* this table does not include legal fees related to Ashton Landfill

5. How much is the average fee for a lawyer to attend Council meetings?

The fee for a lawyer to attend Council meetings is a fixed cost of \$875.

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6. What is the timeframe to have a Governance person employed or moved into the position currently occupied by a lawyer?

Governance and Risk Coordinator, Zoë Gill has been appointed to the Governance position. External governance support (by way of a lawyer) has been utilised during the transition period and may continue on an ad-hoc basis as appropriate and as negotiated as part of the appointment agreement.

11. MOTIONS ON NOTICE

11.1 Grants Policy – Cr Melanie Selwood

Moved Cr Melanie Selwood

S/- Cr Leith Mudge

195/24

I move that:

- 1. Council notes that the Grant Giving Policy is due for renewal;**
- 2. The CEO undertakes a review of the Grant Giving Policy and current grant programs;**
- 3. The review includes a workshop for Council Members to provide feedback on the current grant offerings and suggestions for future opportunities.**
- 4. The review consider the following:**
 - a. Eligibility criteria is sufficient for the diversity of potential applicants in our communities;**
 - b. The level of funding provided per grant type;**
 - c. Categories of grants;**
 - d. Alignment with strategic objectives;**
 - e. Assessment processes;**
 - f. Consultation with groups and associations likely to access the grant programs**
 - g. Opportunities for additional grant provisions when the applicant is successful in securing state and/or Federal grants**
- 5. Recommendations be provided to Council by the end of January 2025.**

Carried Unanimously

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11.2 Proposed OTR Development Heathfield – Cr Mark Osterstock

Under section 75C of the *Local Government Act 1999* Cr Leith Mudge disclosed a Material (section 75) Conflict of Interest in Item 11.2.

- I am a member of the Council Assessment Panel (CAP) and am prevented by its Code of Conduct from being included in any matters that may come before CAP outside of panel meetings.

Cr Leith Mudge advised of his intent to leave the meeting room while the item is discussed and will not vote on the matter.

7:25pm Cr Leith Mudge left the meeting room.

Moved Cr Mark Osterstock

S/- Cr Chris Grant

196/24

I move that:

Decision 1

1. Council reaffirms its decision [209/23] of the 8th day of August 2023 in relation to DA 21031284, Proposed OTR Development at Heathfield. That decision being as follows:

11.1 Proposed OTR Development Heathfield

Moved Cr Mark Osterstock
S/- Cr Chris Grant

209/23

1. Council endorses the recent decision of the Council Assessment Panel (CAP) in relation to DA 21031284, Proposed OTR Development at Heathfield (the applicant) dated the 26th day of July 2023. (Appendix 1)
2. Council confirms, that in the event that the applicant for DA 21031284 appeals the CAP's refusal, and notwithstanding the Council's obligations under section 83(1)(h)(ii) of the Planning, Development and Infrastructure Act 2016, the Council is supportive of the CAP and its decision-making process in this matter.
3. Further, the Council extends its encouragement to the Assessment Manager, in her role in assisting and supporting the CAP, under section 87 of the PDI Act, and by extension, if necessary, in defending the CAP's refusal of the subject application to the fullest extent possible.

Carried Unanimously

Carried Unanimously

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Decision 2

**Moved Cr Mark Osterstock
S/- Cr Nathan Daniell**

197/24

I move that:

1. **Council notes that the applicant has submitted an appeal against the Council Assessment Panel (CAP) decision of the 26th day of July 2023 and that this appeal is currently before the Environment Resources and Development [ERD] Court.**
2. **Council maintains its opposition, in the strongest possible terms, to a large 24-hour retail fuel outlet and canopy, an automatic car wash and dog wash facility, for the reasoning as articulated in its detailed representation that was considered by the CAP at its meeting of the 26th day of July 2023 (Appendix 1).**
3. **Council, once again, extends its encouragement to the Assessment Manager, in her role in assisting and supporting the CAP, under Section 87 of the PDI Act, in defending the appeal.**

Carried

DIVISION

Cr Adrian Cheater called for a division.

The Presiding Member set aside the ruling.

In the affirmative (8)

Councillors Boyd, Cheater, Daniell, Pascale, Osterstock, Gill, Grant, Selwood

In the negative (1)

Councillor Herrmann

On the basis of the results of the division, the Presiding Member declared the motion **Carried**.

12. OFFICER REPORTS – DECISION ITEMS

12.1 Adelaide Hills Tourism Funding Agreement 2024

7:49pm Cr Leith Mudge returned to the meeting room.

Cr Osterstock left the meeting room.

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**Moved Cr Malcolm Herrmann
S/- Cr Leith Mudge**

198/24

Council resolves:

Decision 1:

- 1. To acknowledge the disclosure of interests contained in this report and to authorise the Chief Executive Officer, Mr Greg Georgopoulos, to act in the course of his official duties in relation to Adelaide Hills Tourism.**

Carried Unanimously

Decision 2:

**Moved Cr Malcolm Herrmann
S/- Cr Nathan Daniell**

199/24

- 1. That the report be received and noted.**
- 2. That the one-year funding agreement, as contained in Appendix 1 including a contribution of \$110,900, (plus CPI) for the 2024/25 financial year, with the Adelaide Hills Tourism be approved and that the Chief Executive Officer be authorised to make any minor changes or variations to the Agreement before execution by both parties or during the life of the Agreement.**
- 3. That the Chief Executive Officer be authorised to execute the Agreement on behalf of Council.**

Carried Unanimously

12.2 Attendance at National General Assembly of Local Government

7:57pm Cr Mark Osterstock returned to the meeting room.

Under section 75C of the *Local Government Act 1999* Cr Louise Pascale disclosed a Material (section 75) Conflict of Interest in Item 12.2.

- I intend to nominate for the position which would have a material benefit.

Cr Louise Pascale advised of her intent to leave the meeting room while the item is discussed and will not vote on the matter.

7:59pm Cr Louise Pascale left the meeting room.

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Under section 75C of the *Local Government Act 1999* Cr Adrian Cheater disclosed a Material (section 75) Conflict of Interest in Item 12.2.

- I intend to nominate for the position which would have a material benefit.

Cr Adrian Cheater advised of his intent to leave the meeting room while the item is discussed and will not vote on the matter.

7:59pm Cr Adrian Cheater left the meeting room.

8:01pm Cr Chris Grant left the meeting room.

8:02pm Cr Chris Grant returned to the meeting room.

Moved Cr Kirrilee Boyd

S/- Cr Pauline Gill

200/24

Council resolves:

1. **That the report be received and noted.**
2. **To approve Cr Louise Pascale's attendance in a representative capacity at the National General Assembly of Local Government in Canberra in July 2024 and coverage of related costs estimated at \$4,500 in accordance with the Council Member Training and Development Policy.**
3. **To approve Cr Adrian Cheater's attendance for professional development at the National General Assembly of Local Government in Canberra in July 2024 and coverage of related costs estimated at \$4,500 in accordance with the Council Member Training and Development Policy.**

Carried Unanimously

8:05pm Cr Adrian Cheater returned to the meeting room.

Cr Louise Pascale returned to the meeting room.

12.3 Road Closure Approval – Inside State Line Series 2024

Under section 75B of the *Local Government Act 1999* Cr Leith Mudge disclosed a General (section 74) Conflict of Interest in Item 12.3.

- My son was an Inside Line competitor for a number of years and I was a volunteer marshall.

Cr Leith Mudge advised the meeting his private interest would not result in him acting in a manner contrary to his public duty and intended to remain in the meeting when the item is discussed, and to participate in the debate and vote on the matter.

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Under section 75B of the *Local Government Act 1999* Cr Louise Pascale disclosed a General (section 74) Conflict of Interest in Item 12.3.

- I am a resident in the area that will experience road closures, however I am not directly affected.

Cr Louise Pascale advised the meeting her private interest would not result in her acting in a manner contrary to her public duty and intended to remain in the meeting when the item is discussed, and to participate in the debate and vote on the matter.

Moved Cr Mark Osterstock

S/- Cr Adrian Cheater

201/24

Council resolves:

1. **That the report be received and noted.**
2. **That Council provides consent for road closure orders in relation to the 2024 Inside Line State Series Round 5 mountain biking event as follows:**

Saturday 24 and Sunday 25 August 2024
Approximate closure 7:00am – 5:00pm both days
Norton Summit Road closed between the eastern and western intersections with Teringie Drive
3. **That the Council confirms that the Chief Executive Officer may use existing powers under delegation to consider, and determine whether or not to provide consent to, any proposals for changes to the road closures in the lead up to the event, so long as the overall scope of the event road closures remains similar to the proposal described above.**
4. **That Council provides approval for the Chief Executive Officer to use the delegation already provided to him to consider consent for road closures under Section 33(2) of the Road Traffic Act 1961 if the event is to be run in future years.**
5. **The temporary road closure application fee is waived as per Councils fees and charges register.**

Carried Unanimously

12.4 Road Closure Approval – Adelaide Hills Rally (Unsealed Roads)

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

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- I am a resident in the area that will experience road closures, however I am not directly affected.

Cr Melanie Selwood advised the meeting her private interest would not result in her acting in a manner contrary to her public duty and intended to remain in the meeting when the item is discussed, and to participate in the debate and vote on the matter.

Moved Cr Leith Mudge
 S/- Cr Malcolm Herrmann

Council resolves:

1. That the report be received and noted.
2. That, in relation to the 2024 Adelaide Hills Rally, Council supports the event contingent on the organisers, to the satisfaction of the Chief Executive Officer:
 - a. Complying with Council's Festivals and Events Policy – Guideline No. 1 for Competitive Motoring Events
 - b. Payment of an Application Fee as per the Council's Fees and Charges Register for Temporary Road Closures
 - c. Providing evidence of satisfactory insurance to cover any damage to third party property caused by the event
 - d. Entering into a road repair agreement with Council to cover any rectification works required as a result of damage caused by the event
 - e. Providing confirmation that the affected business owners are aware of the proposed road closures
 - f. Providing written confirmation that the concerns raised by affected residents and businesses have been addressed (noting that not all concerns can necessarily be addressed to the satisfaction of all residents and businesses) and that the event organisers will make their best endeavours to arrange for egress and ingress to those properties within the event where possible where a pressing need has been advised in advance
 - g. Written confirmation from the organisers that they will erect effective advance notice of road closures on the affected roads, at least three weeks prior to the event
 - h. Providing evidence of satisfactory procedures for enabling emergency services access to properties on the event route at all times
3. That subject to the requirements of Item 2. being undertaken, Council provides consent for road closure orders in relation to the event, to be held on Saturday 14 September 2024 as follows:
 - a. Kenton Valley Stage (Kenton Valley and Mt Torrens)
 Closure 12:00pm – 5:30pm

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Turner Road, Maidment Road, Lihou Road and Schocroft Road – from Burfords Hill Road to Schuberts Road

- b. Charlgate Stage (Charleston)
Closure 12:30pm – 6:00pm
Harrison Road, Kings Road, Burnley Road, Teakles Road, Lewis Road, Bell Springs Road and Warmington Run closed – from Quarry Road to Hollows Road (then continued into Mount Barker District Council)
- 4. That the Council confirms that the Chief Executive Officer may use existing powers under delegation to consider, and determine whether or not to provide consent to, any proposals for changes to the road closures in the lead up to the event, so long as the overall scope of the event road closures remains similar to the proposal described above.

AMENDMENT

Moved Cr Mark Osterstock
S/-

Council resolves:

- 1. That the report be received and noted.
- 2. That, in relation to the 2024 Adelaide Hills Rally, Council supports the event contingent on the organisers, to the satisfaction of the Chief Executive Officer:
 - a. Complying with Council's Festivals and Events Policy – Guideline No. 1 for Competitive Motoring Events
 - b. Payment of an Application Fee as per the Council's Fees and Charges Register for Temporary Road Closures
 - c. Providing evidence of satisfactory insurance to cover any damage to third party property caused by the event
 - d. Entering into a road repair agreement with Council to cover any rectification works required as a result of damage caused by the event
 - e. Providing confirmation that the affected business owners are aware of the proposed road closures
 - f. Providing written confirmation that the concerns raised by affected residents and businesses have been addressed (noting that not all concerns can necessarily be addressed to the satisfaction of all residents and businesses) and that the event organisers will make their best endeavours to arrange for egress and ingress to those properties within the event where possible where a pressing need has been advised in advance

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- g. Written confirmation from the organisers that they will erect effective advance notice of road closures on the affected roads, at least three weeks prior to the event
- h. Providing evidence of satisfactory procedures for enabling emergency services access to properties on the event route at all times

3. That subject to the requirements of Item 2. being undertaken, Council provides consent for road closure orders in relation to the event, to be held on Saturday 14 September 2024 as follows:

- a. Kenton Valley Stage (Kenton Valley and Mt Torrens)
 Closure 12:00pm – 5:30pm
 Turner Road, Maidment Road, Lihou Road and Schocroft Road – from Burfords Hill Road to Schuberts Road
- b. Charligate Stage (Charleston)
 Closure 12:30pm – 6:00pm
 Harrison Road, Kings Road, Burnley Road, Teakles Road, Lewis Road, Bell Springs Road and Warmington Run closed – from Quarry Road to Hollows Road (then continued into Mount Barker District Council)

4. That the Council confirms that the Chief Executive Officer may use existing powers under delegation to consider, and determine whether or not to provide consent to, any proposals for changes to the road closures in the lead up to the event, so long as the overall scope of the event road closures remains similar to the proposal described above.

5. **That Council has an expectation that where appropriate, the applicant will contribute to repairs and or maintenance of roads the subject of this report at the CEO's discretion.**

The Amendment was put and lost

Moved Cr Leith Mudge
S/- Cr Malcolm Herrmann

202/24

Council resolves:

- 1. **That the report be received and noted.**
- 2. **That, in relation to the 2024 Adelaide Hills Rally, Council supports the event contingent on the organisers, to the satisfaction of the Chief Executive Officer:**

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- a. Complying with Council's Festivals and Events Policy – Guideline No. 1 for Competitive Motoring Events
- b. Payment of an Application Fee as per the Council's Fees and Charges Register for Temporary Road Closures
- c. Providing evidence of satisfactory insurance to cover any damage to third party property caused by the event
- d. Entering into a road repair agreement with Council to cover any rectification works required as a result of damage caused by the event
- e. Providing confirmation that the affected business owners are aware of the proposed road closures
- f. Providing written confirmation that the concerns raised by affected residents and businesses have been addressed (noting that not all concerns can necessarily be addressed to the satisfaction of all residents and businesses) and that the event organisers will make their best endeavours to arrange for egress and ingress to those properties within the event where possible where a pressing need has been advised in advance
- g. Written confirmation from the organisers that they will erect effective advance notice of road closures on the affected roads, at least three weeks prior to the event
- h. Providing evidence of satisfactory procedures for enabling emergency services access to properties on the event route at all times

3. That subject to the requirements of Item 2. being undertaken, Council provides consent for road closure orders in relation to the event, to be held on Saturday 14 September 2024 as follows:

- a. **Kenton Valley Stage (Kenton Valley and Mt Torrens)**
Closure 12:00pm – 5:30pm
Turner Road, Maidment Road, Lihou Road and Schocroft Road – from Burfords Hill Road to Schuberts Road
- b. **Charligate Stage (Charleston)**
Closure 12:30pm – 6:00pm
Harrison Road, Kings Road, Burnley Road, Teakles Road, Lewis Road, Bell Springs Road and Warmington Run closed – from Quarry Road to Hollows Road (then continued into Mount Barker District Council)

4. That the Council confirms that the Chief Executive Officer may use existing powers under delegation to consider, and determine whether or not to provide consent to, any proposals for changes to the road closures in the lead up to the event, so long as the overall scope of the event road closures remains similar to the proposal described above.

	Carried
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DIVISION

Cr Pauline Gill called for a division.

The Presiding Member set aside the ruling.

In the affirmative (7)

Councillors Herrmann, Boyd, Cheater, Mudge, Pascale, Daniell, Osterstock

In the negative (3)

Councillors Gill, Grant, Selwood

On the basis of the results of the division, the Presiding Member declared the motion
Carried.

12.5 Enforcement Review – Fire, Wastewater and Animal Management

Moved Cr Malcolm Herrmann

S/- Cr

Council resolves:

1. That the report be received and noted.
2. That the Enforcement Review Fire, Wastewater and Animal Management in Appendix 1 be noted.
3. That the CEO increase the level of service to facilitate year-round education and enforcement relating to fire prevention on private land and make any necessary resourcing changes to enable the provision of this service, noting that any additional resources should be cost neutral.
4. To adopt the revised Enforcement Policy in Appendix 2.

Motion lapsed for want of a seconder

Moved Cr Chris Grant

S/- Cr Kirrilee Boyd

203/24

Council resolves:

1. That the report be received and noted.
2. That the Enforcement Review Fire, Wastewater and Animal Management in Appendix 1 be noted.

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- 3. That the CEO increase the level of service to facilitate year-round education and enforcement relating to fire prevention on private land and make any necessary resourcing changes to enable the provision of this service.
- 4. To adopt the revised Enforcement Policy in Appendix 2.

Carried Unanimously

13. OFFICER REPORTS - INFORMATION ITEMS

Nil

14. CORRESPONDENCE FOR INFORMATION

Nil

15. QUESTIONS WITHOUT NOTICE

Cr Louise Pascale asked three questions regarding Yertabiritti Womma Oval, Woodforde.

MOTION WITHOUT NOTICE

Moved Cr Louise Pascale

S/- Cr Leith Mudge

204/24

Council resolves:

That the response to Cr Louise Pascale's Question Without Notice be recorded into the minutes of the Ordinary Council meeting 11 June 2024.

Carried Unanimously

- 1. Was Adelaide Hills Council given the opportunity to buy Womma Oval when the State Government sold it?
- 2. What was the market value of the Crown Land?

Director Environment and Infrastructure, David Waters answered the questions:

In December 2019 Council received a notice from State Government that it proposed to declare surplus, the Crown Land known as Womma Oval on the corner of Glen Stuart Road and Kintyre Road, Woodforde. Members may be aware that the land had been occupied by Rostrevor College for many years. At the time, the government was advised that the Council did not wish to purchase the land. This was in the context of the development of the surrounding area, known as Hamilton Hill, happening at the time, which included a substantial piece of land which would be handed to Council as public open space.

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3. Is it normal practice to be offered Crown Land when it is being sold?

The Crown Land disposal process requires Government to check with other government agencies and the relevant local council to determine if the land is required by an agency, or if it is of interest to the local council, which can buy the land at market value.

Cr Malcolm Herrmann asked a question about the Birdwood Solar Farm.

8:48pm Cr Louise Pascale left the meeting room.

MOTION WITHOUT NOTICE

Moved Cr Malcolm Herrmann
S/- Cr Pauline Gill

205/24

Council resolves:

That the response to Cr Malcolm Herrmann's Question Without Notice be recorded into the minutes of the Ordinary Council meeting 11 June 2024.

Carried Unanimously

1. Is the Birdwood Solar Farm going ahead?

Acting Director Jessica Charlton confirmed that the development application has been withdrawn by the applicant and advised that planning consent was given by the Council Assessment Panel.

2. Can this be made publicly available information?

Acting Director Jessica Charlton confirmed that the applicant has withdrawn the application.

8:50pm Cr Louise Pascale returned to the meeting room.

Cr Malcolm Herrmann asked for an update regarding the Amy Gillett Bikeway Project.

8:50pm Cr Mark Osterstock left the meeting and did not return.

16. MOTIONS WITHOUT NOTICE

Nil

17. REPORTS

17.1 Council Member Function or Activity on the Business of Council

Mayor Jan-Claire Wisdom

- 16 May 2024, Metro Mayor's Forum/ GAROC Forum, Adelaide
- 21 May 2024, Council information session

Mayor _____

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- 23 May 2024, LGA OGM Welcome reception, Adelaide
- 24 May 2024, LGA OGM all day conference
- 27 May 2024, Meeting with Rebekha Sharkie MP, Dan Cregan MP and Mayor David Leach, Mt Barker
- 29 May 2024, Meeting Federal Minister King and staff with Rebekha Sharkie MP, Dan Cregan MP and Mayor David Leach, Canberra
- 5 June 2024, Photo and video session with AHC media team to promote new Resident Connections Guide launch, Woodforde (Hamilton Hill) and Rostrevor.
- 7 June 2024, Informal meeting with Independent Member of CEOPRP

Cr Melanie Selwood

- 30 May 2024, Annual Business Plan Consultation Forum, Woodside
- 4 June 2024, Woodside Commerce Association Meeting, Woodside
- 6 June 2024, Annual Business Plan Consultation Forum, Norton Summit

Cr Louise Pascale

- 30 May 2024, Attended Community Annual Business Plan Information Session, Woodside
- 4 June 2024, Met Lewis Walk Residents (Hamilton Hill), Woodforde
- 4 June 2024, Attended Community Annual Business Plan Information Session, Stirling
- 6 June 2024, Attended Community Annual Business Plan Information Session, Norton Summit

Cr Pauline Gill

- 25 April 2024, Attended Houghton ANZAC Day Service, Houghton
- 7 May 2024, Meeting regarding Birdwood Trail to connect with Amy Gillett Bikeway
- 30 May 2024, Meeting with Onkaparinga Football Club regarding Unisex Change Room proposal
- 2 June 2024, Opening of Hermitage Water Tank, Range Road North, Hermitage

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

Nil

17.3 CEO Report

Greg Georgopoulos, CEO, updated Councillors regarding the 2024/25 Annual Business Plan. The CEO reported that 10 people attended the consultation forums over 4 days. It was noted that the feedback is being collated and will be shared during a special meeting of Council on Monday 17th June.

18. REPORTS OF COMMITTEES

18.1 Council Assessment Panel

Nil

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18.2 Audit Committee

Nil

18.3 CEO Performance Review Panel

Nil

18.4 Boundary Change Committee

Nil

19. CONFIDENTIAL ITEMS

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19.1 Event Opportunity Santos Tour Down Under 2025 – Exclusion of the Public

8:55pm Cr Adrian Cheater left the meeting room.

**Moved Cr Chris Grant
S/- Cr Pauline Gill**

206/24

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**
- **Governance and Risk Coordinator, Zoë Gill**
- **Minute Secretary, Rebekah Lyons**
- **Governance and Risk Officer, Skye Ludzay**
- **IT Support, Tom Portas**

be excluded from attendance at the meeting for Agenda Item 19.1: (Event Opportunity – Santos Tour Down Under 2025) 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)(j) of the *Local Government Act 1999*, the information to be received, discussed or considered in relation to this Agenda Item is information the disclosure of which –

- (i) **would divulge information provided on a confidential basis by or to a Minister of the Crown, or another public authority or official (not being an employee of the council, or a person engaged by the council); and**
- (ii) **would, on balance, be contrary to the public interest.**

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

Carried Unanimously

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19.1.1 Event Opportunity Santos Tour Down Under 2025 – Confidential Item

Mayor _____

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19.1.2 Event Opportunity Santos Tour Down Under 2025 – Duration of Confidentiality

Moved Cr Chris Grant
S/- Cr Adrian Cheater

208/24

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)(j) of the *Local Government Act 1999*, resolves that an order be made under the provisions of sections 91(7) and (9) of the *Local Government Act 1999* to retain the items in confidence as detailed in the Duration of Confidentiality Table below:

Item	Duration of Confidentiality NB: Item to be reviewed every 12 months if not released
Report	Until Council receives written confirmation from the South Australian Tourism Commission that the event information is no longer confidential, but not longer than 30 June 2025.
Related Attachments	Not Applicable
Minutes	Until Council receives written confirmation from the South Australian Tourism Commission that the event information is no longer confidential, but not longer than 30 June 2025.
Other (discussion and considerations of the subject matter)	Until Council receives written confirmation from the South Australian Tourism Commission that the event information is no longer confidential, but not longer than 30 June 2025.

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 CEO Review Process – Exclusion of the Public

Moved Cr Chris Grant
S/- Cr Pauline Gill

209/24

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**
- **A/Director Community & Development, Jess Charlton**
- **Governance and Risk Coordinator, Zoe Gill**
- **Governance and Risk Officer, Skye Ludzay**
- **Minute Secretary, Rebekah Lyons**
- **IT Support, Tom Portas**

be excluded from attendance at the meeting for Agenda Item 19.2: (CEO Review Process) 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 of a personal nature 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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19.2.1 CEO Review Process – Confidential Item

**Moved Cr Chris Grant
S/- Cr Nathan Daniell**

210/24

Council resolves:

- 1. That the report be received and noted.**
- 2. To engage Perks People Solutions to assist in the development of the CEOs review process in alignment with Council resolution 344/23 of 19 December 2023 at an estimated cost not exceeding \$10,000.**
- 3. That the CEO review process be developed with the CEO to align with the reporting time frames in the CEO's Key Performance Indicators 2024.**

Carried Unanimously

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19.2.2 CEO Review Process – Duration of Confidentiality

**Moved Cr Chris Grant
S/- Cr Kirrilee Boyd**

211/24

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)(a) 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	11 June 2028
Related Attachments	11 June 2028
Minutes	11 June 2028
Other (presentation, documents, or similar)	11 June 2028

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

Carried Unanimously

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19.3 Mayor seeking legal advice update – Exclusion of the Public

Under section 75C of the *Local Government Act 1999* Mayor Jan-Claire Wisdom disclosed a Material (section 75) Conflict of Interest in Item 19.3.

- Indirect personal and pecuniary interest as I may suffer a loss or receive a benefit.

Mayor Jan-Claire Wisdom advised of her intent to leave the meeting room while the item is discussed and will not vote on the matter.

9:41pm Mayor Jan-Claire Wisdom left the meeting room.

The Deputy Mayor Melanie Selwood assumed the Chair.

Moved Cr Chris Grant
S/- Cr Adrian Cheater

212/24

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
- A/Director Community & Development, Jess Charlton
- Governance and Risk Coordinator, Zoë Gill
- Governance and Risk Officer, Skye Ludzay
- Minute Secretary, Rebekah Lyons
- IT Support, Tom Portas

be excluded from attendance at the meeting for Agenda Item 19.3: (Mayor Seeking Legal Advice) 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, 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.

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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 Mayor seeking legal advice update – Confidential Item

**Moved Cr Chris Grant
S/- Cr Adrian Cheater**

213/24

Council resolves:

- 1. That the Mayor Seeking Legal Advice Update report be received.**
- 2. That the independent inquiry into the Mayor's use of the Mayor Seeking Legal Advice Policy is in progress and expected to be received by 30 June 2024.**

Carried

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19.3.2 Mayor seeking legal advice update – Duration of Confidentiality

**Moved Cr Chris Grant
S/- Cr Pauline Gill**

214/24

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) (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	For 12 months unless Council determines otherwise
Related Attachments	For 12 months unless Council determines otherwise
Minutes	For 12 months unless Council determines otherwise
Other (presentation, documents, or similar)	For 12 months unless Council determines otherwise

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

9:47pm Mayor Jan-Claire Wisdom resumed the Chair.

20. NEXT ORDINARY MEETING

The next ordinary meeting of the Adelaide Hills Council will be held on Tuesday 25 June 2024 from 6.30pm at 63 Mt Barker Road, Stirling.

21. CLOSE MEETING

The meeting closed at 9:47pm.