



ORDINARY COUNCIL MEETING

NOTICE OF MEETING

To: Mayor Jan-Claire Wisdom

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

Notice is given pursuant to the provisions under Section 83 of the *Local Government Act 1999* that the next meeting of the Council will be held on:

Tuesday 14 February 2023
6.30pm
63 Mt Barker Road Stirling

A copy of the Agenda for this meeting is supplied under Section 83 of the Act.

Meetings of the Council are open to the public and members of the community are welcome to attend. Public notice of the Agenda for this meeting is supplied under Section 84 of the Act.

A handwritten signature in blue ink, appearing to read 'David Waters', with a long horizontal flourish extending to the right.

David Waters
Chief Executive Officer



ORDINARY COUNCIL MEETING

AGENDA FOR MEETING
Tuesday 14 February 2022
6.30pm
63 Mt Barker Road Stirling

ORDER OF BUSINESS

1. COMMENCEMENT

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
Apologies were received from
- 3.2. Leave of Absence
Mayor Jan-Claire Wisdom 2 March – 9 March, approved at Council 24 January 2023.
- 3.3. Absent

4. MINUTES OF PREVIOUS MEETINGS

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

5. DECLARATION OF CONFLICT OF INTEREST BY MEMBERS OF COUNCIL

6. MAYOR'S OPENING REMARKS

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

9. PRESENTATIONS (by exception)

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

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 Corporate Services, Terry Crackett*
- *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*
- *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.

10. QUESTIONS ON NOTICE

Nil

11. MOTIONS ON NOTICE

11.1. Glenside Road Crafers Land Division and Other Matters – Cr Osterstock

1. the Administration 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.
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).*

12. ADMINISTRATION REPORTS – DECISION ITEMS

12.1. Preserving Randell's Workers Cottages – 1 Beavis Court Gumeracha

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.*

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

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.*

12.3. Business Case GRFMA Contribution

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.*

12.4. Policy Review – Meeting Procedures & Access

1. *That the report be received and noted.*
2. *That in relation to the Code of Practice for Council Meeting Procedures:*
 - a. *With an effective date of 28 February 2023, to revoke the 22 March 2022 (effective v2.1 – 21 June 2022) Code of Practice for Council Meeting Procedures and to adopt the 14 February 2023 Code of Practice for Council Meeting Procedures, as contained in Appendix 1.*

13. ADMINISTRATION REPORTS – INFORMATION ITEMS

- 13.1. Quarterly Council Performance Report Q2

14. QUESTIONS WITHOUT NOTICE

15. MOTIONS WITHOUT NOTICE

16. REPORTS

- 16.1. Council Member Function or Activity on the Business of Council
- 16.2. Reports of Members/Officers as Council Representatives on External Organisations
- 16.3. CEO Report

17. REPORTS OF COMMITTEES

- 17.1. Council Assessment Panel – 8 February 2023
That the minutes of the CAP meeting held on 8 February 2023 as supplied, be received and noted.
- 17.2. Audit Committee
Nil
- 17.3. CEO Performance Review Panel
Nil
- 17.4. Boundary Change Committee
Nil

18. CONFIDENTIAL ITEMS

- 18.1. Substantive CEO Recruitment – Remuneration & Independent Advice

19. NEXT MEETING

Tuesday 28 February 2023, 6.30pm, 63 Mt Barker Road, Stirling

20. CLOSE MEETING



Council Meeting & Workshops 2023

DATE	TYPE	LOCATION	MINUTE TAKER
MARCH 2023			
Mon 6 March	Workshop	Woodside	N/A
Wed 8 March	CAP	Stirling	Karen Savage
Tues 14 March	Council	Stirling	Pam Williams
Tues 21 March	Professional Development	Stirling	N/A
Tues 28 March	Council	Stirling	Pam Williams
APRIL 2023			
Mon 3 April	Workshop	Woodside	N/A
Tues 11 April	Council	Stirling	Pam Williams
Wed 12 April	CAP	Stirling	Karen Savage
Mon 17 April	Audit	Stirling	TBA
Tues 18 April	Professional Development	Stirling	N/A
Wed 26 April *moved from ANZAC Day	Council	Stirling	Pam Williams
MAY 2023			
Mon 1 May	Workshop	Woodside	N/A
Tues 9 May	Council	Stirling	Pam Williams
Wed 10 May	CAP	Stirling	Karen Savage
Mon 15 May	Audit	Stirling	TBA
Tues 16 May	Professional Development	Stirling	N/A
Tues 23 May	Council	Stirling	Pam Williams

Meetings are subject to change, please check agendas for times and venues. All meetings (except Council Member Professional Development) are open to the public.

Conflict of Interest Disclosure Form

CONFLICTS MUST BE DECLARED VERBALLY DURING MEETINGS

Date: _____

Meeting Name (please tick one)

- | | | | |
|------------------------------|--------------------------|---------------------------|--------------------------|
| Ordinary Council | <input type="checkbox"/> | Audit Committee | <input type="checkbox"/> |
| Special Council | <input type="checkbox"/> | Boundary Change Committee | <input type="checkbox"/> |
| CEO Performance Review Panel | <input type="checkbox"/> | Other: _____ | <input type="checkbox"/> |

Item No **Item Name:**

(Only one conflict of interest entry per form)

I, Mayor / Cr _____ have identified a conflict of interest as:

GENERAL

MATERIAL

GENERAL

In considering a General Conflict of Interest (COI), an impartial, fair-minded person might consider that the Council Member’s private interests might result in the Member acting in a manner that is contrary to their public duty.

MATERIAL

In considering a Material Conflict of Interest (COI), a member of a council has a material conflict of interest in a matter to be discussed at a meeting of the council if a class of persons as defined in s75(1)(a-l) in the Act would gain a benefit, or suffer a loss, (whether directly or indirectly and whether of a personal or pecuniary nature) depending on the outcome of the consideration of the matter at the meeting.

The nature of my conflict of interest is as follows:

(Describe the nature of the interest, including whether the interest is direct or indirect and personal or pecuniary)

I intend to deal with my conflict of interest in the following transparent and accountable way:

- I intend to **stay** in the meeting (please complete details below)
- I intend to **stay** in the meeting as exempt under s75A (please complete details below)
- I intend to **leave** the meeting (*mandatory if you intend to declare a Material conflict of interest*)

The reason I intend to stay in the meeting and consider this matter is as follows:

(This section must be completed and ensure sufficient detail is recorded of the specific circumstances of your interest.)

Office use only: Council Member voted FOR / AGAINST the motion.

8. DEPUTATIONS

For full details, see Code of Practice for Meeting Procedures on www.ahc.sa.gov.au

1. A request to make a deputation should be made by submitting a Deputation Request Form, (available on Council's website and at Service and Community Centres) to the CEO seven clear days prior to the Council meeting for inclusion in the agenda.
2. Each deputation is to be no longer than ten (10) minutes, excluding questions from Members.
3. Deputations will be limited to a maximum of two per meeting.
4. In determining whether a deputation is allowed, the following considerations will be taken into account:
 - the number of deputations that have already been granted for the meeting
 - the subject matter of the proposed deputation
 - relevance to the Council agenda nominated – and if not, relevance to the Council's powers or purpose
 - the integrity of the request (i.e. whether it is considered to be frivolous and/or vexatious)
 - the size and extent of the agenda for the particular meeting and
 - the number of times the deputee has addressed Council (either in a deputation or public forum) on the subject matter or a similar subject matter.

8.3 PUBLIC FORUM

For full details, see Code of Practice for Meeting Procedures on www.ahc.sa.gov.au

1. The public may be permitted to address or ask questions of the Council on a relevant and/or timely topic.
2. The Presiding Member will determine if an answer is to be provided.
3. People wishing to speak in the public forum must advise the Presiding Member of their intention at the beginning of this section of the meeting.
4. Each presentation in the Public Forum is to be no longer than five (5) minutes (including questions), except with leave from the Council.
5. The total time allocation for the Public Forum will be ten (10) minutes, except with leave from the Council.
6. If a large number of presentations have been requested, with leave from the Council, the time allocation of five (5) minutes may be reduced.
7. Any comments that may amount to a criticism of individual Council Members or staff must not be made. As identified in the Deputation Conduct section above, the normal laws of defamation will apply to statements made during the Public Forum.
8. Members may ask questions of all persons appearing relating to the subject of their presentation.