

**ADELAIDE HILLS COUNCIL
MINUTES OF ORDINARY COUNCIL MEETING
TUESDAY 14 FEBRUARY 2023
63 MT BARKER ROAD STIRLING**

In Attendance

Presiding Member: Mayor Jan-Claire Wisdom

Members:

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

In Attendance:

David Waters	Acting Chief Executive Officer
Peter Bice	Director Infrastructure & Operations
Natalie Armstrong	Director Development & Regulatory Services
Rebecca Shepherd	Acting Director Community Capacity
Lachlan Miller	Executive Manager Governance & Performance
Karen Cummings	Manager Property Services
Steven Watson	Governance & Risk Coordinator
Kira-Marie Laverty	Corporate Planning & Performance
Pam Williams	Minute Secretary

1. COMMENCEMENT

The meeting commenced at 6.33pm.

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.

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3. Apology

Cr Pauline Gill

3.1 Leave of Absence

- Mayor Jan-Claire Wisdom, 2 March to 9 March 2023, approved by Council on 24 January 2023

3.2 Absent

Nil

4. MINUTES OF PREVIOUS MEETINGS

4.1 Council Meeting – 24 January 2023

Moved Cr Kirrilee Boyd

S/- Cr Leith Mudge

22/23

That the minutes of the Ordinary Council meeting held on 24 January 2023 (adjourned to 6 February 2023) as supplied, be confirmed as an accurate record of the proceedings of that meeting.

Carried Unanimously

5. DECLARATION OF CONFLICT OF INTEREST BY MEMBERS OF COUNCIL

5.1 General Conflict of Interest, Mayor Jan-Claire Wisdom, Item 12.6 Supplementary Election Metro East Grouping Representative GAROC

Under Section 75B of the *Local Government Act 1999* Mayor Jan-Claire Wisdom disclosed a General (section 74) Conflict of Interest in Item 12.6, the nature of which is as follows:

- I am nominating for a position on the GAROC Board

Mayor Jan-Claire Wisdom intends to leave the Chamber when this item is discussed.

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6. PRESIDING MEMBER'S OPENING REMARKS

Mayor Jan-Claire Wisdom informed the Chamber about:

13 February, National Apology to Stolen Generation

14 February, Valentines Day

16 February, CFS Bushfire Resilience Day

7. QUESTIONS ADJOURNED/LYING ON THE TABLE

7.1 Questions Adjourned

Nil

7.2 Questions Lying on the Table

Nil

8. PETITIONS/DEPUTATIONS/PUBLIC FORUM

8.1 Petitions

Nil

8.2 Deputations

Nil

8.3 Public Forum

Nil

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9. PRESENTATIONS

9.1 South Australian Tourism Commission re Santos Tour Down Under – Exclusion of the Public

Moved Cr Chris Grant

S/- Cr Leith Mudge

23/23

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

- Acting Chief Executive Officer, David Waters
- Acting Director Community Capacity, Rebecca Shepherd
- Director Development & Regulatory Services, Natalie Armstrong
- Director Infrastructure & Operations, Peter Bice
- Executive Manager Governance & Performance, Lachlan Miller
- Governance & Risk Coordinator, Steven Watson
- Manager, Communications, Engagement & Events, Jennifer Blake
- Events Officer, Stephanie Murgatroyd
- Corporate Planning & Performance, Kira-Marie Laverty
- Executive Director, Events SA, SATC, Hitaf Rasheed
- Race Director, Tour Down Under, Stuart O’Grady
- Minute Secretary, Pam Williams

be excluded from attendance at the meeting for Agenda Item 9: (South Australian Tourism Commission re Santos Tour Down Under – Exclusion of the Public) 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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9.2 South Australian Tourism Commission re Santos Tour Down Under – Duration of Confidentiality

Moved Cr Adrian Cheater
S/- Cr Nathan Daniell

24/23

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 9.1 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	Nil
Related Attachments	Nil
Minutes	Nil
Other (presentation, documents, or similar)	12 months – 14 Feb 2024

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

10. QUESTIONS ON NOTICE

Nil

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11. MOTIONS ON NOTICE

11.1 Glenside Road Crafers Land Division and Other Matters

Moved Cr Mark Osterstock
S/- Cr Chris Grant

25/23

I move that:

1. the Chief Executive Officer prepares a report for Council's consideration, by 28 March 2023, detailing the requirements required to initiate a Code Amendment for the Adelaide Hills Subzone to strengthen planning policy in relation to the Desired Outcomes and Performance Outcomes for land division to better respond to the median allotment requirements, including, yet not limited to, the investigations already undertaken and the process to be followed for a Code Amendment. (This report will also outline a proposed community engagement plan / strategy).
2. Council notes, and is supportive of, the decision made by the Adelaide Hills Council Assessment Manager to refuse to grant development approval, application (21018221) for land division of 1 into 2 allotments at Crafers which was lodged on 8 July 2021, and subsequently refused on 7 October 2021.
3. Council notes that this application proposed to create two allotments of 4392m² and 1114m², and:
 - a. that the larger allotment was a battle axe shape and contains a building used for accommodation associated with the existing dwelling on the land, and
 - b. that the smaller allotment was closer to Glenside Road and contains the existing dwelling.
4. Council notes, and is in full agreement with, the grounds for refusal, those grounds in summary being:
 - a. that the land division was not sympathetic or consistent with the established allotment pattern and the character of development within the locality.
 - b. that from a quantitative perspective the smaller proposed allotment failed to meet the median allotment size of 3,155m² within a radius of 200m (measured from the centre of the current allotment).
 - c. that the smaller allotment was considered inconsistent with the density and dimensions expressed in the Zone.

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5. Council notes that under the former Development Plan, there was a detailed desired character statement, the minimum allotment was the greater of the median allotment size or 2000m² and that land division creating smaller allotments was non-complying development. Council reiterates its support [and expectancy] for this desired character statement to be honoured and maintained under the Planning and Design Code.
6. Council is extremely concerned that the weight of previous planning policy has been seriously weakened under the (new) Planning and Design Code.
7. Council, on behalf of the Adelaide Hills community which it is elected to represent, is opposed to the subject application, and in adopting this position, has clear and unequivocal support for the Council Administration to strongly pursue a Code Amendment to provide greater support for the policy position within the Adelaide Hills Subzone and the Rural Neighbourhood Zone, as detailed in the Planning and Design Code (formerly called the Country Living Zone in the Council Development Plan), that land divisions will not result in the creation of new allotments of a size that would be smaller than 2000m² or the size determined by the median allotment calculation (whichever is the greater).

Carried

12. OFFICER REPORTS – DECISION ITEMS

7.26pm Cr Nathan Daniell left the Chamber
7.28pm Cr Nathan Daniell returned to the Chamber

12.1 Preserving Randell’s Workers Cottages – 1 Beavis Court Gumeracha

Moved Cr Malcolm Herrmann
S/- Cr Leith Mudge

Council resolves:

1. That the report be received and noted.
2. That the amount of \$20,000 be considered as part of the 2023/24 budget preparation process to prevent further deterioration of Randell’s Cottages at 1 Beavis Court, Gumeracha.

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AMENDMENT

Moved Cr Mark Osterstock
S/- Cr Adrian Cheater

3. That Council explores another submission to the State Government in an attempt to excise this parcel of land from the Environmental Food Production Zone.

The Amendment was put and Carried
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MOTION AS AMENDED

Moved Cr Malcolm Herrmann
S/- Cr Leith Mudge

26/23

Council resolves:

1. That the report be received and noted.
2. That the amount of \$20,000 be considered as part of the 2023/24 budget preparation process to prevent further deterioration of Randell's Cottages at 1 Beavis Court, Gumeracha.
3. That Council explores another submission to the State Government in an attempt to excise this parcel of land from the Environmental Food Production Zone.

Carried Unanimously

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12.2 Uniting Church request to transfer ownership of Woodside & Inverbrackie Cemeteries

Moved Cr Chris Grant
S/- Cr Malcolm Herrmann

27/23

Council resolves:

- 1. That the report be received and noted.**
- 2. That the CEO write to Uniting Church Synod in South Australia advising that the Adelaide Hills Council respectfully declines their proposed offer to transfer ownership of the Woodside and Inverbrackie Uniting Church Cemeteries to Council.**

Carried Unanimously

12.3 Business Case Gawler River Floodplain Management Authority (GRFMA) Contribution

Moved Cr Mark Osterstock
S/- Cr Nathan Daniell

28/23

Council resolves:

- 1. That the report be received and noted.**
- 2. To decline the request to provide funding of \$100,000 to the Gawler River Floodplain Management Authority in support of a Business Case.**
- 3. To offer a contribution of \$10,380 to the Gawler River Floodplain Management Authority in support of a Business Case, in line with Adelaide Hills Council's percentage share of capital works costs as per the adopted GRFMA charter, contingent upon similar contributions (in line with percentage share of capital works cost as per the adopted charter) being made by all Authority members.**

Carried

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12.4 Policy Review – Meeting Procedures

Moved Cr Kirsty Parkin
S/- Cr Melanie Selwood

29/23

Council resolves:

- 1. That the report be received and noted.**
- 2. That in relation to the Code of Practice for Council Meeting Procedures:**
 - a. This Code of Practice be brought to the Elected Body in a Workshop so the newly Elected Body has the opportunity to fully explore and understand both the Code in its current form and the implications of the proposed changes.**

Carried unanimously

12.4.1 Policy Review – Access to Council, Committee, Information or Briefing Sessions

Moved Cr Kirsty Parkin
S/- Cr Kirrilee Boyd

30/23

- 1. That the report be received and noted.**
- 2. That in relation to the Code of Practice for Access to Council and Council Committee and Information or Briefing Session Meetings & Documents:**
 - a. This Code of Practice be brought to the Elected Body in a Workshop so the newly Elected Body has the opportunity to fully explore and understand both the Code in its current form and the implications of the proposed changes.**

Carried Unanimously

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12.5 Audit Committee Independent Member Recruitment

8.07pm Cr Louise Pascale left the Chamber

8.10pm Cr Louise Pascale returned to the Chamber

**Moved Cr Leith Mudge
S/- Cr Melanie Selwood**

31/23

Council resolves:

- 1. That the report be received and noted**
- 2. To amend clause 5.7 on the AHC Audit Committee Terms of Reference to include:**
 - A maximum term of eight (8) years applies for Independent Members, along with a minimum two (2) year hiatus prior to being eligible for reappointment.**
- 3. To undertake a recruitment process for the selection of three Independent Ordinary Members for the Audit Committee, as follows:**
 - a. For one Independent Member for a term commencing 1 May 2023 and concluding 30 April 2025 (inclusive); and**
 - b. For two Independent Members for a term commencing 1 December 2023 and concluding 30 November 2025 (inclusive).**
- 4. To appoint Cr Malcolm Herrmann, Cr Melanie Selwood and the CEO (or delegate) as members of the Audit Committee Independent Member Selection Panel.**

Carried Unanimously

Mayor Jan-Claire Wisdom declared a General Conflict of Interest at Agenda Item 5 'Declaration of Interest by Members of the Council' in relation to Item 12.6.

8.12pm Mayor Jan-Claire Wisdom vacated the Chair and left the Chamber. Deputy Mayor Nathan Daniell took the Chair.

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12.6 Supplementary Election Metro East Grouping Representative GAROC

Moved Cr Chris Grant

S/- Cr Lucy Huxter

32/23

Council resolves:

1. That the report be received and noted
2. To vote for Mayor Jan-Claire Wisdom as the Metro East Grouping Representative to GAROC.
3. To authorise the Mayor to mark the ballot paper reflecting Council's determination and authorise the CEO (or their delegate) to lodge Council's ballot paper in accordance with the process set out in *Appendix 2*.

Carried Unanimously

8.14pm Cr Daniell vacated the Chair and Mayor Jan-Claire Wisdom returned to the Chamber.

12.7 Status Report – Council Resolutions Update

Moved Cr Mark Osterstock

S/- Cr Chris Grant

33/23

Council resolves:

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

Meeting Date	Meeting	Res No.	Item Name	Previously Declared COI
23/08/2022	Ordinary Council	209/22	Proposed Road Closure – Unmade Public Road adjacent to 9 Fidlers Hill Road Inglewood	Nil
27/09/2022	Ordinary Council	252/22	Options to reduce traffic congestion Bridgewater Primary School	Nil

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27/09/2022	Ordinary Council	253/22	Options to reduce traffic congestion Bridgewater Primary School - traffic study	Nil
20/12/2022	Ordinary Council	293/22	Substantive CEO Recruitment	Nil
20/12/2022	Ordinary Council	294/22	Substantive CEO Recruitment - Members of Recruitment Panel	Nil
20/12/2022	Ordinary Council	306/22	Citizen of the Year Awards 2023	Nil
20/12/2022	Ordinary Council	307/22	Citizen of the Year Awards 2023	Nil
24/01/2023	Ordinary Council	9/23	Adelaide Hills Reconciliation Working Group - appointment	Nil
24/01/2023	Ordinary Council	12/23	Submission to the Expert Panel Planning System Implementation Review	Nil
24/01/2023	Ordinary Council	13/23	Request to Waive Land Management Agreement requirement for building Setback at 9 Woodland Way Teringie	Material - Cr Leith Mudge Material - Cr Nathan Daniell

Carried Unanimously

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13. OFFICER REPORTS - INFORMATION ITEMS

13.1 Quarterly Council Performance Report Q2

Moved Cr Kirsty Parkin
S/- Cr Kirrilee Boyd

34/23

Council resolves that the report be received and noted.

Carried Unanimously

14. QUESTIONS WITHOUT NOTICE

Cr Malcolm Herrmann – progress report on Amy Gillett Bikeway
Cr Melanie Selwood – Amy Gillett Bikeway funding

15. MOTIONS WITHOUT NOTICE

Having taken into account the Guiding Principles, the Mayor accepted the following Motion Without Notice.

15.1 Amy Gillett Bikeway completion Mt Torrens to Birdwood

Moved Cr Malcolm Herrmann
S/- Cr Lucy Huxter

35/23

That the Mayor requests a deputation to the Minister for Infrastructure & Transport, the Hon Tom Koutsantonis MP, to progress the completion of the Amy Gillett Bikeway from Mt Torrens to Birdwood.

Carried Unanimously

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16. REPORTS

16.1 Council Member Function or Activity on the Business of Council

Cr Louise Pascale

- 4 February, Pay Our Respects at Parliament House
- 5 February, Morialta Residents Association AGM

Cr Kirrilee Boyd

- 5 February, Funeral Late Kristina Vonow (wife of former Councillor Lynton Vonow)

Cr Pauline Gill

- 26 January, Woodside and Gumeracha Australia Day celebrations

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

Nil

16.3 CEO Report

David Waters, CEO, provided Council with a verbal update, including:

- LTFP Workshop & draft LTFP
- Manager People & Culture role filled
- Former Stirling Police Station development

17. REPORTS OF COMMITTEES

17.1 Council Assessment Panel

Nil

17.2 Audit Committee

Nil

17.3 CEO Performance Review Panel

Nil

17.4 Boundary Change Committee

Nil

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18. CONFIDENTIAL ITEMS

18.1 Substantive CEO Recruitment – Remuneration & Independent Advice – Exclusion of the Public

Moved Cr Chris Grant
S/- Cr Mark Osterstock

36/23

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

- Executive Manager Governance & Performance, Lachlan Miller
- Governance & Risk Coordinator, Steven Watson
- Minute Secretary, Pam Williams

be excluded from attendance at the meeting for Agenda Item 18.1: (Substantive CEO Recruitment – remuneration and independent 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)(b) 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 could reasonably be expected to confer a commercial advantage on a person with whom the council is conducting, or proposing to conduct, business, or to prejudice the commercial position of the council in relation to the negotiation of a remuneration package for the CEO role and would, on balance, be contrary to the public interest.
- 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) in respect of the qualification and experience of the CEO Recruitment Consultant.

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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18.1.1 Substantive CEO Recruitment – Remuneration & Independent Advice – Confidential Item

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18.1.2 Substantive CEO Recruitment – Remuneration & Independent Advice – Duration of Confidentiality

Moved Cr Mark Osterstock
S/- Cr Nathan Daniell

38/23

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 18.1 in confidence under sections 90(2) and 90(3)(a) and (b) of the *Local Government Act 1999*, resolves that an order be made under the provisions of sections 91(7) and (9) of the *Local Government Act 1999* to retain the Items in confidence as detailed in the Duration of Confidentiality Table below:

Item	Duration of Confidentiality NB: Item to be reviewed every 12 months if not released
Report	Until the contract execution of the Substantive Chief Executive Officer
Related Attachments	Until the contract execution of the Substantive Chief Executive Officer
Minutes	Until the contract execution of the Substantive Chief Executive Officer
Other (presentation, documents, or similar)	Nil

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 Executive Manager Governance & Performance.

Carried Unanimously

19. NEXT ORDINARY MEETING

The next ordinary meeting of the Adelaide Hills Council will be held on Tuesday 28 February 2023 from 6.30pm at 63 Mt Barker Road, Stirling.

20. CLOSE MEETING

The meeting closed at 8.45pm.