



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 28 March 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.

David Waters
Chief Executive Officer



ORDINARY COUNCIL MEETING

AGENDA FOR MEETING
Tuesday 28 March 2023
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 Cr Kirsty Parkin
- 3.2. Leave of Absence
- 3.3. Absent

4. MINUTES OF PREVIOUS MEETINGS

Council Meeting – 14 March 2023

That the minutes of the ordinary meeting held on 14 March 2023 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. PRESIDING MEMBER'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

8.1.1. Australia Day Civic Awards

- 1. That the petition signed by 66 signatories requesting “the Adelaide Hills Council to celebrate Australia Day on 26 January and continue the long standing practice of presenting AHC Civic Awards on that day” be 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.*

8.1.2. Flooding at Junction Road, Balhannah

- 1. The petition signed by 15 signatories requesting Council to upgrade drainage infrastructure on Junction Road Balhannah be received and noted.*
- 2. The CEO write to the CEO of the Department for Infrastructure and Transport asking him to prioritise committed works at this location.*
- 3. The CEO advise the principal signatory of the Council’s noting of the petition and of any resolutions relating to the matter.*
- 4. The CEO liaise with the principal signatory to discuss concerns raised in the correspondence, including avenues for addressing the complaint utilising the Council’s complaint handling policies and procedures and/or the internal review of decisions mechanism as applicable.*

8.1.3. Fire Water Tank Upper Hermitage

- 1. That the petition signed by 319 signatories requesting Council grant permission to provide land at the junction of Warner Road and Range Road North Upper Hermitage for the location of a water storage tank 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.*

8.2. Deputations

8.2.1. Jan Verrall & Denise Elland re Fire Water Tank Upper Hermitage

8.2.2. SA Country Fire Service re Fire Water Tank Upper Hermitage

8.3. Public Forum

9. PRESENTATIONS (by exception)

- 9.1 Damien Cooke and Steve Shotton, Regional Development Australia Adelaide Hills, Fleurieu & Kangaroo Island

10. QUESTIONS ON NOTICE

Nil

11. MOTIONS ON NOTICE

- 11.1. Community Event Electrical Certificates of Compliance Subsidies – Cr Adrian Cheater
1. *That in relation to Anzac Day 2023, NAIDOC Week and National Reconciliation Week 2023, Council subsidises the cost of obtaining licenced electricians to review and certify electrical installations in respect to community groups holding dawn services and other commemorative events on Council land (including roads) to a limit of \$150 per event.*
 2. *That as part of the current review of the Council's Festivals and Events Policy, consideration be given to the feasibility [including costings] of:*
 - 2.1 *Financial subsidies for the attainment of a Certificate of Compliance (CoC) for community groups conducting activities on council lands and utilising council electrical outlets.*
 - 2.2 *That subsidies only apply for community events held on prominent national or local commemoration days including ANZAC Day, NAIDOC Week and Remembrance Day, noting that the Council's position on events normally held on Australia Day (26 January) is currently under review.*
 3. *The report be made available for Council's consideration by 22 August 2023.*

12. ADMINISTRATION REPORTS – DECISION ITEMS

- 12.1. Fire Water Tank Upper Hermitage
1. *That the report be received and noted.*
 2. *That Council respectfully decline the offer for the donation and placement of a fire water tank at the corner of Range Road North and Warner Road Upper Hermitage.*
 3. *That Council staff continue to work with the CFS to support firefighting, fire prevention, and fire educational efforts across the Region.*
 4. *That Council write to Ms Verrall and Ms Elland commending them on their fund raising efforts resulting from their book sales in relation to the Sampson Flat fires, and continues to support them to finalise their financial donation to the CFS.*
- 12.2. Adelaide Hills Subzone Code Amendment
1. *That the report be received and noted.*
 2. *That the CEO progress preliminary investigations including pre-engagement with affected residents and landowners, to inform Council's position on whether a formal Code Amendment process for the Adelaide Hills Subzone will be initiated, with the CEO to table a report for Council's consideration on the matter by 23 May 2023.*
 3. *To instruct the CEO to inform the State Planning Commission and the Minister of Planning of Council's intention to progress preliminary investigations in preparation for a Code Amendment process for the Adelaide Hills Subzone, including the rationale.*

12.3. Attendance at LGA OGM

1. *That the report be received and noted.*
2. *To reaffirm the policy position contained in clause 10 of the Council Member Training & Develop Policy that the Mayor, or the Deputy in the Mayor's absence, is the principal spokesperson, and is the default representative of Council in an official capacity (e.g. National General Assembly, LGA meetings and the like, including intrastate, interstate or overseas).*
3. *In the instance where the Mayor and the Deputy Mayor cannot attend, the matter should be referred to the Council where possible, but where time does not permit, the Mayor, or Deputy Mayor if acting in the Mayor's place, may delegate the role to another Council Member or the Chief Executive Officer for a particular occasion or instance.*
4. *To determine that the method of selecting the delegate to the 14 April 2023 LGA Ordinary General Meeting be by an indicative vote to determine the preferred person utilising the process set out in this Agenda report.*
5. *To adjourn the Council meeting for the purposes of seeking nominations for and, if necessary, conducting an indicative vote to determine the preferred person for the nomination and for the meeting to resume once the results of the indicative vote have been declared.*
6. *To appoint _____ as the Council's delegate for the 14 April 2023 LGA Ordinary General Meeting and authorise the Chief Executive Officer to advise the LGA of the appointment.*

12.4. Status Report – Council Resolutions Update
Refer to Agenda

13. ADMINISTRATION REPORTS – INFORMATION ITEMS

Nil

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 March 2023
That the minutes of the CAP meeting held on 8 March 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

Nil

19. NEXT MEETING

Tuesday 11 April 2023, 6.30pm, 63 Mt Barker Road, Stirling

20. CLOSE MEETING

Council Meeting & Workshops 2023

DATE	TYPE	LOCATION	MINUTE TAKER
APRIL 2023			
Sat 1 April	Annual Business Plan Workshop	Stirling	N/A
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 <small>*moved from ANZAC Day</small>	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
JUNE 2023			
Mon 5 June	Workshop	Woodside	N/A
Tues 13 June	Council	Stirling	Pam Williams
Wed 14 June	CAP	Stirling	Karen Savage
Mon 19 June	Special Audit	Stirling	TBA
Tues 20 June	Professional Development	Stirling	N/A
Tues 27 June	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 ☐

Audit Committee ☐

Special Council ☐

Boundary Change Committee ☐

CEO Performance Review Panel ☐

Other: _____ ☐

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 depute 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.

Item 4 Minutes of Council

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

In Attendance

Presiding Member: Mayor Jan-Claire Wisdom

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:

David Waters	Chief Executive Officer
Natalie Armstrong	Director Development & Regulatory Services
Rebecca Shepherd	Director Community Capacity
Lachlan Miller	Executive Manager Governance & Performance
Chris Janssan	Manager Open Space
Steven Watson	Governance & Risk Coordinator
Pam Williams	Minute Secretary

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 Kurna 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.

**ADELAIDE HILLS COUNCIL
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3. Apology

Cr Louise Pascale
Cr Nathan Daniell

3.1 Leave of Absence

Nil

3.2 Absent

Nil

4. MINUTES OF PREVIOUS MEETINGS

4.1 Council Meeting – 28 February 2023

Moved Cr Chris Grant
S/- Cr Leith Mudge

50/23

That the minutes of the Ordinary Council meeting held on 28 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 Material Conflict of Interest, Cr Malcolm Herrmann - Item 12.1 CWMS Asset Management Plan

Under section 75C of the *Local Government Act 1999* Cr Malcolm Herrmann disclosed a Material (section 75) Conflict of Interest in Item 12.1 CWMS Asset Management Plan, the nature of which is as follows:

- My property at Pool Street Birdwood is connected to the CWMS. I may accrue or suffer a pecuniary benefit depending on the decision.

Cr Malcolm Herrmann intends to leave the Chamber when this item is discussed.

5.2 General Conflict of Interest, Cr Malcolm Herrmann - Item 12.4 Confidential Items Review

Under section 75B of the *Local Government Act 1999* Cr Malcolm Herrmann disclosed a General (section 74) Conflict of Interest in Item 12.4 Confidential Items Review, the nature of which is as follows:

- I am a property owner in Pool Street Birdwood connected to CWMS

Cr Malcolm Herrmann intends to remain in the meeting and vote when this item is discussed.

**ADELAIDE HILLS COUNCIL
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5.3 General Conflict of Interest, Cr Kirsty Parkin - Item 12.3, Nomination to Dog & Cat Management Board

Under section 75B of the *Local Government Act 1999* Cr Kirsty Parkin disclosed a General (section 74) Conflict of Interest in Item 12.3 Nomination to Dog & Cat Management Board, the nature of which is as follows:

- My father is Chairman of the Dog & Cat Management Board

Cr Kirsty Parkin intends to remain in the Chamber and not vote when this item is discussed.

5.4 Material Conflict of Interest, Cr Melanie Selwood - Item 12.1, CWMS Asset Management Plan

Under section 75C of the *Local Government Act 1999* Cr Melanie Selwood disclosed a Material (section 74) Conflict of Interest in Item 12.1 CWMS Asset Management Plan, the nature of which is as follows:

- I am about to purchase a home serviced by the CWMS and I may gain a benefit or suffer a loss

Cr Melanie Selwood intends to leave the Chamber when this item is discussed.

5.5 Material Conflict of Interest, Cr Mark Osterstock - Item 12.3, Nomination to Dog & Cat Management Board

Under section 75C of the *Local Government Act 1999* Cr Mark Osterstock disclosed a Material (section 74) Conflict of Interest in Item 12.3 Nomination to Dog & Cat Management Board, the nature of which is as follows:

- I am nominating for a position on this Board and will receive a pecuniary benefit if successful.

Cr Mark Osterstock intends to leave the Chamber when this item is discussed.

6. PRESIDING MEMBER'S OPENING REMARKS

Mayor Jan-Claire Wisdom acknowledged the death of Gwen Hewitt, a long standing volunteer with the Mt Lofty Districts Historical Society for over 40 years.

Mayor Wisdom advised Members of an upcoming meeting with Minister Tom Koutsantonis on 31 March to discuss the Amy Gillett Bikeway.

Mayor Wisdom extended Council's congratulations to Cr Nathan Daniell and family on the birth of his son, Subala.

**ADELAIDE HILLS COUNCIL
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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

Nil

8.2 Deputations

8.2.1 Douglas Gillott – Road Closures

8.2.2 Oliver Ciaravolo – Tree Safety & Bins

8.3 Public Forum

Nil

9. PRESENTATIONS

Nil

10. QUESTIONS ON NOTICE

Nil

11. MOTIONS ON NOTICE

Nil

12. OFFICER REPORTS – DECISION ITEMS

Cr Malcolm Herrmann and Cr Melanie Selwood declared a Material Conflict of Interest at Agenda Item 5 'Declaration of Interest by Members of the Council' in relation to Item 12.1.

7.08pm Cr Malcolm Herrmann and Cr Melanie Selwood left the Chamber.

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12.1 CWMS Asset Management Plan

Moved Cr Leith Mudge
S/- Cr Pauline Gill

51/23

Council resolves:

1. That the report be received and noted.
2. That Council note the community feedback on the *Draft Asset Management Plan Community Wastewater Management System Community Engagement Outcome Report* as attached in Appendix 1.
3. That the Council adopt *the Asset Management Plan Community Wastewater Management* as attached in Appendix 2.

Carried Unanimously

7.12pm Cr Malcolm Herrmann and Cr Melanie Selwood returned to the Chamber.

12.2 Heritage Agreements

Moved Cr Malcolm Herrmann
S/- Cr Chris Grant

52/23

1. That the report be received and noted.
2. That the Chief Executive Officer further investigate and where feasible and eligible, be authorised to enter:
 - a. Bridgewater Recreation Reserve, Cave Reserve, Bridle Path & Walking trails at Cave Ave, Ayr Street, Anzac Ridge Road, Bridgewater
 - b. RAA Tower Reserve at 21 Hillcrest Avenue Crafers West
 - c. Heron Reserve at 21 Onkaparinga Rd, Bridgewater
 - d. Charleston Waste Facility (Mt Charles) at Harrison Road, Charleston
 - e. The Deanery, Old Mount Barker Rd, Bridgewater
 - f. Grasby Reserve at Pye Road, Balhannah
 - g. Halliday Reserve at Wright Rd, Stirling
 - h. Rudall Reserve at 7-9 Rudall Ave, Crafers
 - i. Smith Rd/Stone Quarry Reserve at South Para Rd, Kersbrook
 - j. Hampton Reserve at Hampton Rd, Mylor
 - k. Cooper's Reserve at Silver Lake Rd, Mylor
 - l. Gurr Rd Reserve parcel at Gurr Rd North, Bradbury
 - m. Heathfield/Longwood Reserve, Corner of Heathfield & Longwood Rd, Heathfield
 - n. Aldgate Tennis Courts at 180 Mt Barker Rd, Aldgate

**ADELAIDE HILLS COUNCIL
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- o. Chapman Water Reserve at Chapman Road, Inglewood
- p. Aldgate Valley Wildlife Corridor, aka "Bandicoot Lane" Stock Road to Stevens Rd, Mylor
- q. Silver Rd Reserve at 34 Silver Rd Bridgewater
- r. Pitt Road Reserve at Pitt Rd, Paracombe
- s. Head Rd Reserve at Head Road North, Houghton
- t. Fernwood Reserve at Fernwood Way, Upper Sturt
- u. Pound reserve, Marble Hill and Pound Rd, Ashton
- v. Mt Bold Cutting, Mount Bold Road Cut, Dorset Vale
- w. Stirling Cemetery, Strathalbyn Rd, Aldgate
- x. Aldgate Valley Reserve, 96 Aldgate Valley Rd, Aldgate
- y. Windmill Reserve, 151 Norton Summit Rd, Woodforde

being of significant or high potential biodiversity value, into Heritage Agreements.

3. That the Heritage Agreement applications seek to apply to those portions of the abovementioned reserves which are of significant or high potential biodiversity value, while retaining any existing dog access and established recreational use arrangements in place for each of those reserves.

Carried Unanimously

12.3 Nomination to Dog & Cat Management Board

Moved Cr Mark Osterstock

S/- Cr Pauline Gill

53/23

Council resolves:

1. That the report be received and noted.
2. To determine that the method of selecting the nominee(s) to the LGA for the Dog & Cat Management Board be by an indicative vote to determine the preferred person utilising the process set out in this Agenda report.
3. To adjourn the Council meeting for the purposes of seeking nominations for and, if necessary, conducting an indicative vote to determine the preferred person for the nomination and for the meeting to resume once the results of the indicative vote have been declared.

Carried Unanimously

**ADELAIDE HILLS COUNCIL
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7.26pm The Council meeting adjourned

7.27pm The Council meeting resumed

Cr Mark Osterstock declared a Material Conflict of Interest at Agenda Item 5 'Declaration of Interest by Members of the Council' in relation to Item 12.1.

7.28pm Cr Mark Osterstock left the Chamber.

Cr Kirsty Parkin declared a General Conflict of Interest at Agenda Item 5 'Declaration of Interest by Members of the Council' in relation to Item 12.1.

Cr Kirsty Parkin remained in the Chamber and did not vote.

12.3.1 Nomination to Dog & Cat Management Board

Moved Cr Chris Grant

S/- Cr Lucy Huxter

54/23

Council resolves to endorse the nomination(s) of Cr Mark Osterstock and Natalie Armstrong for the Dog & Cat Management Board and authorise the Chief Executive Officer to lodge the completed nomination form(s) to the Local Government Association by COB Friday 31 March 2023.

Carried

Cr Kirsty Parkin did not vote. The majority of persons who were entitled to vote at the meeting voted in favour of the motion.

7.29pm Cr Mark Osterstock returned to the Chamber.

12.4 Confidential Items Review

Moved Cr Leith Mudge

S/- Cr Pauline Gill

55/23

DECISION 1

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

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DECISION 2 – Resolution 87/22 – Property Lobethal Road, Lenswood

3. 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 2024 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.

4. 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.

DECISION 3 – Resolution 105/21 – Multi Year Road Rally Proposal

5. 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 2024 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.

6. 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.

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DECISION 4 – Resolution 20/21 – CWMS Review

7. 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 27 January 2021, Item No. 18.2, CWMS Review, 20/21 remain confidential until 14 March 2024 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.

8. 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.

DECISION 5 - Resolution No 183/18 – Retirement Village Review

9. 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)(b) of the Act:

- Clause 8 and Appendix 2 of the Report of 01 August 2018, Item No. 7.2.1, Retirement Village Review, 183/18 remain confidential until 14 March 2024 and that this order be reviewed every twelve (12) months.

On the grounds that the document(s) (or part) relates to 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 and would, on balance, be contrary to the public interest.

10. 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.

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DECISION 6 - Resolution No 85/14 – AHRWMA

11. 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

12. 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

Cr Malcolm Herrmann voted 'for' the motion. The majority of persons who were entitled to vote at the meeting voted in favour of the motion.

12.5 Advisory Groups

Moved Cr Mark Osterstock
S/- Cr Kirrilee Boyd

56/23

Council resolves:

1. That the report be received and noted.
2. To suspend the operation of Council Advisory Groups until it has determined a position on its broader governance structures following the Strategic Plan development.
3. That the Mayor writes to the Independent Members of Council's Advisory Groups to advise them of Council's decision, thank them for their service and to encourage them to remain engaged with Council.
4. That the CEO conducts a Council Member workshop, and reports back to Council by December 2023, on alternatives to Council Advisory Groups, which will include, but is not limited to, the feasibility of establishing Section 41 Committees.

Carried

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

12.6 Status Report – Council Resolutions Update

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

57/23

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
26/04/2022	Ordinary Council	93/22	Options for Randell's Workmen's Cottages Gumeracha	Nil
20/12/2022	Ordinary Council	309/22	Appointment of External Auditor	Nil
20/12/2022	Ordinary Council	310/22	Appointment of External Auditor - Duration of Confidentiality	Nil
14/02/2023	Ordinary Council	27/23	Uniting Church request to transfer ownership of Woodside & Inverbrackie Cemeteries	Nil
14/02/2023	Ordinary Council	31/23	Audit Committee Independent Member Recruitment	Nil
28/02/2023	Ordinary Council	42/23	Budget Review 2	Nil
28/02/2023	Ordinary Council	44/23	Economic Development Plan Mid Term Review	Nil

Carried Unanimously

13. OFFICER REPORTS - INFORMATION ITEMS

Nil

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

14. QUESTIONS WITHOUT NOTICE

Cr Mark Osterstock – pruning of tree limbs

15. MOTIONS WITHOUT NOTICE

Nil

16. REPORTS

16.1 Council Member Function or Activity on the Business of Council

Cr Melanie Selwood

- 10 March, International Women's Day Breakfast

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:

- Meeting with Member for Bragg, Jack Batty

17. REPORTS OF COMMITTEES

17.1 Council Assessment Panel

Nil

17.2 Audit Committee

Nil

17.2.1 Audit Committee Recommendations to Council (from 20 February 2023)

Moved Cr Malcolm Herrmann

S/- Cr Melanie Selwood

58/23

Council resolves:

1. That the report be received and noted
2. To adopt the revised *Strategic Internal Audit Plan v1.9a* as contained in Appendix 1.
3. To note the status of the Risk Management Plan at Appendix 3.

Carried Unanimously

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

17.3 CEO Performance Review Panel

Nil

17.4 Boundary Change Committee

Nil

18. CONFIDENTIAL ITEMS

Nil

19. NEXT ORDINARY MEETING

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

20. CLOSE MEETING

The meeting closed at 7.56pm.

**ADELAIDE HILLS COUNCIL
ORDINARY COUNCIL MEETING
Tuesday 28 March 2023
AGENDA BUSINESS ITEM**

Item: 8.1.1

Responsible Officer: Lachlan Miller
Executive Manager Governance & Performance
Office of the Chief Executive

Subject: Petition - Australia Day Civic Awards

For: Decision

SUMMARY

A petition has been received with 66 signatories stating:

We the undersigned residents of the Adelaide Hills Council, petition the Adelaide Hills Council to celebrate Australia Day on 26 January and continue the long standing practice of presenting AHC Civic awards on that day.

RECOMMENDATION

Council resolves:

- 1. That the petition signed by 66 signatories requesting “the Adelaide Hills Council to celebrate Australia Day on 26 January and continue the long standing practice of presenting AHC Civic Awards on that day” be 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.**
-

1. PETITION DETAILS

Council has received a petition organised by Donald Gladigau of Birdwood and signed by 66 signatories.

The Petition states:

We the undersigned residents of the Adelaide Hills Council, petition the Adelaide Hills Council to celebrate Australia Day on 26 January and continue the long standing practice of presenting AHC Civic awards on that day.

2. OFFICER'S RESPONSE – Rebecca Shepherd, Acting Director Community Capacity

➤ **Relationship/relevance to Council services/activities/plans/strategies/resolutions**

At its meeting held on 24 January 2023, Council considered a Motion on Notice regarding the matter of 26 January. Following consideration of the matter, the Council resolved as follows:

**Moved Cr Melanie Selwood
S/- Cr Chris Grant**

7/23

That Council

- 1. Reaffirms its commitment to being an inclusive council that respects First Nations culture and values**
- 2. Acknowledges the 26th of January is a day of mourning for many First Nations people**
- 3. Requests the Chief Executive Officer prepares a report for Council's consideration on the proposal to move citizenship ceremonies, award ceremonies and related events to a date other than 26 January from 2024 onwards.**

Carried Unanimously

It is apparent that the petition has arisen in light of that resolution.

While the Council's resolution did not contemplate the matter of community engagement in that preparation of the requested report, the decision was made in the context of the Officer's Response in the Motion on Notice regarding consultation as follows:

Should the motion be carried, the administration would look to undertake relevant research including the following as part of reporting back to the Council:

- A review of relevant legislation, ministerial codes, etc applying to citizenships
- Consideration of other Local Government practices across the Nation
- Targeted stakeholder engagement particularly including the Adelaide Hills Reconciliation Working Group, community groups that currently hold community celebrations on Australia Day at which Council typically presents local awards and the Australia Day Council of South Australia in respect to the Citizen of the Year Awards and broader guidance on the matter.

The extent of consultation was further directed by Council in the defeat of amendments which sought to expand consultation more broadly. Nevertheless, the Council is obliged to receive petitions initiated by the community and should give this one due consideration.

For clarity, the Administration is not proposing to change the course of the work being undertaken in response to the Motion on Notice resolution in light of this petition.

➤
➤

➤ **Options¹**

Council has the following options in relation to the matter(s) raised in the petition:

- I. Receive and note the petition (Recommended)
- II. Make any other resolutions as it sees fit in response to the petition (Not Recommended)

¹ Any potential motion arising from the receipt of a petition is a Motion Without Notice and Council has resolved for restrictions on the scope on these types of motions as per clause 3.18 of the *Code of Practice for Council Meeting Procedures*.

**ADELAIDE HILLS COUNCIL
ORDINARY COUNCIL MEETING
Tuesday 28 March 2023
AGENDA BUSINESS ITEM**

Item: 8.1.2

Responsible Officer: Ashley Curtis
Manager Civil Services
Infrastructure & Operations

Subject: Flood risk Junction Road Balhannah

For: Decision

SUMMARY

A petition has been received with 15 signatories stating:

The following residents of Junction Road Balhannah hereby lodge a formal complaint to the Adelaide Hills Council and its failure to upgrade drainage infrastructure to mitigate flood risk posed. Council's failure to undertake any action to upgrade drainage infrastructure in the past 6 years continues to place residents at an unacceptable risk of flooding. In addition, drainage work undertaken by AHC on behalf of the ARTC has resulted in an increased flow of stormwater directed at our properties with no further work to deal with this increased flow. We request an internal review into this inaction and request to be notified of its outcomes in a timely fashion. We are available to be involved in this process as you require.

RECOMMENDATION

Council resolves that:

- 1. The petition signed by 15 signatories requesting Council to upgrade drainage infrastructure on Junction Road Balhannah be received and noted.**
 - 2. The CEO write to the CEO of the Department for Infrastructure and Transport asking him to prioritise committed works at this location.**
 - 3. The CEO advise the principal signatory of the Council's noting of the petition and of any resolutions relating to the matter.**
 - 4. The CEO liaise with the principal signatory to discuss concerns raised in the correspondence, including avenues for addressing the complaint utilising the Council's complaint handling policies and procedures and/or the internal review of decisions mechanism as applicable.**
-

1. PETITION DETAILS

Council has received a petition organised by Kristian Wehner of Balhannah and signed by 15 signatories.

The Petition states:

The following residents of Junction Road Balhannah hereby lodge a formal complaint to the Adelaide Hills Council and its failure to upgrade drainage infrastructure to mitigate flood risk posed. Council's failure to undertake any action to upgrade drainage infrastructure in the past 6 years continues to place residents at an unacceptable risk of flooding. In addition, drainage work undertaken by AHC on behalf of the ARTC has resulted in an increased flow of stormwater directed at our properties with no further work to deal with this increased flow. We request an internal review into this inaction and request to be notified of its outcomes in a timely fashion. We are available to be involved in this process as you require.

2. OFFICER'S RESPONSE – Ashley Curtis, Manager Civil Services

➤ Relationship/relevance to Council services/activities/plans/strategies/resolutions

Over the last five years Council has undertaken a number of projects to address drainage in Balhannah, including upgrading underground stormwater infrastructure at the intersections of Glebe/ Junction/ Kurla Roads, renewing the stormwater infrastructure under the railway line, and developing a Stormwater Masterplan for the township, with further investment proposed in the 2023/24 financial year.

Junction Road is under the care and control of the Department for Infrastructure and Transport (DIT). The section of Junction Road that is the subject of this petition floods due to a lack of appropriately sized and positioned piped stormwater crossings, as well as a lack of maintenance of the upstream piped crossings.

Under established guidelines for the delineation of responsibilities on DIT roads (in particular the Commissioner for Highways' *Operational Instruction 20.1*), DIT is responsible for drainage pits, swale drains and pipe crossings.

Council has been working closely with DIT, who have completed a detailed concept to address flooding along their road. The concept includes kerbing to the north-eastern side of Junction Road, as well as upgrades to the swale on the south-western side and to the piped crossings. Council is confident the DIT proposal will significantly improve the function of their infrastructure.

DIT has advised Council that they have engaged engineering consultancy WSP to prepare detailed design documentation, and they will confirm construction timeframes once the detailed design is complete. The latest advice from DIT is that the detailed design will be completed by 30 June 2023.

Council was successful in securing a Federal grant (LRCIP) of \$200,000, which will form Council's contribution to the project. However, if DIT do not substantially commence works onsite this financial year, those funds may need to be carried into the 23/24 Financial Year.

Complaint and request for internal review

it is also noted that the petition raised the matter as a formal complaint and also requests an internal review. The Chief Executive Officer has responsibilities under the Council's Internal Review of Council Decisions Policy to assess any request for internal review and determine whether or not a review should be undertaken. It is the Acting Chief Executive Officer's intent to engage with the head petitioner in light of the Council's consideration of the matter and confirm whether or not an internal review is still desired, and then, assess whether or not one should be carried out in line with the provisions of the Policy.

➤ **Options¹**

Council has the following options in relation to the matter(s) raised in the petition:

- I. Receive and note the petition. (Recommended)
- II. Write to the CEO of the Department for Infrastructure and Transport asking him to prioritise committed works at this location. (Recommended)
- III. Advise the principal signatory of the Council's noting of the petition and of any resolutions relating to the matter. (Recommended)
- IV. Liaise with the principal signatory to discuss the concerns raised in the correspondence. (Recommended)
- V. Undertake no further action in relation to this matter (Not Recommended as the Balhannah Stormwater Masterplan identifies Junction Road as a high priority project)
- VI. Utilise allocated funds to undertake immediate stormwater upgrades to Junction Road drainage (Not Recommended as works may not align with DIT's final design).

¹ Any potential motion arising from the receipt of a petition is a Motion Without Notice and Council has resolved for restrictions on the scope on these types of motions as per clause 3.18 of the *Code of Practice for Council Meeting Procedures*.

**ADELAIDE HILLS COUNCIL
ORDINARY COUNCIL MEETING
Tuesday 28 March 2023
AGENDA BUSINESS ITEM**

Item: 8.1.3

Responsible Officer: Lachlan Miller
Executive Manager Governance & Performance
Office of the Chief Executive

Subject: Petition – Fire Water Tank, Upper Hermitage

For: Decision

SUMMARY

A petition has been received with 319 signatories stating:

Issue: Having available water for all the Community to use in an Extreme bushfire. We, the undersigned, are concerned citizens who urge the Councillors to act now and do hereby apply to the Adelaide Hills Council for permission to provide their unused land at the junction of Warner Road and Range Road North, Upper Hermitage, for the location of a community donated 115,500 litres (25, 410 gallons) Water Storage Tank for CFS & Community use in a Bushfire Emergency. NB No mains water – East, West or North of the CFS Station and all of Lower Hermitage and in an emergency - no mains water at the CFS station.

RECOMMENDATION

Council resolves:

- 1. That the petition signed by 319 signatories requesting Council grant permission to provide land at the junction of Warner Road and Range Road North Upper Hermitage for the location of a water storage tank 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.**
-

1. PETITION DETAILS

Council has received a hard copy petition organised by Jan Verrall and Denise Elland of Upper Hermitage and signed by 319 signatories.

Further, the petitioners also provided a list of typed names and localities from an online petition however this does not satisfy the requirements of legislation and the Council's *Petitions Policy* as it does not include the address of each person who signed or endorsed the online petition or clearly set out the request or submission of the petitioners. As such, that petition is not provided for noting.

The Petition states:

Issue: Having available water for all the Community to use in an Extreme bushfire. We, the undersigned, are concerned citizens who urge the Councillors to act now and do hereby apply to the Adelaide Hills Council for permission to provide their unused land at the junction of Warner Road and Range Road North, Upper Hermitage, for the location of a community donated 115,500 litres (25, 410 gallons) Water Storage Tank for CFS & Community use in a Bushfire Emergency. NB No mains water – East, West or North of the CFS Station and all of Lower Hermitage and in an emergency - no mains water at the CFS station.

2. OFFICER'S RESPONSE – Lachlan Miller, Executive Manager Governance & Performance

➤ Relationship/relevance to Council services/activities/plans/strategies/resolutions

Strategic Plan 2020-24 – A brighter future

Goal 1 A functional Built Environment

Objective B3 Consider external influences in our long term asset management and adaptation planning

Priority B3.4 Proactively adapt our built environment to changes in social and environmental factors to minimise the impact from natural hazards such as fire and flood

A further report on this matter is included in the Agenda for this meeting.

➤ Options¹

Council has the following options in relation to the matter(s) raised in the petition:

- I. Receive and note the petition (Recommended)
- II. Make any other resolutions as it sees fit in response to the petition (Not Recommended)

¹ Any potential motion arising from the receipt of a petition is a Motion Without Notice and Council has resolved for restrictions on the scope on these types of motions as per clause 3.18 of the *Code of Practice for Council Meeting Procedures*.

**ADELAIDE HILLS COUNCIL
ORDINARY COUNCIL MEETING
Tuesday 28 March 2023
AGENDA BUSINESS ITEM**

Item: 11.1 Motion on Notice

Originating from: Cr Adrian Cheater

Subject: Community Event Electrical Certificates of Compliance Subsidies

1. MOTION

I move that Council:

- 1. That in relation to Anzac Day 2023, NAIDOC Week and National Reconciliation Week 2023, Council subsidises the cost of obtaining licenced electricians to review and certify electrical installations in respect to community groups holding dawn services and other commemorative events on Council land (including roads) to a limit of \$150 per event.**
 - 2. That as part of the current review of the Council's Festivals and Events Policy, consideration be given to the feasibility [including costings] of:**
 - 2.1 Financial subsidies for the attainment of a Certificate of Compliance (CoC) for community groups conducting activities on council lands and utilising council electrical outlets.**
 - 2.2 That subsidies only apply for community events held on prominent national or local commemoration days including ANZAC Day, NAIDOC Week and Remembrance Day, noting that the Council's position on events normally held on Australia Day (26 January) is currently under review.**
 - 3. The report be made available for Council's consideration by 22 August 2023.**
-

2. BACKGROUND

Councils are bound by many legislative requirements. This includes a requirement for event organisers of events held on council lands and accessing mains power to provide an electrical CoC. Although an accepted risk mitigation tool in conjunction with the users Public Liability Insurance, the increased financial pressures for community groups and individuals who contribute to the Adelaide Hills Council area is beginning to mount.

The Norton Summit CFS have enquired to this obligation, sighting their annual commitment to an ANZAC Day ceremony, which was typically conducted by their local RSL. The RSL no longer operates and the Norton Summit CFS took up the task of hosting this event. They have raised concerns of the ongoing financial viability of providing this event to the local community, highlighting increased costs such as that of the CoC requirement. They like many others deliver invaluable community engagement opportunities and experiences through the Adelaide Hills and look to the Adelaide Hills Council to support its community.

3. OFFICER'S RESPONSE – Jennifer Blake, Manager Communication, Engagement & Events

➤ Strategic Management Plan/Functional Strategy/Council Policy Alignment

Strategic Plan 2020-24 – A brighter future

Goal 2	Community Wellbeing
Objective C6	Celebrate our community's unique culture through, arts, heritage and events.
Priority C6.2	Develop, support or bring events to our district that have social, cultural, environmental or economic benefits.
Goal 5	A Progressive Organisation
Objective O5	We are accountable, informed, and make decisions in the best interests of the whole community.
Priority O5.2	Make evidence-based decisions and prudently assess the risks and opportunities to our community before taking action.

Council is committed to encouraging local community groups to connect with their communities and support fundraising, local businesses and special interest groups through holding community events. Community connection is a contributing factor to enhanced community wellbeing and commemorative services tend to be particularly well attended by local residents.

This support of local events is informed by Council's Festival and Events Policy, Grant Giving Policy and Tributes for Commemorative Services Policy.

➤ Legal Implications

The Office of the Technical Regulator provides guidelines for event organisers of shows, carnivals or events where attendance is expected to be in excess of 30 people or when staff are employed for the event. Under these guidelines event organisers are required to engage an electrician to deal with electrical installations. Of note, this requirement includes: *All electrical cables, including extension cords and power boards to individual tents/stalls, must be designed and installed to the appropriate Australian standard by a South Australian licensed electrician (Office of the Technical Regulator information sheet for electrical safety at festivals and events).*

This requirement applies for all festivals and events on any land, not just Council land.

In recent years, the Office of the Technical Regulator has placed a greater expectation on land owners to ensure that Certificates of Compliance (CoC) are received for events requiring power on their land, even when the land owner is not the event operator.

➤ **Risk Management Implications**

The payment of a subsidy for complying with Council's requirement for COCs will assist in mitigating the risk of:

Community groups being subject to financial pressure leading to them deciding not to hold a commemorative community event.

Inherent Risk	Residual Risk	Target Risk
High 2B	Low 2E	Low

The motion calls for payment of a subsidy on specified days in 2023 and the ongoing risk is mitigated by preparation of a report to Council for a decision related to future events.

➤ **Financial and Resource Implications**

The payment of subsidies for Anzac Day 2023, can be funded by existing budgets for the current financial year. The Report to Council in August 2023 will address future financial implications as no budget currently exists for an Electrical CoC subsidy.

➤ **Customer Service and Community/Cultural Implications**

Commemorative events on Anzac Day and other significant times provides our community with opportunities to connect and commemorate together. Council has a history of supporting local community groups to hold these events and many groups rely on Council support to sustain the event.

➤ **Sustainability Implications**

All events supported by Council are encouraged to follow sustainability principles with regards to waste management.

➤ **Engagement/Consultation conducted in the development of the report**

Consultation on the development of this report was as follows:

Council Committees: Not Applicable

Council Workshops: Not Applicable

Advisory Groups: Not Applicable

External Agencies: Not Applicable

Community: Not Applicable

4. ANALYSIS

Council's requirement for a CoC to be provided if an event is on Council land is outlined in its Event Application form along with other compliance requirements related to items such as insurance, emergency response, health and safety.

Of the many events supported by Council throughout the year, a relatively small number are run by community groups requiring power on Council land. Some of these groups are already paying for their own CoCs in accordance with Council's compliance requirement. Other groups have indicated that they feel the financial burden related to compliance is onerous.

In 2022/2023 Council paid for CoCs for the following events with notice to event organisers that they would be responsible for the cost of CoC's going forward:

- Anzac Day Houghton – run by The Houghton Hermitage and Inglewood Memorial Park Committee
- Anzac Day Norton Summit – run by Norton Summit CFS
- Anzac Day Stirling – run by the Stirling RSL
- Remembrance Day Stirling – run by the Stirling RSL.

Events run by community groups who have paid (or will pay) for their own CoC in 2022/2023:

- Stirling Christmas Pageant – run by The Hut Community Centre
- Trinity Church Christmas Carols on Stirling Library lawns
- Houghton Carols in the Square – run by The Houghton Hermitage and Inglewood Memorial Park Committee
- Stirling Market Druid Avenue – 12 events per year
- Stirling Laneways – 8 events per year
- Gumeracha Fifth Sunday Markets Federation Park – 4 events per year
- Gumeracha Medieval and Rare Trades Festival – new event in 2023 Federation Park
- Gumeracha Winter Solstice – Federation Park
- The English Ale Mylor Oval – connecting to power for the first time in 2023.

Other groups choose not to use Council power and instead use battery PA systems or generators. These include:

- Australia Day ceremony at Woodside – run by Lions Club of Onkaparinga
- Australia Day ceremony at Gumeracha – run by Lions Club of Torrens Valley
- Australia Day ceremony Uraidla – run by East Torrens Historical Society
- Anzac Day Gumeracha – run by Gumeracha RSL sub-branch
- Remembrance Day Houghton – run by The Houghton Hermitage and Inglewood Memorial Park Committee

NAIDOC Week and National Reconciliation Week Events

National Reconciliation Week in 2023 runs from 27 May to 3 June. NAIDOC Week in 2023 runs from 2 July to 9 July. During these times Council works with local interest groups to hold storytelling, yarning circles and workshops. These events tend to be small and intimate with few requiring an electrical CoC. It is estimated that one event during each commemorative week may require a CoC.

Budget Implications 2023

Event	Organiser	Cost
Anzac Day Houghton	Houghton Hermitage and Inglewood Memorial Park Committee	\$150
Anzac Day Norton Summit	Norton Summit CFS	\$150
Anzac Day Stirling	Stirling RSL	\$150
Anzac Day Gumeracha	Bob Brooksby and community	\$150
Remembrance Day Stirling	Stirling RSL	\$150
National Reconciliation Week	TBA	\$150
NAIDOC Week	TBA	\$150
TOTAL		\$1050

It is important to note that the events under consideration to receive a CoC subsidy only constitute a portion of community events run across the council area. There is a risk that community groups may feel it is not equitable to specify restrictive eligibility criteria to access the subsidy around certain commemorative days or activities and not others, or indeed limiting the subsidy to just those events held on Council land.

Council provides a range of supports for community groups running events and activities including annual donations, grants, waste services, road closures and promotion. In reviewing Councils Festival and Events Policy along with its annual donations consideration can be given to equity in relation to support for a range of community activities including the provision of subsidies for Certificates of Compliance.

5. APPENDICES

Nil

**ADELAIDE HILLS COUNCIL
ORDINARY COUNCIL MEETING
Tuesday 28 March 2023
AGENDA BUSINESS ITEM**

Item:	12.1
Responsible Officer:	Karen Cummings Manager Property Services Corporate Services
Subject:	Proposal for gift of fire water storage tank at Range Road Upper Hermitage
For:	Decision

SUMMARY

The purpose of this report is to bring forward to Council a community request for the placement of a fire water storage tank (hereinafter referred to as “the Tank”) at the corner of Range Road North and Warner Road Upper Hermitage. A petition was brought to Council in December 2022 seeking the placement of the Tank which is proposed to be donated by the Community as a result of funding raised through sales of a book created in the aftermath of the Sampson Flat Bushfire. Central to this report is the feedback received from the SA Country Fire Service (hereinafter referred to as the “CFS”) that is does not support the placement of the Tank at this location due to lack of need for a fire water tank at this location, its need for use of the space, and their view that community use of fire water at this location in the event of a fire is considered unsafe. Accordingly it is recommended that Council respectfully decline the request by the Community for the Tank to be donated to Council and placed at this location.

RECOMMENDATION

Council resolves:

- 1. That the report be received and noted.**
 - 2. That Council respectfully decline the offer for the donation and placement of a fire water tank at the corner of Range Road North and Warner Road Upper Hermitage.**
 - 3. That Council staff continue to work with the CFS to support firefighting, fire prevention, and fire educational efforts across the Region.**
 - 4. That Council write to Ms Verrall and Ms Elland commending them on their fund raising efforts resulting from their book sales in relation to the Sampson Flat fires, and continues to support them to finalise their financial donation to the CFS.**
-

1. BACKGROUND

At its meeting held on 29 November 2022, Council received a petition with 204 signatures seeking the placement of a water storage tank for firefighting purposes adjacent to the Upper Hermitage CFS located at the corner of Range Road North and Warner Road, Upper Hermitage. At that meeting, Ms Jan Verrall and Ms Denise Elland (“Head Petitioners”) attended and addressed Council to discuss and present their petition.

Council resolved the following at its 29 November 2022 meeting:

8. PETITIONS/DEPUTATIONS/PUBLIC FORUM

8.1 Petitions

8.1.1 Water Storage Tank Upper Hermitage

Moved Cr Malcolm Herrmann
S/- Cr Kirsty Parkin

293/22

Council resolves:

1. That the petition signed by 204 signatories requesting permission to place a tank on Council land be received and noted.
2. To note that the Administration will continue to liaise with the head petitioners and the CFS and will provide a status report to Council no later than the March 2023 Ordinary Council meeting.
3. That the CEO advise the principal signatory of the Council’s noting of the petition and of any resolutions relating to the matter.

Carried Unanimously

This Report addresses the request made for the placement of the Tank at Upper Hermitage and also Council’s request for a status report to be tabled at Council no later than the March 2023 Council meeting.

2. ANALYSIS

➤ Strategic Management Plan/Functional Strategy/Council Policy Alignment

Strategic Plan 2020-24 – A brighter future

Goal 1 A functional Built Environment

Objective B3 Consider external influences in our long term asset management and adaptation planning

Priority B3.4 Proactively adapt our built environment to changes in social and environmental factors to minimise the impact from natural hazards such as fire and flood

The Mount Lofty Ranges and Adelaide Hills more generally is a high fire danger area. Appropriate management of those fire risk hazards is considered crucial in terms of protecting the community and its built assets in the event of a fire. Central to Council’s involvement in the management of fire hazards are its relationships with and specialist advice

received from other government organisations such as the CFS. The CFS works alongside the South Australian Metropolitan Fire Service (SAMFS) and State Emergency Service (SES) and with local government to help with strategies for fuel reduction and to educate the community about bushfires and fire safety. Further information on the role and the activities of the CFS can be found below:

<https://www.cfs.sa.gov.au/about/responsibilities/what-we-do/>

Over the years, Council has provided its support to minimise impacts from fire hazards by supporting the CFS to have its fire stations on Council land. There are also CFS owned fire water tanks and other infrastructure at some of these locations. It is considered that by allowing CFS infrastructure on Council land in strategic locations, that this is a very tangible way for Council to proactively support firefighting efforts in the event of a bushfire within the Region.

➤ **Legal Implications**

It is noted that the funds raised from the proceeds of the Sampson Flat Fire book were proposed to be “donated to the CFS”. It is unclear what legal implications there are if the proceeds from the Fundraiser are not used for the intent and purpose proposed when the books were sold. To clarify, it is reasonable to presume that people who purchased the book did so on the understanding that proceeds would be donated to the CFS. The proposal for the Tank to be purchased and transferred to community or Council ownership was not contemplated as part of the Sampson Flat Fire Book Fundraiser and does not appear to be in line with the original intent of the fundraising effort.

➤ **Risk Management Implications**

It is considered that there are risks associated with going ahead with the proposal and risks associated with not going ahead with the proposal. The key risks associated with going ahead with the proposal are physical and financial (risk to life and financial risks). The risks associated with not going ahead with the proposal are political (perception by the Community that Council does not support firefighting efforts in their local area).

The three key risks are outlined further below.

Risk 1: Declining the request for placement of a water storage tank on the Upper Hermitage land will assist in mitigating the risk of:

Community vehicles accessing the site at the same time as CFS vehicles during a time of fire with smoke at an unsafe intersection leading to accidental damage to property, or personal injury or death.

Inherent Risk	Residual Risk	Target Risk
Extreme (5C)	Extreme (5C)	Low (1E)

Risk 2: Declining the request for placement of a water storage tank on the Upper Hermitage land will assist in mitigating the risk of:

Community volunteers or an Incorporated Community association not taking responsibility for ongoing maintenance of the tank and the site surrounds leading to financial impost on Council to undertake those activities.

Inherent Risk	Residual Risk	Target Risk
Medium (3C)	Medium (3C)	Low (1E)

Risk 3: Approving the request for placement of a water storage tank on the Upper Hermitage land will assist in mitigating the risk of:

Appearing to not support firefighting infrastructure in the Region leading to lack of community confidence in its Council.

Inherent Risk	Residual Risk	Target Risk
High (3B)	Low (3E)	Low (3E)

Risk 4: Declining the request for placement of a water storage tank on the Upper Hermitage land will assist in mitigating the risk of:

Community volunteers or an Incorporated Association not taking responsibility for filling the water tank

Inherent Risk	Residual Risk	Target Risk
High (3B)	Medium (3C)	Low (3E)

In addition to the above, it is noted that there could also be reputational risk associated with Council accepting ownership of infrastructure purchased with funds that were explicitly proposed to be donated to the CFS. Further commentary on this issue is within the body of this Report.

It is noted on the CFS website that it also uses a risk management approach to determine the number and type of appliances that it places at any given fire station. This risk management approach also prescribes a minimum level of volunteer staffing and equipment needed for each CFS brigade. It is understood that the CFS has applied this risk management approach to the request for the installation of the Tank at the Upper Hermitage site.

It is considered that the risks associated with approving the placement of the Tank at the Upper Hermitage location far outweigh the risks associated with not approving the installation of the Tank. The risks associated for not approving the Tank can be mitigated by communicating the reasons for Council's decision with the Community and media, whereas the risks associated with approving the Tank cannot be mitigated as they are out of Council's control.

➤ **Financial and Resource Implications**

The Tank itself is proposed to be donated by the Community, specifically from the proceeds raised through a book written about the Sampson Flat Bushfire. The book mentions that the proceeds from the sale of the book will be “donated to the CFS.” The CFS has explicitly advised the Fundraisers that whilst it does not wish to accept donation of the Tank at this location, that they would be very keen to explore other options for support such as funds being put towards the purchase of a mobile firefighting tank or other donation to the CFS. The Head Petitioners have declined this offer.

Aside from the Tank itself, there are other costs associated with installation and ongoing maintenance of the Tank including:

- Connection to SA Water mains water line adjacent to the site
- Excavation and plumbing from SA Water mains water line to the Tank
- Initial filling of the Tank with water and ongoing refilling of the tank
- A pad for the Tank to be placed on which could be a gravel pad of similar
- Existing fence removal
- Driveway access for access and entry into the site and exit from the site which would be an up-front cost and ongoing maintenance cost
- Landscaping adjacent to the Tank and associated ongoing weed management/maintenance of the site.

Enquiries have been made with the Head Petitioners who are proposing to donate the Tank who have advised that they will undertake the following activities at their cost, funded from the proceeds of their book and through the use of volunteers:

- Initial fill of the Tank
- Existing fence removal, and
- Earthmoving, landscaping and pad preparation associated with the installation of the Tank.

The Head Petitioners have stated that there is no maintenance associated with the Tank as it has no pumps or mechanical parts.

It is understood that in the absence of an agreement with a community organisation, that the ongoing maintenance costs for the Tank at this site would need to be borne by Council. This would include the following:

- Any further filling of the Tank (as the CFS have advised it would not be prepared to maintain, monitor or fill the Tank)
- Maintenance of landscaping and weed control at the site
- Maintenance and upkeep of the gravel driveway into and out of the site.
- Any unforeseen maintenance and repairs need to the Tank which could include vandalism (noting that the proponents propose to have an anti-graffiti film affixed to the tank to prevent vandalism)

Whilst it is difficult to estimate any water filling or vandalism costs, it is estimated that the abovementioned costs (dependent on the need to monitor and fill the Tank) could be in the order of several thousand dollars per annum.

➤ **Customer Service and Community/Cultural Implications**

Not applicable.

➤ **Sustainability Implications**

Not applicable.

➤ **Engagement/Consultation conducted in the development of the report**

Consultation on the development of this report was as follows:

<i>Council Committees:</i>	Not applicable
<i>Council Workshops:</i>	Not applicable
<i>Advisory Groups:</i>	Property Advisory Group November 2021 and April 2022
<i>External Agencies:</i>	CFS
<i>Community:</i>	Not applicable

➤ **Additional Analysis**

Following the Sampson Flat Bushfires in 2015, the Head Petitioners wrote a book on the subject matter, detailing in the book that funds raised would be donated to the CFS. On 29 November 2022, a petition with 204 signatures was presented to Council seeking the placement of a community donated water tank for firefighting purposes, be placed on Council's land.

A letter confirming the abovementioned request was received from the Head Petitioners 30 January 2023 and is provided as **Appendix 1** to this Report.

A copy of the aerial plan to which the Tank proposal refers, is provided as **Appendix 2** to this Report.

A copy of the site Plan showing the location of the Tank is provided as **Appendix 3** to this Report.

CFS position

Council staff became aware of the request for the Tank to be placed on its land back in October 2021 at a Council workshop where the Head Petitioners presented to Council. Following that presentation, a site meeting occurred with the Head Petitioners, representatives from the CFS and Council staff. Following that site meeting, the CFS undertook consultation with the local brigade about the proposal and then subsequently advised that although they were supportive of the excellent fundraising efforts undertaken by the Head Petitioners, that for various reasons they were not supportive of, nor would they make use of a water tank for firefighting purposes at the proposed location adjacent to the Upper Hermitage CFS. At that time, the CFS advised that it was moving away from fixed water storage tanks to more mobile units and it strongly encouraged the Head Petitioners to direct their funds to an alternate use such as a mobile fire water tank or another alternate CFS use or donation to the CFS more widely, in accordance with the proposal for the direction of the Funds as outlined in their book.

More recently, the CFS has formally written to Council via letter dated 21 February 2023 confirming their position on the request (see **Appendix 4**).

It is noted that the CFS position remains the same, that they do not support the installation of the Tank at the proposed location at Upper Hermitage. In short, the reasons for respectfully refusing the donation of the Tank to them at this location include the following:

- A water storage tank is not the CFS's preferred use of the funds donated by customers via the Sampson Flat Book sales
- The CFS has consulted heavily with their volunteers and cannot identify any space on the Upper Hermitage site that would be suitable for a fire water tank that would not impact on its car parking or areas needed for training
- The CFS hold significant concerns around safety of this site in the event of a fire as the area will hold large amounts of smoke, impacting on the intersection of Range and Warner Roads with emergency and other vehicles entering and exiting the site during an emergency
- The CFS do not have any funds to maintain the area surrounding the Tank or for re-filling of the Tank.

Once the Head Petitioners became aware that the CFS did not wish to accept ownership or responsibility for the water tank, they sought for the Tank to be donated to the community and placed on Council's land.

It is noted that Head Petitioners who have presented the petition to Council are community members who are not volunteers of the CFS and don't represent the CFS in any way.

Safety considerations

Council staff have noted the CFS's concerns about smoke in the area and the high possibility for vehicle accidents at the proposed location in the event of a fire and accordingly, advice has been sought from Council's own technical staff in relation to this matter.

Council's Infrastructure and Operations department is unable to support the proposal at this time due to the lack of detail regarding vehicle types and movement numbers that would be accessing the site. The application would need to be supported by a detailed traffic assessment, focused on performance of the road section during an emergency situation, for it be considered further. Given the CFS's lack of support for the proposal, Council's Administration does not recommend the Head Petitioners proceed with a costly traffic assessment. Council's technical staff would also be guided by the advice from the CFS who state that the potential for conflict with their appliances would be high.

Additionally, the community has raised concerns with Council regarding the alignment of the junction of Warner Road and Range Road North. Council's technical team would be reluctant to support any proposal that potentially impacts that on that junction further.

Infrastructure matters

As outlined earlier in this Report, Council has a long standing collaborative working relationship with the CFS and also with the SES. This relationship and the roles that each agency plays is imperative in planning for an emergency, and in dealing with an emergency when it occurs. Council has always played a support role in terms of firefighting infrastructure by supporting the efforts of the CFS to provide land upon which the CFS places its assets it deems necessary for firefighting across the Region. Council relies on the advice from the CFS in terms of what a community and Region needs in the event of a fire. It is suggested that Council starting to accept ownership of firefighting infrastructure will create a dangerous precedent where there may be an expectation that Council will accept ownership of additional water tanks in other areas. Aside from cost implications to Council into this future, this position would also start to create confusion about responsibilities for firefighting infrastructure when at the moment the roles of Council and the CFS are abundantly clear.

Nonetheless, Council staff have considered the revised request, for the Tank to be purchased with the proceeds from the Sampson Flat Fires book and donated to the Community and placed on Council's land. It is understood that ownership of the Tank would be transferred to Council.

The Head Petitioners have advised that even in the event that the CFS do not use the Tank (as they have outlined) that they would still like the Tank to be installed and available for community use in the event of a fire. The Head Petitioners have stated their reasons for still wanting to the Tank installed for community use as follows:

"We agreed that it is ideal to fill fire trucks with high pressure mains water but the Hermitage area does not have a high pressure main; in an extreme bushfire they have no mains water at all, hence the purpose of the proposed Tank. Tankers are excellent, but in an extreme bushfire they would not be able to reach us. The best outcome would be, if the Tank water were never used." (J Verrall).

Land tenure matters

The CFS has had a base at the Upper Hermitage site for many years. Specifically, the Minister for Emergency Services entered into a Lease for the CFS building site on 26 August 2003 for a 21 year period from 1 August 2003 to 31 July 2024. This Lease is for exclusive use of the CFS building.

On 1 October 2008 Council entered into a licence agreement with the Minister for Emergency Services for the Upper Hermitage CFS from 1 October 2008 to 30 September 2013, to access and use the area marked A for car parking and training purposes. The areas marked 'B', 'C' and 'D' were also marked for training purposes and the area marked 'B' is only used exclusively for training purposes on a particular day provided that at least seven (7) days prior, a notice is placed on the adjoining fence, visible to the public, advising the date and time that the Minister requires that area exclusively for training purposes.

See **Figure 1** for a plan showing the areas A, B, C and D.

On 6 May 2013 Council instructed the CFS to draft a further 5 year licence from 1 October 2013 to 31 September 2018, for the use of the lower tennis courts 'B', clubrooms and areas 'C' and area D. At present Council does not hold a signed copy of this Agreement.

Regardless of whether or not a signed copy of the Agreement is in hand and the previous agreement has expired, Council honours “holding over” rights with its tenants until alternate formal arrangements are made with its property assets. Accordingly, if it were to enter into a Lease (exclusive use) or License (non-exclusive use) for any of the Upper Hermitage parcels of land, it would consult with the previous occupier to ascertain if still has a need to use the land. In this case, the CFS have advised that it still requires use of all areas “A, B, C and D” for its use ongoing.

Figure 1 – Leased/licensed areas – Upper Hermitage



If Council were to accept ownership of the Tank, with community being responsible for its ongoing re-filling of the Tank and maintenance of the site, it is strongly recommended that it not enter into an Agreement with a private party outlining ongoing responsibilities for the site. This is because that community member would not be appropriately insured for the activity, and if that community member/s were no longer able to fulfill their obligations under the Agreement, due to health or other reasons, then responsibility for the infrastructure would quickly fall to Council. This presents risks for Council. Accordingly, Council would normally enter into an arrangement with a community not-for-profit Incorporated Association (as it does with its other community assets).

The idea of entering into an Agreement with an Incorporated Association which “auspices” the activity on Council’s land has been considered. An Incorporated Association is required to be appropriately insured and does not rely on a single person to undertake the activity upon which it has entered the arrangements with Council. It is the members of the Incorporated Association at any given time that are responsible for adherence to the Agreement with Council.

The Head Petitioners have sought support from a local Incorporated Association, the Houghton, Inglewood and Hermitage Memorial Park Inc. (“Association”) to support the fire tank arrangements by auspicing the activity and entering into an Agreement with Council to support the activity. The Association has written to Council providing their in-principle support for such arrangements (see **Appendix 5**).

The Association has advised it would need further details to be tabled at an upcoming meeting in order to enter into any arrangements. Importantly, the Association has advised that *“we note CFS Region 2 headquarters is also continuing with their consideration. If a solution can be secured directly with the CFS, it would make sense as it is intended as a CFS asset.”*

Whilst receiving an in-principal support from the Association is a positive step, there are two (2) areas for consideration in entertaining the request to enter into the arrangements with the Association. The first is the commentary that the asset is intended to be a CFS asset. As membership of Association changes it is likely that this would be seen as a CFS asset and not a community asset into the future. As it would not be a CFS asset, then the responsibility for the asset would fall to Council in the event that the community group would not look after the site. The second issue is that membership of community groups can change over time and it can be difficult to ensure that those groups keep up their responsibilities under various arrangements.

One could hypothetically ask how the Upper Hermitage site is different to any other sites whereby Council enters into arrangements with community groups for the use of halls, ovals, clubrooms and other Council buildings. This is always done on a risk management and site specific basis and usually agreements relate to assets or buildings that the community group inhabits or uses regularly such as a building or an oval space for community sports or community activities/gatherings or similar. The members of that group derive a direct benefit from the Council owned asset that they use on a regular basis and it is considered that they are therefore more inclined to take responsibility for that site under the arrangements with Council. The prospect of the Association taking responsibility for a fire fighting water tank, that is away from their usual premises, is considered more of an obscure proposition, and as members of the Association move on, there is a real risk that the Association may no longer fulfil its obligations under an Agreement with Council. Again, responsibility for the whole site would the rest with Council.

Accordingly, as the CFS have advised that they require the whole site ongoing, and due to the highlighted risks associated with entering into an arrangement with a private party or a community organisation, it is recommended that Council not move forward with entering into an agreement with any other party apart from the CFS for the Upper Hermitage CFS site.

Cost implications

The cost and financial implications have been outlined earlier in this Report.

Further Petitions

During the preparation of this report, Council was provided with two more petitions, these are set out in Item 8.1.3 in this meeting’s agenda.

3. OPTIONS

Council has the following options:

- I. Not approve the request for the fire water tank to be placed on the corner of Range Road and Warner Road Upper Hermitage (Recommended)
- II. Approve the request for the fire water tank to be placed on the corner of Range Road and Warner Road Upper Hermitage (Not Recommended)

4. APPENDICES

- (1) Letter from petitioners Ms Jan Verrall and Ms Denise Elland dated 30 January 2023
- (2) Aerial photo depicting the Upper Hermitage site
- (3) Site plan showing proposed location of water tank
- (4) Letter from CFS dated 21 February 2023
- (5) Letter from Houghton, Inglewood and Hermitage Memorial Park Inc. received on 10 March 2023

Appendix 1

Letter from Petitioners dated 30 January 2023



HERMITAGE COMMUNITY LEADERS

Proudly Supporting
HERMITAGE CFS



Jan Verrall
409 Range Road North
Upper Hermitage SA 5131
0455 111 395
jandlverrall@gmail.com



Denise Elland
455 Range Road North
Upper Hermitage SA 5131
0427 707 951
deniseelland5@gmail.com

30th January 2023

Hello Members of Parliament, Councillors and Community Supporters

Our aim, to supply, erect, fill and have a Professional Silo Artist paint rural and wildlife murals covered with an anti-graffiti coating on a **115,500 Litre Water Storage Tank**, our **GIFT** to the Community and CFS for use in an **Extreme Bushfire**.

We presented a Petition with 204 signatures from the 108 households in Upper Hermitage - Range Rd North, Verrall Rd and Warner Rd - to the Adelaide Hills Council (AHC) Meeting on Tuesday 29th November 2022 requesting permission from the AHC to use their vacant, unused land for the proposed Tank at the junction of Warner Road and Range Road North at Upper Hermitage, adjacent to the Hermitage CFS Station.

We would like to express that there is **no mains water** supply north, east or west of the CFS Station at Upper Hermitage and none in Lower Hermitage. In a Bushfire SA Power Networks turns off the electricity for obvious reasons. This means that the pumps at Ansteys Hill Water Tanks are turned off and the water supply, which ends at the CFS Station is reduced to **NIL**.

Fire Trucks cannot be filled unless we have this Tank or they have to travel kilometres away to access water and **TIME** is **CRITICAL** in a **BUSHFIRE**.

This Tank will fill **c.38 Fire Trucks and Farm Firefighting Units** quickly, two at a time.

The proposed location is ideal as it is adjacent to the CFS Station and if Interstate Fire Trucks are attending, they will be able to fill here without travelling kilometres and waiting in line with other Trucks as happened in the Sampson Flat Bushfire in 2015.

We are donating the Tank from our **Sampson Flat Bushfire Book Sales** and we will fill the Tank at **NO COST** to the Adelaide Hills Council or any other body.

Information on the TANK:

1. No Maintenance
2. No Pump Required
3. No Mechanical Parts
4. 20-year No Service Costs Warranty
5. Padlocked Access Hatch in Roof
6. Free-standing Water Storage Tank
7. Tank will be LOCKED and ONLY Accessed in a Bushfire
8. A Professional Artist will paint Murals of wildlife & rural life on the Tank
9. Tank will have an Anti-Graffiti Coating over the Murals
10. Tank will be filled by Jan and Denise at **NO COST** to CFS
11. Tank will be refilled by SA Water in a Bushfire
12. Has a Water Gauge – full - half – empty
13. Compliant to CFS/MFS Policy Document 0014



HERMITAGE COMMUNITY LEADERS

Proudly Supporting
HERMITAGE CFS



Jan Verrall
409 Range Road North
Upper Hermitage SA 5131
0455 111 395
jandlverrall@gmail.com



Denise Elland
455 Range Road North
Upper Hermitage SA 5131
0427 707 951
deniseelland5@gmail.com

As quoted in an email dated 9 Aug 2022 17:18 from Garth Hogarth,
Acting Regional Commander, Region 2 South Australian Country Fire Service:

"What we would be excited to offer is to donate the required fittings to be installed onto the tank to support firefighting operations, and ensure full interoperability with the CFS fleet who may utilise this into the future.

We would be pleased to deliver these at the appropriate time of the project.

Thank you for driving community resilience through the Hermitage area."

Garth Hogarth
Acting Regional Commander
South Australian Country Fire Service
1454 Mudla Wirra Road,
Wasleys SA 5371

T 08 8522 6088 | F 08 8522 6404 | M 0428 818 330 | E Garth.Hogarth@sa.gov.au
cfs.sa.gov.au | [Find us on Facebook](#) | [Follow us on Twitter](#)

A strong Community is what we are and we all support each other in all emergencies.

We now have a lot of support from the wider Community and are asking more people to show their support by signing the Petition which we have placed in our local Post Offices at Inglewood and Houghton.

We have also put notices, with an Online Petition, kindly produced by Tim, a local resident, in our local FaceBook groups:

"Inglewood, Paracombe, Houghton & Hermitage Community Notice Board" and
"Tea Tree Gully What's-Up?"

We have received amazing support with over 100 extra signatures from the wider Community within a few days, aiming at 500+. We'll present the extra signatures to the Adelaide Hills Council Meeting on Tuesday 21st March 2023.

We have also met with Premier Peter Malinauskas and Emergency Services Minister Joe Szakacs and our local MPs, Ashton Hurn, Olivia Savvas, Blair Boyer and Tony Zappia and CFS Personnel. We thank them all for their very positive support.

Kind regards

Hermitage Community Leaders
Jan Verrall and Denise Elland

Jan 0455 111 395 jandlverrall@gmail.com
Denise 0427 707 951 deniseelland5@gmail.com

Appendix 2

Aerial photo showing the Upper Hermitage site

David W Pound

PROJECT DESIGN

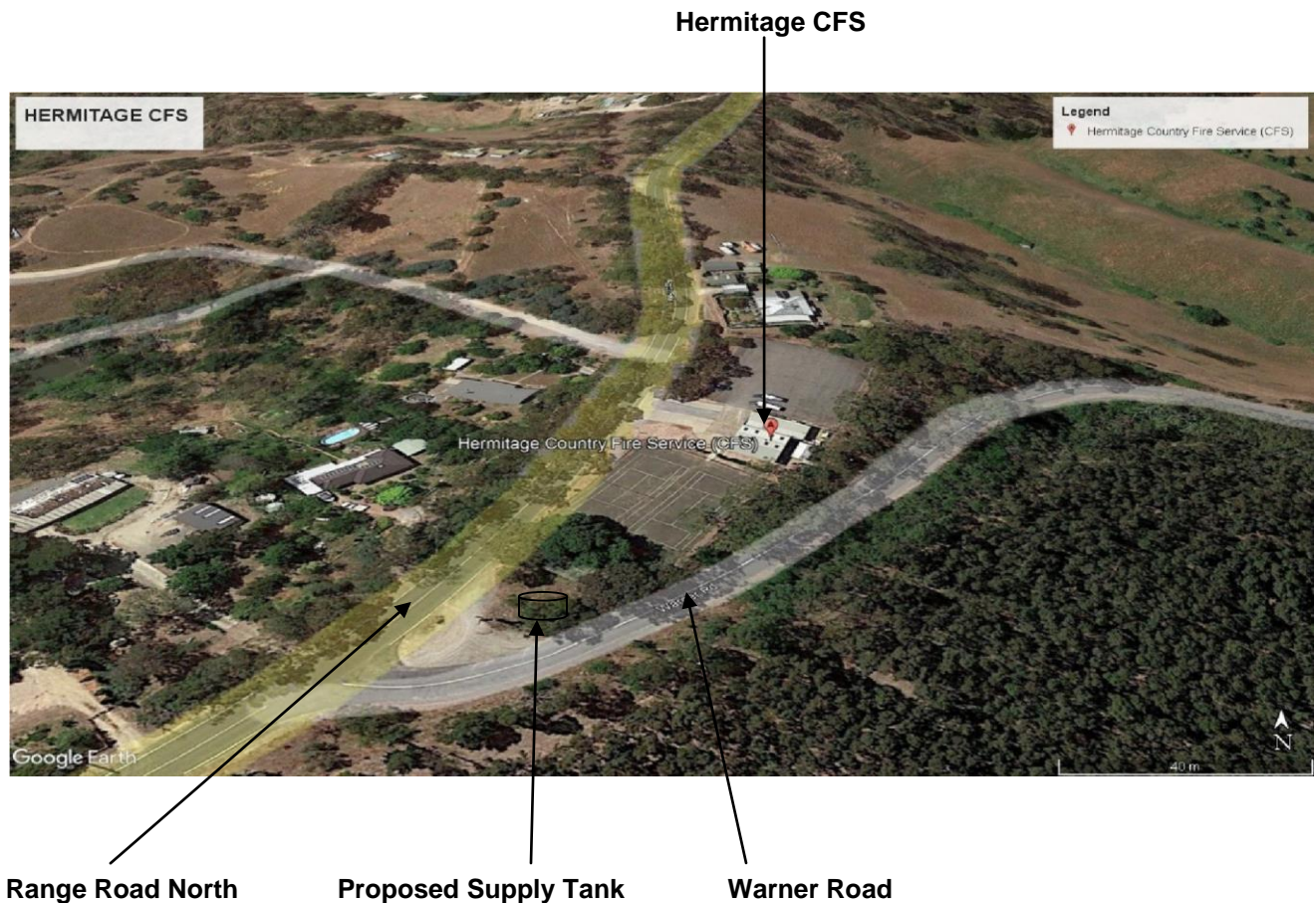
94 Warner Road UPPER HERMITAGE SA 5131

Tel: (M) 0447 787 588

Email: dwpound@bigpond.com

PROPOSED FIRE SERVICES WATER SUPPLY TANK

Located at
Corner of Range Road North & Warner Road
UPPER HERMITAGE



Site Specification:

Backfill hole, compact, and level ground.

Remove existing fence and shrubs to front of Clubroom area.

Excavate and level area of proposed Tank location. Refer to Drawings.

Install, compact, and level base material to Tank location. Install Geo mat.

Install Tank and fittings, including overflow pipework away from Tank.

Construct gravel pavement minimum 1-metre-wide to perimeter of Tank.

Construct 1-metre-high earth mound around Tank to extent shown on drawing.

Landscape mounds with Fire Resistant plants and non-combustible mulch to create a screen providing a reduction in visual impact.

Grade existing quarry rubble hardstand area providing suitable access to the Tank for CFS and FFU vehicles.

Tank:

Aquamate Maxi Tank

Capacity - 115,500 litres

Dimensions – 8.2 metres diameter x 2.2 metres high.

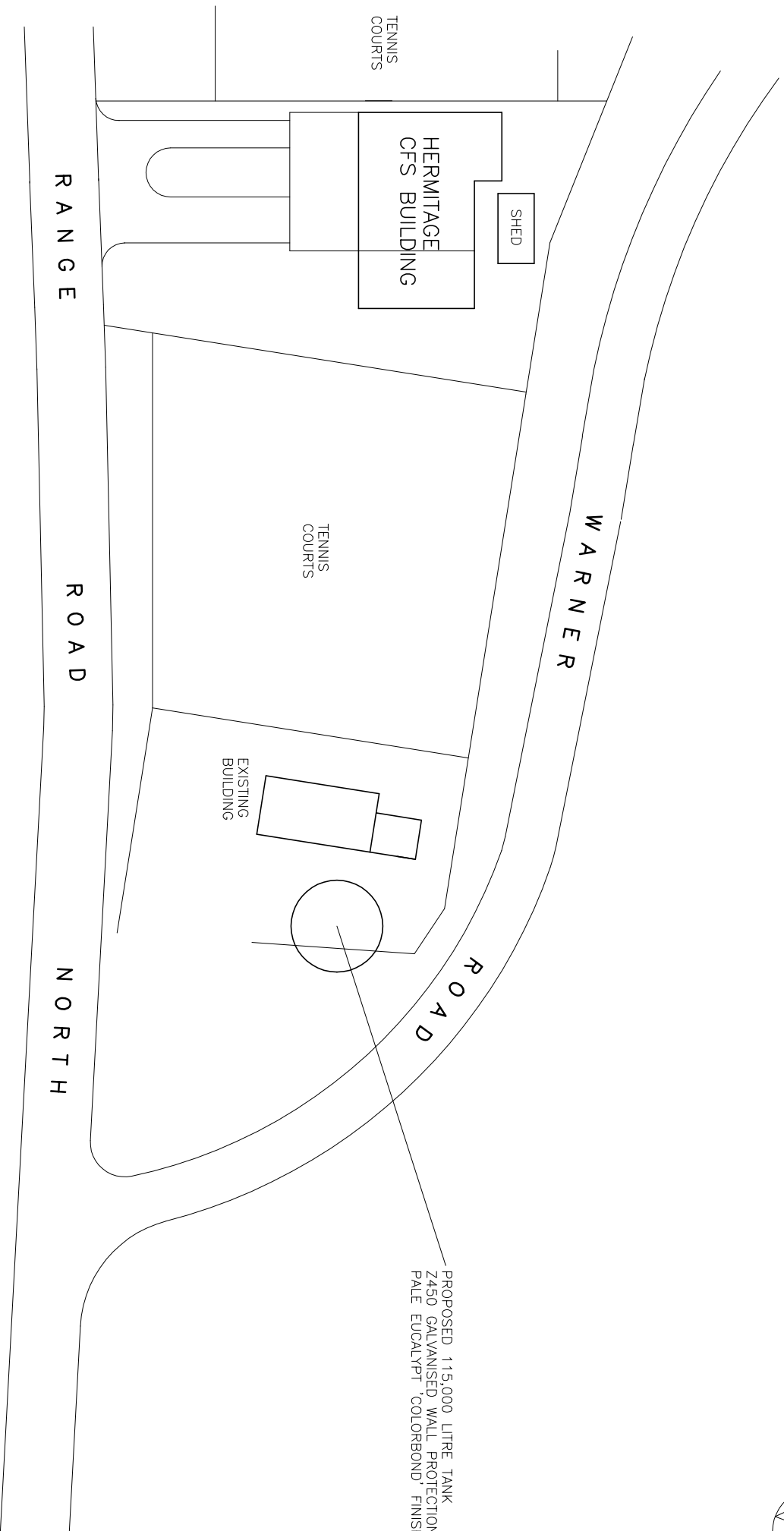
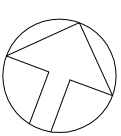
Construction Material – Z450 Galvanised steel, Pale Eucalypt 'Colorbond' finish.

Liner BPA & Pesticide Free Food Grade

Brass 50mm Outlet and Brass Ball Valve

Appendix 3

Site Plan showing proposed location of water tank



LOCATION PLAN

SCALE 1:500

Appendix 4

Letter from CFS dated 21 February 2023



21/02/2023

Adelaide Hills Council, Att: Karen Cummings

Good morning Karen,

In this letter I intend to provide a clear picture of where the SA Country Fire Service Region 2 Headquarters, Gummeracha Group and Hermitage Brigade stand regarding the proposed donated 115,000 litre water storage tank by Jan Verrall and Denise Elland.

It is my understanding that the funds raised for the proposed tank where as a result of the sales from a book written by Jan Verrall and Denise Elland about the Sampson Flat fire and it was advertised on the book that "all funds raised will be donated to the CFS".

The authors have spoken directly with representatives from the CFS Brigade, Group and my predecessor via email, phone call and face to face on site meetings at the proposed location of Hermitage CFS Station (Cnr of Range Road North and Warner Road Upper Hermitage) on a number of occasions. I have recently conversed with Jan Verrall via email and phone to clarify the position of the SA Country Fire Service regarding the proposed site for the tank and highlight that a water storage tank is not the preferred use of the funds donated by their customers.

The SA Country Fire Service, having consulted heavily with it's volunteer members, can not identify any available space on the station site at Upper Hermitage without it impacting heavily on carparking for volunteers responding to incidents or taking over the little space available for the Brigade to exercise and train. As a result it is the belief of the SA Country Fire Service that the land currently occupied by the Brigade is not suitable.





The SA Country Fire Service have concerns with the location proposed in the site plan attached to this letter as during an incident large quantities of smoke may impact the intersection of Warner Rd and Range Road North. Having both SA Country Fire Service appliances and Farm Fire Units entering and exiting the road in such close proximity to the intersection in poor visibility while members of the public may be attempting to leave the area increases the chance of a collision occurring.

While Jan Verrall and Denise Elland have highlighted in the letter to the Hermitage Community Leaders dated 30th January 2023 that the tank itself will be maintenance free, no plan and funding has been identified to create the tank foundation pad prior to installation. There is also no allowance or understanding of who will be responsible for the area immediately surrounding the tank post installation and into the future, including but not limited to, weed mitigation and hardstand maintenance suitable for the access of multiple vehicles during an incident including our 26 tonne twin axel bulk water carriers. It is also our understanding that no mains water connection will be made to the tank for refilling and as a result the burden will be placed on either our Volunteers or the Adelaide Hills Council to manage the water level and quality and refill the tank as needed. The SA Country Fire Service does not have a budget to support these and any ongoing costs.

It is the understanding of the SA Country Fire Service that an alternative site was proposed by the Adelaide Hills Council just a short distance away at a Community owned plot of land at the Forreston Community Hall and the offer of this alternative site was rejected by Jan Verrall and Denise Elland. If this alternative site was to be adopted the SA Country Fire Service would support the use of the tank water if it was the best operational option at the time. Our volunteers are trained to access the most reliable and easily accessible source of water possible and with the increase in our appliances capacity, and the addition of multiple bulk water carriers across the Region our tactics have changed greatly since the Sampson Flat fire of 2015. We now have the ability to bring the water to the front line fire appliances and farm fire units rather than having them pack up and leave the fireground to refill. This reduces the turnaround time and allows the large bulk water carriers the ability to seek out mains water





access points further abroad and in turn provides a far quicker filling time than accessing a static water tank.

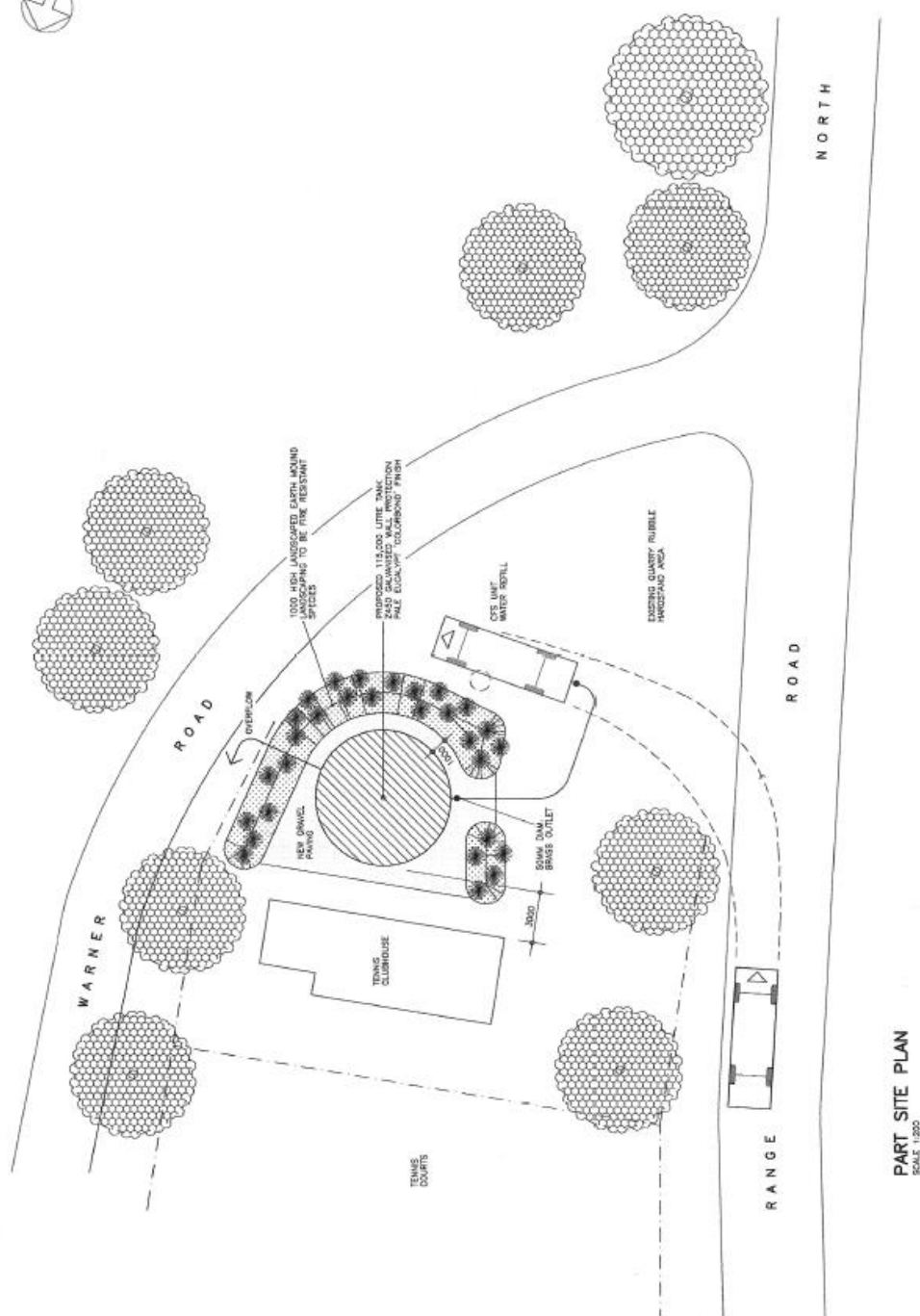
I would also like to identify that while Jan Verrall and Denise Elland are acting in what they perceive to be the best interest of the community they have incorrectly identified themselves as representatives of the SA Country Fire Service with unauthorised use of the SA Country Fire Service logo on their letter to the Hermitage Community Leaders dated 30th January 2023. It is also my understanding that they attended the Adelaide Hills Council meeting dated 29th of November 2022 attired in clothing identifying themselves as Volunteers of the SA Country Fire Service. Please take this letter as formal notification that Jan Verrall and Denise Elland are not volunteers or staff with our agency and therefore do not represent the interests of the SA Country Fire Service.

As discussed in our conversation dated 10th of February 2023 I will make myself available to attend the next Adelaide Hills Council meeting in Stirling on Tuesday the 28th of March 2023 at 06:30pm. Should any of the parties in attendance have questions of the SA Country Fire Service I hope to be able to provide immediate responses where practical.

Once again thank you for your time on the phone and should you have any further questions please don't hesitate to contact me

Regards

Steven Salamon
Regional Commander – Region 2
SA Country Fire Service



Appendix 5

*Letter from Houghton, Inglewood and Hermitage
Memorial Park Inc. received on 10 March 2023*



Hi Jan and Denise,

Thanks for your time to meet on site re. Assisting with CFS Water Storage Tank.

After receiving feed back from a majority of our management Committee, I am able to provide in principle support to assist you to auspice an agreement with AHC to locate a CFS water tank near the Tennis courts adjacent the CFS station at Upper Hermitage.

Once more detail of the agreement is available, we will need to table it at our general meeting for consideration.

We note CFS region 2 headquarters is also continuing with their consideration. If a solution can be secured directly with the CFS, it would make senses as its intended as a CFS asset.

Regards,

Matt Thomas
President
Houghton, Inglewood & Hermitage Memorial Park inc.
P.O. Box 105
Houghton SA 5131

**ADELAIDE HILLS COUNCIL
ORDINARY COUNCIL MEETING
Tuesday 28 March 2023
AGENDA BUSINESS ITEM**

Item: 12.2

Responsible Officer: James Szabo
Senior Strategic and Policy Planner
Development and Regulatory Services

Subject: Adelaide Hills Subzone Code Amendment Process

For: Decision

SUMMARY

The purpose of this report is to provide Council with information about what is required to initiate a Planning and Design Code Amendment in response to Council's resolution to do so at its meeting on 14 February 2023.

The resolution made following consideration of a Motion on Notice was focussed on seeking to reinforce the principles of the 'median rule' for land division.

The option to initiate a Code Amendment is available to the Council. It comes with risks, such as the potential that the outcome being sought is at odds with the drafting principles of the Code. In addition, a Code Amendment must be supported by effective and genuine community engagement. The community's current sentiment toward land division would need to be tested through the process.

Ultimately, it appears that Council will need to contemplate changes to strengthen the Adelaide Hills Subzone due to the precedent set by the recent decision in the Environment Resources and Development Court, which makes it possible to sideline the median rule in certain circumstances.

The Administration requires more time to establish a pathway to initiate and conduct a Code Amendment. This report therefore provides commentary on the preliminary investigations conducted so far and recommends that a Proposal to Initiate a Code Amendment be considered by Council in May 2023.

RECOMMENDATION

Council resolves:

1. That the report be received and noted.
 2. That the CEO progress preliminary investigations including pre-engagement with affected residents and landowners, to inform Council's position on whether a formal Code Amendment process for the Adelaide Hills Subzone will be initiated, with the CEO to table a report for Council's consideration on the matter by 23 May 2023.
 3. To instruct the CEO to inform the State Planning Commission and the Minister of Planning of Council's intention to progress preliminary investigations in preparation for a Code Amendment process for the Adelaide Hills Subzone, including the rationale.
-

1. BACKGROUND

Median Rule under the Development Plan

The median rule land division tool forming a key policy within the Township and Urban Areas Development Plan Amendment was gazetted on 24 October 2017. The policy set a clear procedural and merit-based approach for land division applications in the, then, Country Living Zone. Its introduction had the effect of a quasi-moratorium on undersized land division proposals, whereby land division applications that failed to achieve a 2000sqm site area minimum or meet the median allotment size within a locality (whichever was the greater) were considered inappropriate.

Development Assessment data from 24 October 2017 until 19 March 2021 (refer Table 1) supports this notion. With only two land division applications progressing to an assessment as a non-complying development (failed to meet the minimum or median allotment size) out of a total of seventeen (11.7%). It is noted that the merit based applications all demonstrated compliance with the minimum or median allotment size.

Application Description	Merit	Approved	Withdrawn	Non-Complying	Approved	Withdrawn
Land division (1 into 2)	9	8	1	1		1
Land Division (more than one additional allotment)	1		1			
Land Division (Boundary Realignment)	5	5		1	1	
Total	15	13	2	2	1	1

Table 1 – Land Division Applications lodged in the Country Living Zone from 24/10/17-21/03/21.

Median Rule through the Planning Reform Process

In the lead up to and during the Planning Reform process, Council was proactive in promoting the effectiveness of the median rule in the Country Living Zone with the State Planning Commission (the “Commission”) and Planning and Land Use Services (the “Department”). The objective being to ensure that it was recognised as an important policy tool and appropriately transitioned into the Code. Advocacy on this culminated with Council staff being invited to present at the Department’s Code Control Group in March 2020. A time when crucial deliberations were being made on the final makeup of the Code. This provided staff with the opportunity to present the median rule and promote its effectiveness and recognition at both the state and national level.

Following this meeting, in September 2020 the Department contacted the Administration to confirm that a Subzone had been granted – an occurrence that was rare during the transition to the Code. The view of Subzones in the Code is that they can be used where there is a bespoke or special characteristic for an area which requires special policy attention. Despite their practical application in addressing local policy gaps, the Commission issued them sparingly, and there continues to be only a handful of Subzones in the Code today.

The granting of the Subzone was understandably welcomed by Council and, following the announcement, the Administration were invited to draft the policy for the Subzone (refer **Appendix 1**) to assist the Department’s Code drafting team. Carrying the Council’s position, the proposed draft sought to embed the median rule in the Desired Outcomes (“DO”), Performance Outcomes (“PO”) and the Deemed-to-Satisfy/Designated Performance Feature (“DTS/DPF”) criteria. The intention being to maximise the weighting of the policy and ensure development outcomes were achieved that were comparable to those achieved under the Development Plan existing at that time. In addition, as the drafting notes show, a restricted development trigger comparable to the non-complying trigger was also advocated for in order to achieve a degree of procedural continuity.

After submitting the draft policy in mid-September 2020, no further advice was sought from Council by the Department on the matter. In November, when the Commission released the updated draft of the Code for consultation, the draft Subzone proposal put forward was not adopted in full, with DO 2 and PO 2.1 adopting a generic wording convention with no direct reference given to the median rule, other than via the DTS/DPF criteria. Not having the median rule referenced in the PO of the Subzone was inconsistent with the advice received from senior Department staff, evidenced in correspondence from August 2020 between Council’s Director of Development and Regulatory Services and the Department’s Director of Planning and Development, whereby it was acknowledged that the loss of the Desired Character Statement for the Country Living Zone and in particular its reference to the Median Rule “should be a PO . . . [in the Code]”.

It remains the view of the Administration that without a procedural disincentive (restricted trigger) or a more direct reference to the median rule in the DO and the PO there is a fundamental weakness in the policy setting. This view was subsequently expressed via Council’s submission to the Commission and Department staff on the draft Code, but did not alter the outcome for the Subzone, as confirmed on 19 March 2021 when Phase 3 of the Code was deployed, with the Subzone unchanged.

Concerns regarding the weakened policy setting were validated in late 2022 in the Environment, Resources and Development Court (ERD Court), when the decision to uphold an appeal and overturn Council’s refusal of an undersized land division at 16 Glenside Road Crafers was handed down. This court decision was made despite the application

demonstrating significant shortfalls from the median allotment size in the locality. This decision demonstrated that PO 2.1, and by default DO 2, fail to deliver the land division outcomes anticipated for the Subzone. Put simply, the PO does not provide enough weighting to treat the concept of consistency with the established pattern of division in surrounding development sites appropriately, primarily by failing to effectively link the performance outcome to the fundamental test of responding to the median rule expressed via the DTS/DPF criteria.

The decision exposes a disharmony between the PO and DTS/DPF and it may also signal larger issues with the underlying architecture of the Code. If the latter is determined to be true then it is unfortunate that Council has had to bear the burden of challenging this appeal outcome in the Supreme Court.

Given the significant variance permitted by the ERD Court decision and the precedent that is possibly set by that decision, the Council has appealed the decision of the ERD Court to the Supreme Court. The full bench of the Supreme Court heard the appeal on 14 February 2023 and Council's awaits the Supreme Court decision.

Code Amendment Investigations to Date

Under the *Development Act 1993* Council had care and control of the Development Plan and while it's refinement was guided by the SA Planning Policy Library framework, Council had agency to amend all sections within the Development Plan. Due to the nature of the Code applying across the whole of South Australia, changes to the Code need to be managed carefully by the State and Council no longer has scope to propose tailored policy for all sections of the Code.

Notwithstanding this shift, councils still play an important role in identifying areas of policy improvement within the Code. This key function is supported by Section 73(2)(b) of the Act which gives Council authority to propose an amendment to a designated instrument (which includes the Code).

However there are now only two instances, involving the spatial application of a Zone or the amendment of a Technical and Numeric Variation (TNV), where Council may request a change to the Code unconditionally. Where a Code Amendment request involves changing a Subzone there is restricted scope. As such a change to the Subzone would be subject to the Commission's review and it is highly likely at the initiation stage that the Commission would provide independent advice to the Minister as to whether the Code Amendment is considered appropriate. This highlights the importance of having buy-in at the State level prior to formally requesting a Code Amendment.

The Administration initiated early discussions with the Department mid-way through last year and on 12 October 2022 presented on this matter to the Department's Code Control Group (CCG). Agency staff indicated Council could initiate a Code Amendment for the Subzone, with the aim of strengthening the policy setting for the median rule. However, it was noted that any policy changes would be contingent on meeting the framework and drafting principles of the Code. This in effect means that the process will be closely guided by Department staff, and while Council may be able to propose that the median rule is strengthened, the final wording of the policy may be outside of Council's control.

If there is a preference by Council to progress preliminary investigations, a second meeting will be scheduled with the CCG for early April 2023 and will provide further opportunity to progress discussions in order to land a clear pathway and ensure the Code Amendment has the greatest chances of success.

On 14 February 2023 Council considered a Motion on Notice from Cr Osterstock requesting that the CEO detail the requirements to initiate a Code Amendment, and the Motion was carried as follows:

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.

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

2. ANALYSIS

➤ Strategic Management Plan/Functional Strategy/Council Policy Alignment

Strategic Plan 2020-24 – A brighter future

Goal 1	A Functional Built Environment.
Objective B2	Preserve and enhance the unique character of the Hills for current and future generations.
Priority 2.3	Proactively work with developers to ensure that built form complements or enhances existing local character whilst preserving the character and amenity of our towns, historic buildings and scenic environment.
Goal 5	A Progressive Organisation.
Objective O4	We actively represent our community.
Priority O4.1	Optimise opportunities for the community to access and provide input into the decision-making processes.
Priority O4.3	Advocate to, and exert influence with, our stakeholders on behalf of our community to promote the needs and ambitions of the region.

Council via its strategies, policies and development assessment functions has a key role to play in preserving and enhancing the character and amenity of the Adelaide Hills. While some agency to develop tailored development policy at the local level has been ceded in the transition to a state based planning system, there remains opportunity to directly influence, refine and strengthen policy in the Code. The pursuit of this is supported by Goal 1 and Objective B2 and intersects with Council's development support and assessment functions as per Priority 2.3.

A Code Amendment process will need to ensure that it adheres to the Community Engagement Charter and this will present opportunities for the community to provide input as per Priority 04.1. A critical part of the Code Amendment process is gaining the support of the Minister to progress the proposal on advice from the Commission. On this basis and as per Priority 04.3, it is recommended that the CEO or Mayor write to the Minister and the Commission outlining Council's intentions prior to formally requesting a Code Amendment.

➤ **Legal Implications**

Section 73 of the *Planning, Development and Infrastructure Act 2016* (the "Act").

Section 73 sets out the process for amending a designated instrument, being a State planning policy, a regional plan, the Planning and Design Code or a design standard (s 70).

The amendment process has significant new elements, relative to the position under the *Development Act 1993*, which allow for a wider range of parties to initiate amendments.

The Act preserves the central role of councils in maintaining the planning rules and zone boundaries in their area, as well as collaborating with other councils and the Government on a regional basis. Councils have an enhanced ability to amend a range of documents that, under the *Development Act 1993*, were maintained by the Minister alone.

In accordance with Practice Direction 2: Preparation and Amendment of Designated Instruments, the following relevant issues must be addressed:

- how engagement required by the Community Engagement Charter is to be undertaken and reported on under s 73 of the Act;
- information requirements for requesting early commencement as part of a Code amendment under s 78 of the Act.

➤ **Risk Management Implications**

Undertaking further preliminary investigations in order to determine the best course of action to address concerns regarding the Adelaide Hills Subzone will assist in mitigating the risk of:

Council not being representative of the community sentiment regarding character and amenity impacts of developments occurring in the Council area leading to a loss of community confidence.

Inherent Risk	Residual Risk	Target Risk
Medium (3D)	Low (2D)	Low

Initiating a Code Amendment would require that community engagement be undertaken and this would be considered consistent with existing risk control measures. Gaining approval for, and implementing, a Code Amendment could be seen as a further mitigating action.

➤ **Financial and Resource Implications**

The fees typically required to undertake a Code Amendment are waived where a designated entity is Council. As such no fees will be incurred to initiate and progress a Code Amendment regardless of the outcome.

While this is favourable for Council, a Code Amendment is a resource intensive process and would demand close attention from relevant staff for the better part of six months. Staff involved in undertaking the Code Amendment must have the relevant qualifications including Level 1 Accreditation under the Act and IAP2 Certificate in Engagement or equivalent.

If a Code Amendment is to be pursued it would be prudent a budget be set aside of around \$15,000 that could be used to support the community engagement process and any mandatory requirements set by the Minister or the Commission in preparing the Code Amendment. This might include the need to engage suitably qualified technical experts.

➤ **Customer Service and Community/Cultural Implications**

Initiating a Code Amendment would demonstrate Council's commitment to actively representing the community.

➤ **Sustainability Implications**

The aim of pursuing a Code Amendment to mitigate the impacts of unplanned infill development in the Subzone is influenced by the pursuit of sustainable development outcomes. Inappropriate infill development has multiple and intersecting impacts on the economy, environment and community cohesion.

➤ **Engagement/Consultation conducted in the development of the report**

Consultation on the development of this report was as follows:

<i>Council Committees:</i>	Not Applicable
<i>Council Workshops:</i>	Not Applicable
<i>Advisory Groups:</i>	Not Applicable
<i>External Agencies:</i>	Planning and Land Use Services (the Department) - 12 October 2022
<i>Community:</i>	Not Applicable

As part of the preliminary investigations, it may be prudent to test community sentiment on this issue to assist informing Council's future deliberations on whether to initiate a Code Amendment. Such a process would involve targeted pre-engagement, focused on testing resident and landowner views about land division within the Subzone. The results could be benchmarked against the Township and Urban Area DPA engagement outcomes and would be considered an early step in the formal Code Amendment engagement process. If there is support for this approach, the pre-engagement would need to be initiated no later than 10 April 2023.

➤ Additional Analysis

Scope for Council to Initiate a Code Amendment of this nature

It is noted that a whole range of policy shortfalls/gaps have been inherited since the introduction of the Code, one of which is the watering down of the median rule. Since the introduction of the Code no clear pathways have been outlined by the Commission as to how councils may wish to rectify these outstanding issues, which range from minor all the way up to significant losses of local policy. The responsibility appears to have fallen on councils to progress miscellaneous amendments.

Currently eleven applications for land division have been lodged in the Adelaide Hills Subzone since the introduction of the Code. In total seven of the eleven applications 63% display some form of departure from the median rule. Of the six applications currently under assessment, four of them display varying departures from the median. Some of the applications may prove challenging to defend based on the precedent set by the ERD Court judgement. Currently these applications are on hold pending further information or (with the agreement of the Applicant) the outcome of Council's Supreme Court appeal.

Description of Development	Granted	Under Assessment	Refused	Withdrawn
Land Division (1 into 2)	3	5	1	
Land Division (more than 1 additional allotment)		1		
Land Division (Boundary Realignment)				1
Total	11			

Table 2 – Land Division Applications lodged under the Code in the Adelaide Hills Subzone

As the analysis reveals, applications displaying a shortfall against the median criteria are now much more likely to be lodged under the Code. This illustrates the challenge for planning assessment staff, whereby under the former Development Plan regime, applications that displayed a departure from the median rarely made it past the preliminary enquiry stage, let alone to an assessment. Under the Code however, in the absence of a procedural trigger (restricted development), a proponent can simply lodge an application and Council must assess it.

While it is difficult to predict the full impact of the ERD Court case precedent, based on the emerging trend it could be speculated that if the policy setting remains as is and an unfavourable outcome be handed down by the Supreme Court, there could be further increases in land division applications in the Subzone for undersized allotments. The implications of this are more than a degradation of the character and amenity of the Subzone. It extends into questions of infrastructure provision, environmental impacts and other related issues that come with unplanned infill development.

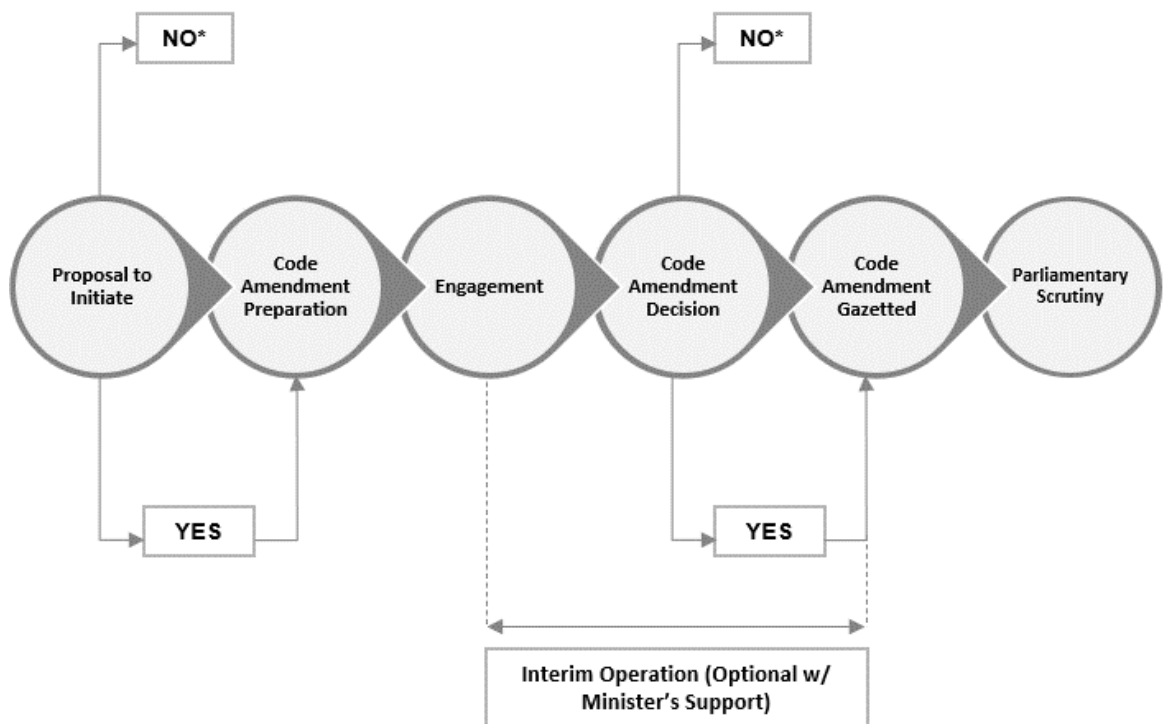
Key Steps in the Code Amendment Process

A Code Amendment begins with preliminary investigations involving consideration of the proposed policy within its local context and the relationship to state strategic matters and directions. This step ideally concludes with a meeting with the Code Control Group to work through complexities and achieve a common understanding of the objectives prior to engaging in the formal Code Amendment process.

Proposal to Initiate (6+ weeks for a decision)

Once Council is satisfied that the preliminary investigations have clarified a suitable pathway forward, as outlined in Figure 1 the first formal step in the process is for Council to submit the Proposal to Initiate (PTI) via the Plan SA Code Amendment request Portal. A PTI is drafted in report format and must address in detail the following key areas:

- Rationale for the Code Amendment
- Alignment with State Strategies
- Investigations already undertaken or proposed
- Engagement already undertaken or proposed
- Code Amendment Process including engagement plan and timeline



*Only the Minister has authority to decline to proceed or refuse a Code Amendment

Figure 1: Outline of formal Code Amendment Process

In terms of meeting the requirements of the PTI, the administration will seek to rely on previous strategic investigations which informed the Township and Urban Areas DPA, where these are still relevant. This process concludes favourably for Council if the Minister, having taken advice from the Commission, approves the initiation of the Code Amendment subject to any relevant conditions. Alternatively, the Minister having considered the factors and the advice of the Commission may decide that the objectives and outcomes of the Code Amendment are not sufficient to warrant such a process, and the initiation may be refused.

Should Council resolve to proceed as per Recommendation 2, the Administration will present a further report at the May Council meeting to table a draft Proposal to Initiate to ensure that if Council elects to pursue a Code Amendment it can be requested without delay.

Code Amendment Preparation (6+ Months for a decision)

Following the approval of the Proposal to Initiate, Council will need to prepare an Engagement Plan and draft the Code Amendment ready for community engagement. The engagement process for all Code Amendments must be undertaken in accordance with the Community Engagement Charter (the Charter) which requires that:

- engagement is genuine
- engagement is inclusive and respectful
- engagement is fit for purpose
- engagement is informed and transparent
- engagement processes are reviewed and improved.

The first step for meeting the Charter's requirements is the preparation of an Engagement Plan that sets out how it is intended that engagement will meet the Charter's principles. Council must undertake the engagement in accordance with the Engagement Plan. While the Act and the Charter do not prescribe specific requirements for an Engagement Plan, it is recommended that the Engagement Plan incorporates any minimum consultation prescribed in the Community Engagement Charter, including notice and consultation with:

- the Local Government Association where the Code Amendment may be relevant to Councils
- notice to owners or occupiers of land (or adjacent land outside the Subzone) which are specifically impacted by the proposed Code Amendment
- any person or body to be consulted with, as specified by the Commission.

It is considered that a key message for this engagement process should be that Council is simply seeking to reinstate the policy setting (or at least a portion of it) that existed prior to the introduction of the Code and confirming that it is not a new direction or new desired character that is being sought for the Subzone.

The preparation of the Engagement Plan is likely to occur concurrently with the preparation of the Code Amendment. Key steps for preparing the Code Amendment involve the following:

- Undertake preliminary consultation (optional): It is noted that a significant amount of engagement was undertaken as part of the Township and Urban Areas DPA process and this could be viewed favourably by the Minister as evidence of preliminary engagement with the community regarding the median rule.
- Undertake investigations: Council may need to undertake detailed investigations as outlined in the approved Proposal to Initiate. While in most cases this would require engaging a suitably qualified consultant with particular expertise in the area to be investigated, it is considered that the scope of the Code Amendment would limit the need for such input, such that it could be reasonably managed in-house. Notwithstanding, a contingency budget is being recommended in the event that the Commission considers a particular area of investigation mandatory.
- Provide drafting and mapping instructions to the Department: Council will be required to provide Drafting Instructions to the Department in order to obtain the proposed draft Code policy to include in the draft Code Amendment.

- Preparation of the draft Code Amendment: Council is required to draft a Code Amendment which summarises procedural matters, strategic assessment of the proposal and investigations undertaken to support the proposed Code Amendment.
- Obtain necessary approvals: Council must ensure the correct approval process has been completed with the Minister prior to proceeding to engagement.
- Provide publication instructions to the Department

Following all the mandatory requirements above being met, the Code Amendment is then released for community engagement.

Engagement

Following Council approval of the Engagement Plan, Council will undertake engagement by delivering the engagement activities outlined in the Engagement Plan, over a minimum period of 8 weeks.

Following completion of engagement on the Code Amendment, Council will review and summarise all submissions received and undertake an assessment of the issues raised through consultation to determine whether any changes should be made to the proposed Code Amendment.

Following completion of the engagement process, Council must prepare an Engagement Report in accordance with Practice Direction 2. The Engagement Report will include:

- details of the engagement which has occurred on the Code Amendment
- the issues identified through the engagement and any outcomes arising following consideration of those issues by the Council
- an analysis and evaluation of the engagement undertaken against the principles of the Community Engagement Charter.

Interim Operation

If the Minister supports early commencement of the Code Amendment it will come into interim operation (effect) when the Code Amendment is released for community engagement.

Typically, the types of Code Amendments that may be suitable for early commencement include heritage amendments and amendments that seek to introduce hazard overlays and policy. Advice has been sought from the Department regarding an “early commencement”, and initially the view was that it may be justified. In this regard the test in section 78 of the Act will need to be satisfied, including sufficient evidence and justification to demonstrate that early commencement is:

- necessary in the interest of the orderly and proper development of an area of the state
- required in order to counter applications for undesirable development ahead of the outcomes of the consideration of the Code Amendment (note that undesirable development is considered as development that would detract from, or negate, the intent of the Code Amendment).

As such the latter is considered the most relevant in the matter and can be reasonably justified based on the development data presented above.

There is a risk that if the community sentiment has shifted on this issue, early commencement could be seen as an adversarial approach and as such it should be carefully considered whether it is necessary early on in the initiation process.

Code Amendment Decision

Once approved by Council and finalised, the following documents will be provided by Council to the Department to process the final stages of the Code Amendment to the Minister:

- Final Engagement Report – to be provided to the Minister under section 73(7) of the Act
- Code Amendment Drafting Table (with any changes resulting from engagement).

The decision process includes the following steps:

- Department processes the Code Amendment
- The Commission assesses compliance with the Charter (only required where a complaint has been made regarding the engagement process)
- The Minister then decides to adopt the Code Amendment as proposed and as outlined in the Engagement Report, make alterations to the proposed Code Amendment and adopt the Code Amendment as altered, divide the Code Amendment into separate parts and adopt one or more of those parts or determine that the Code Amendment should not proceed.

Code Amendment Implementation

The Code Amendment, once approved, will be consolidated within the online Planning and Design Code. The Code Amendment will have effect from the date on which this online consolidation occurs. Council will be directly notified of the Code Amendment coming into effect.

Parliamentary Scrutiny

If the Minister decides to adopt the Code Amendment it is then referred to the Environment Resources and Development Committee (ERDC) in State Parliament which must be accompanied by a Parliamentary Report from the Commission. The Code Amendment and the Commission's Parliamentary Report are referred to the ERDC within 28 days of the Code Amendment coming into effect.

After receiving the Code Amendment and the Commission's Parliamentary Report, the ERDC must resolve to:

- not object to the Code Amendment
- suggest amendments to the Code Amendment; or
- object to the Code Amendment.

If no advice is received from the ERDC within 28 days of the referral then it is assumed that there is no objection to the Code Amendment.

Summary

As demonstrated the Code Amendment process is rigorous and so it will be critical that the risks are well understood and clear pathways are agreed upon with the Department and the Commission prior to formalising a Code Amendment request.

What appears evident, based on development data is that the possible precedent set by the recent ERD Court case, would likely increase land division activity in the Subzone. If that activity continues to favour undersized allotments, this will likely lead to a downward trend in allotment sizes in most localities where there is currently a range of sizes. Over time this may result in an erosion of parts of the existing character of the Subzone and impacts associated with unplanned infill development.

This outcome runs counter to the grounds on which the Subzone was justified and demonstrates a disharmony in the policy setting. While Council may not have asked for such an outcome, it's nonetheless left in an position to consider whether it progresses investigations seeking improvements to the Subzone via a Code Amendment.

3. OPTIONS

Council has the following options:

- I. Council staff to progress preliminary investigations to inform Council's position on whether a formal Code Amendment request for the Adelaide Hills Subzone will be initiated (Recommended)
This option would send a clear signal that Council is seriously considering initiating a Code Amendment and is seeking to rectify weaknesses in the policy setting for the Adelaide Hills Subzone.
- II. Council staff to progress preliminary investigations to inform Council's position on whether a formal Code Amendment request for the Adelaide Hills Subzone will be initiated including a pre-engagement process to test community sentiment (Recommended)
This option would achieve a similar outcome to option one but would seek to test community sentiment to inform Council's position prior to initiating a Code Amendment.
- III. Council Staff to consider and report back on potential alternative pathways to address the policy concerns (Not Recommended)
This option limits the opportunities to address the issue directly and would be relying on State-led Code Amendments or the recommendations of the Expert Panel. Due to the localised nature of the issue these processes are unlikely to provide adequate scope.
- IV. Council staff to pause preliminary investigations and monitor development activity until the Supreme Court decision is made (Not Recommended)
This option may be reasonable in the circumstances, however if the Supreme Court decision is unfavourable the data suggests that development activity is only likely to increase and this would put pressure on the development assessment function. As such this option is not recommended as it would limit Council's options to take timely action following the Supreme Court decision.

4. APPENDICES

- (1) Draft Code Policy for the Adelaide Hills Subzone

Appendix 1

Draft Code Policy for the Adelaide Hills Subzone

INTRODUCTION

How will the subzone complement or supplement the parent zone?

The Subzone does not expand the land use remit of the parent zone.

Have amendments to the parent zone been considered and what are the key advantages with the new subzone?

The primary objective of the Subzone is to capture the Median Rule Land Division criteria as expressed in the Country Living Zone of the Adelaide Hills Council Development Plan. Due to the nature of this criteria, and respecting the P&D Code principles, it is not considered appropriate that this be administered via a TNV.

In addition, mature and established vegetation provide a defining feature and unique setting in the Subzone. This character trait is not captured by the Rural Neighbourhood Zone, and it is considered that there is an opportunity to promote and strengthen this outcome, in particular through the retention of mature vegetation.

What areas are proposed to be included in the proposed subzone? (please include a map of the subzone area that is being contemplated. Include a map illustrating the subject area.

It is proposed that the Bridgewater Policy Area be annexed from the Country Living. This is due to the Bridgewater Policy Area having a distinct character that can be managed via the application of an appropriate site area and frontage TNV.

The balance of the Country Living Zone will form the Country Living Subzone and will capture those areas where the median rule land division criteria currently applies.

This is considered the most efficient approach. Please see attached map that illustrates this outcome (AHC to provide shapefile or preferred format).

GENERAL CHARACTERISTICS AND LANGUAGE

Provide a brief explanation about what the subzone seeks to achieve and when it should be applied / used, including the expected land use priorities (e.g. residential, commercial, industrial) in context with the parent zone.

The Subzone is spatially applied as detailed in the attached mapping.

Terms / descriptors: *What are the sorts of words and phrases can be used to describe the development outcomes?*

Responsive land division outcomes, spacious residential development, defining remnant and exotic vegetation, green leafy setting, tree change

COUNTRY LIVING SUB ZONE

DESIRED OUTCOME(S)

Land division designed to appropriately respond to the varied allotment layout and to achieve the median allotment size in the locality.

Development designed to minimise detrimental impacts on the natural environment including mature vegetation.

CONTEMPLATED USES

Residential	Non-residential
As per Zone	Supported Accommodation Tourist Accommodation

SUB ZONE PROVISIONS

Types of Technical and Numeric Variations	Other Provisions (topics)
<u>Land Division</u> Allotments/sites created for residential purposes achieve the median allotment size in the locality or 2000 square metres whichever is the greater	<u>Land Division</u> Development will not result in more than one dwelling on an existing allotment And Allotments/sites for residential purposes accord with the following: a) Where allotments/sites are connected to mains sewer or a Community Wastewater Management System site areas (or allotment areas in the case of land division) are not less than: i) The median allotment size or 2000 square metres whichever is the greater (excluding the area within the access 'handle' if in the form of a battle-axe development), where the locality includes all allotments either

wholly or partly within a radius of 200 metres measured from the centre of the main allotment frontage

(Drafted as a PO with a corresponding DTS/DPF criteria to be applied to Land Division in Table 3)

Environmental Protection

Development avoids important habitat or areas that are important for the movement/migration patterns of fauna.

Development is designed to maximise the retention of mature vegetation.

(Drafted as two separate PO's and applied to all development in Table 3 of the parent zone)

DEVELOPMENT CLASSIFICATION TABLES

Accepted	Deemed-to-Satisfy	Restricted Development
	Land Division (except in the Country Living Sub Zone)	<p>Development will not result in more than 1 dwelling on an existing allotment</p> <p>Land Division within the Country Living Sub Zone. Except: Land Division that achieves the median allotment size or 2000 square metres whichever is the greater (excluding the area within the access 'handle' if in the form of a battle-axe development), where the locality includes all allotments either wholly or partly within</p>

		<p>a radius of 200 metres measured from the centre of the main allotment frontage; and</p> <p>Where allotments/sites are connected to mains sewer or a Community Wastewater Management System</p>
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NOTIFICATION EXEMPTIONS

Exemption	Criteria that may trigger notification
As per the Zone	As per the Zone

Country Living Subzone Proposal

Desired Outcomes	
DO1	Allotments will continue to vary significantly in size and shape throughout the zone, characterised by frontages and depths of allotments that vary significantly. Generally, new allotments will only be created where they are sympathetic to the character of the locality and match the median allotment size.
DO2	Mature and established vegetation will provide a defining feature of the zone and will dominate views from all locations. This vegetation will be a mixture of exotic and native species and will be situated on verges, reserves and within private properties

Performance Outcome	Deemed to Satisfy
Land Use	
<p>PO 1.1</p> <p>Development will predominately comprise detached dwellings at very low densities, with appropriate non-residential development scattered throughout the Sub Zone.</p>	<p>DTS/DPF 1.1</p> <p>Development comprises one or more of the land uses listed in DTS 1.1 of the Zone, or one or more of the following:</p> <ul style="list-style-type: none"> a) Supported Accommodation b) Tourist Accommodation
Land Division	
<p>PO 2.1</p> <p>Allotments/sites created for residential purposes achieve the median allotment size in the locality or 2000 square metres whichever is the greater</p>	<p>DTS/DPF 2.1</p> <p>Development will not result in more than 1 dwelling on an existing allotment, except for Ancillary Accommodation</p> <p>And</p> <p>Allotments/sites for residential purposes accord with the following:</p> <ul style="list-style-type: none"> b) Where allotments/sites are connected to mains sewer or a Community Wastewater Management System site areas (or allotment areas in the case of land division) are not less than: <ul style="list-style-type: none"> ii) The median allotment size or 2000 square metres whichever is the greater (excluding the area within the access 'handle' if in the form of a battle-axe development), where the locality includes all allotments either wholly or partly within a radius of 200 metres measured from the centre of the main allotment frontage (remainder of Sub Zone)

Environmental Protection	
<p>PO 3.1</p> <p>Development avoids important habitat, nesting or breeding areas or areas that are important for the movement/migration patterns of fauna</p>	<p>DTS/DPF 3.1</p> <p>None are applicable.</p>
<p>PO 3.2</p> <p>Development is designed to maximise the retention of mature vegetation</p>	<p>DTS/DPF 3.2</p> <p>None are applicable.</p>

Recommendations:

- Bridgewater Policy Area annexed from the Subzone and a TNV is applied spatially to capture the site area requirements for this Policy Area.
- The remainder of the Country Living (where the Median Rule applies) then gets put into the Subzone.

DRAFT

**ADELAIDE HILLS COUNCIL
ORDINARY COUNCIL MEETING
Tuesday 28 March 2023
AGENDA BUSINESS ITEM**

Item:	12.3
Responsible Officer:	Lachlan Miller Executive Manager Governance & Performance Office of the Chief Executive
Subject:	Attendance at LGA Ordinary General Meeting – 13 & 14 April 2023
For:	Decision

SUMMARY

The Local Government Association (the “LGA”) will be holding an Ordinary General Meeting (the “OGM”) on Friday 14 April 2023 at the Adelaide Oval. The OGM also has a reception on the preceding evening and number of associated workshop sessions on the day. The program is contained in **Appendix 1**.

Council has a policy position for attendance at OGMs and Annual General Meetings (the “AGM”) as a voting delegate however, due to the November 2022 election, the current Council has not had an opportunity to determine or reaffirm a policy position.

Therefore out of an abundance of caution, the purpose of this report is to seek Council’s determination as to the voting delegate for the 14 April 2023 OGM.

RECOMMENDATION

Council resolves:

- 1. That the report be received and noted.**
- 2. To reaffirm the policy position contained in clause 10 of the *Council Member Training & Develop Policy* that the Mayor, or the Deputy in the Mayor’s absence, is the principal spokesperson, and is the default representative of Council in an official capacity (e.g. National General Assembly, LGA meetings and the like, including intrastate, interstate or overseas).**
- 3. In the instance where the Mayor and the Deputy Mayor cannot attend, the matter should be referred to the Council where possible, but where time does not permit, the Mayor, or Deputy Mayor if acting in the Mayor’s place, may delegate the role to another Council Member or the Chief Executive Officer for a particular occasion or instance.**
- 4. To determine that the method of selecting the delegate to the 14 April 2023 LGA Ordinary General Meeting be by an indicative vote to determine the preferred person utilising the process set out in this Agenda report.**

5. To adjourn the Council meeting for the purposes of seeking nominations for and, if necessary, conducting an indicative vote to determine the preferred person for the nomination and for the meeting to resume once the results of the indicative vote have been declared.
 6. To appoint _____ as the Council's delegate for the 14 April 2023 LGA Ordinary General Meeting and authorise the Chief Executive Officer to advise the LGA of the appointment.
-

1. BACKGROUND

The LGA typically holds an OGM in April/May of each year and an AGM in October/November of each year. These meetings are the primary decision making and policy setting fora for the Association.

At these meetings Member Councils have votes with a value (in bands) that reflects the population of that council. The LGA maintains a list of voting delegates and these are confirmed by each Member Council leading into an OGM or AGM.

While Council has the discretion to appoint anyone as its voting delegate, it is the normal convention for council Mayors to be considered in the first/default instance.

OGM/AGMs often have a workshop or conference held in association with the meeting and a social function. These provide the opportunity for attendees to develop their knowledge and skills in relation to local government matters and is also a vehicle for networking amongst attendees.

Council delegates are often, but not always, accompanied by their council's Chief Executive Officer or another senior staff member, to enable the delegate to confer with a member of the Administration as required throughout the meeting.

The workshop program associated with the 14 April 2023 OGM is at **Appendix 1**.

The business of the OGM/AGM is determined on the basis of items of strategic importance to local government and the LGA and is recommended by the South Australian Regional Organisation of Councils (the "SAROC") Board, the Greater Adelaide Regional Organisation of Councils (the "GAROC") Board, and the LGA Board of Directors.

The order of business for the OGM is at **Appendix 2**.

For previous OGM/AGMs, other Council Members have sometimes taken the opportunity, from a professional development perspective, to attend these types of meetings however this is not the focus of this report.

2. ANALYSIS

➤ Strategic Management Plan/Functional Strategy/Council Policy Alignment

Strategic Plan 2020-24 – A brighter future

Goal 5	A Progressive Organisation
Objective O4	We actively represent our community
Priority O4.2	Attract and develop a diverse and capable elected body that represents, promotes and reflects the composition of the community
Priority O4.3	Advocate to, and exert influence with, our stakeholders on behalf of our community to promote the needs and ambitions of the region
Objective O5	We are accountable, informed, and make decisions in the best interests of the whole community
Priority O5.1	Enhance governance structures and systems to prudently adapt to changing circumstances and meet our legislative obligations

In relation to representing the Council in an official capacity, the *Council Member Training & Development Policy* (the “Policy”) provides the following:

- 8.1. The Mayor, or the Deputy in the Mayor’s absence, is the principal spokesperson, and is the default representative of Council in an official capacity (e.g. National General Assembly, LGA meetings and the like, including intrastate, interstate or overseas).
- 8.2. There may be situations in which the Mayor and Deputy Mayor are not able to attend official functions and the Council may authorise, by resolution, a Council Member to represent Council in an official capacity.
- 8.3. Where projected costs of attendance do not exceed \$1,500, the approval of costs will be considered by the Mayor, or in the case of the Mayor being the attendee, authority for approval will pass to the Deputy Mayor in consultation with the CEO.
- 8.4. Where costs exceed \$1,500, requests to attend functions in an official capacity shall be the subject of a report to Council for consideration.

➤ Legal Implications

Section 58 of the *Local Government Act 1999* (the “Act”) provides that the principal member of a council as leader of the council is – (g) to act as the principal spokesperson of the council.

Section 74 – General conflicts of interest of the Act set out the provisions regarding General Conflicts of Interest. 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. For this matter, Council Members seeking to be appointed may have a General COI and should consider declaring the interest and acting in accordance with *s75B – Dealing with general conflicts of interest*.

Section 75 – Material conflicts of interest of the Act set out the provisions regarding Material Conflicts of Interest. 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. For this matter, Council

Members seeking to be appointed may have a Material COI and should consider declaring the interest and acting in accordance with s75C – *Dealing with material conflicts of interest*.

Council's *Information or Briefing Sessions Policy* created under s90A(1) sets out the provisions for the conduct of an Information or Briefing Session such as the session recommended for the purposes of indicative voting. The above COI provisions do not apply to an Information or Briefing Session if it occurs.

➤ **Risk Management Implications**

Participation with the LGA provides AHC with the opportunity to participate in the broader agenda of the LGA and ensure the AHC interests are represented. This assists in managing the risks of:

Poor governance practices occur which lead to a loss of stakeholder (i.e. customer and regulator) confidence and/or legislative breaches.

Inherent Risk	Residual Risk	Target Risk
Extreme (5C)	Low (1D)	Low (1D)

Note that there are many other controls that assist in mitigating this risk.

Failure to engage in sector-wide reform initiatives leading to the Adelaide Hills community not being adequately represented.

Inherent Risk	Residual Risk	Target Risk
High (3B)	Low (2D)	Low (2D)

Note that there are many other controls that assist in mitigating this risk.

➤ **Financial and Resource Implications**

There is no cost of attendance at the LGA OGM only and the cost for attendance at the associated workshop sessions and reception is \$275. These costs have been budgeted for in the Council Member professional development budget.

Clause 10 of the *Council Member Allowances and Support Policy* provides that Council will reimburse expenses incurred in travelling to the OGM.

➤ **Customer Service and Community/Cultural Implications**

The community can reasonably expect that Adelaide Hills Council has representation and advocates at the LGA level.

➤ **Sustainability Implications**

Not Applicable

➤ **Engagement/Consultation conducted in the development of the report**

Consultation on the development of this report was as follows:

<i>Council Committees:</i>	Not Applicable
<i>Council Workshops:</i>	Not Applicable
<i>Advisory Groups:</i>	Not Applicable
<i>External Agencies:</i>	Kelley Jones Lawyers
<i>Community:</i>	Not Applicable

➤ **Additional Analysis**

The matter of a council's voting delegate at LGA and other membership-based organisations (e.g. Local Government Finance Authority) would normally be determined by a council at the beginning of that council's term. Nevertheless, the council could revisit that determination over time and/or in instances where the normal delegate is unable to attend.

AHC has managed this process via the inclusion of a clause (as identified in the Governance section above) in its *Council Member Training & Development Policy* setting the Mayor as the default attendee, with the Deputy to attend in the Mayor's absence.

It should be noted that in appointing a delegate, Council is enabling that person to vote for and on behalf of the Council as the person sees fit at the time. By convention, the delegate would be expected to vote on matters in a way which aligns with any adopted policy position or strategy of the Council in place at the time.

Notwithstanding that the above policy position exists, given that the current Council has not specifically contemplated the issue, on the advice of Council's legal advisers, and with an abundance of caution it was decided to bring this report to Council for consideration.

The Policy itself is not scheduled for review under November 2026 however the Administration has brought this forward following the completion of the induction program.

Recommendation 3 provides for a process to appoint another Member if both the Mayor and Deputy Mayor are unable to a function. Unfortunately both the Mayor and Deputy are unable to attend the 14 April OGM and therefore Council will need to appoint another Member to attend. It is proposed that this process is managed utilising the Appointments to Positions Process contained in Clause 4.7 Council's *Code of Practice for Code of Practice for Council Meeting Procedures*. The recommendations to give effect to using this process are contained in Recommendations 4-6.

3. OPTIONS

Council has the following options:

- I. To reaffirm the policy position contained in clause 10 of the *Council Member Training & Develop Policy* that the Mayor, or the Deputy in the Mayor's absence, is the principal spokesperson, and is the default representative of Council in an official capacity (e.g. National General Assembly, LGA meetings and the like, including intrastate, interstate or overseas).(Recommended)
- II. To determine an alternate voting delegate for the 14 April 2023 LGA OGM (Not Recommended)

4. APPENDICES

- (1) LGA Ordinary General Meeting – Reception & Workshop Program – 13 & 14 April 2023
- (2) LGA Ordinary General Meeting – Order of Business – 14 April 2023

Appendix 1

*LGA Ordinary General Meeting – Reception &
Workshop Program – 13 & 14 April 2023*

LGA Ordinary General Meeting

**Adelaide
Convention
Centre**

North Terrace,
Adelaide

Welcome reception

Thursday 13 April 2023

5.30pm - 7.00pm

Foyer AB, upstairs, east building, Adelaide Convention Centre

networking

Friday 14 April 2023

8.30am **Registrations open**
Foyer F, central building,
Adelaide Convention Centre

9.00am **Conference opening and welcome**
Clinton Jury
CEO, Local Government Association

9.05am **Welcome to Country**
Uncle Mickey O'Brien

9.15am **Welcome from the LGA President**
Mayor Dean Johnson

9.20am **Platinum sponsor address**
Local Government Finance Authority

9.25am **Guest speaker**

9.45am **Local Government Association
of SA OGM**

11.15am **Morning tea**

11.30am **Platinum sponsor address**
LGA SA Mutual

11.35am **Local government award
presentations:**

- LGA Scheme Awards
- Joy Baluch Awards
- Local Government Service Awards

12.05pm **Keynote address**
President Mayor Christina Holmdahl
President of LGA Tasmania

12.45pm **Lunch**

1.45pm **Keynote address**
Mick Sherry
*Electoral Commissioner,
Electoral Commission of SA*

2.10pm **Breakout workshops**
Reflections on 2022 Council Elections -
interactive sessions

3.15pm **Breakout workshops summary**

3.50pm **Wrap up and close**
Clinton Jury
CEO, Local Government Association

Program timings are approximate and subject to change

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Local Government Association
of South Australia



**Local Government
Finance Authority**

Appendix 2

*LGA Ordinary General Meeting – Order of Business
–14 April 2023*

Agenda

Item	Page
1. Acknowledgment of Country, Open & Welcome	
2. Apologies	
3. Notice & Arrangements	
4. President's Address	
5. Minutes of Previous Meeting	
5.1 Minutes of the meeting held on 28 October 2022	3
5.2 Resolutions and Actions from the AGM of 28 October 2022	14
6. LGA Business	
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6.5 LGA Climate Commitment Action Plan Update	38
7. Recommendation Reports from the SAROC Committee	
Nil	
8. Recommendation Reports from the GAROC Committee	
8.1 Environmentally Sustainable Development (City of Unley)	46
8.2 State of Climate Emergency (City of Mitcham)	51
9. Recommendation Reports from the LGA Board of Directors	
9.1 First Nations Voice to Parliament (LGA Secretariat)	57
10. Next Meeting	
The LGA Annual General Meeting will be held on a date yet to be confirmed.	
12. Close	

**ADELAIDE HILLS COUNCIL
ORDINARY COUNCIL MEETING
Tuesday 28 March 2023
AGENDA BUSINESS ITEM**

Item: 12.4

Responsible Officer: Lachlan Miller
Executive Manager Governance and Performance
Office of the Chief Executive

Subject: Council Resolutions Update including 2 year update to
outstanding resolutions

For: Decision

SUMMARY

The Action List is updated each month by the responsible officer and outlines actions taken on resolutions passed at Council meetings. In some cases actions can take months or years to be completed due to the complexity and/or the level of influence Council has in the matter.

In March 2015, Council resolved that outstanding resolutions passed before 31 March 2013 would be the subject of a report outlining the reasons why the resolutions have not been completed, detailing what actions have been taken and an estimated date of completion.

While the above resolution referred to a date, the duration was two (2) years and the intent of the Council's resolution has been carried forward as a prudent accountability mechanism.

RECOMMENDATION

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	236/22	Ministerial Exemption – Confidential Item	Nil
27/09/2022	Ordinary Council	254/22	MON Coach Parking	Nil
25/10/2022	Ordinary Council	273/22	MON Parking & Road Safety Wattle Tree Road Bridgewater	Nil
20/12/2022	Ordinary Council	295/22	Cemetery Operating Policy	Nil
28/02/2023	Ordinary Council	43/23	Draft 2023-24 LTFP for consultation	Nil
14/03/2023	Ordinary Council	51/23	CWMS Asset Management Plan	Material - Cr Malcolm Herrmann & Cr Melanie Selwood
14/03/2023	Ordinary Council	54/23	Nomination to Dog & Cat Management Board	Material - Cr Mark Osterstock

1. GOVERNANCE

➤ Strategic Management Plan/Functional Strategy/Council Policy Alignment

Strategic Plan 2020-24 – A brighter future

Goal 5 A Progressive Organisation

Objective O5 We are accountable, informed, and make decisions in the best interests of the whole community

Priority O5.3 Demonstrate accountability through robust corporate planning and reporting that enhances performance, is relevant and easily accessible by the community

The timely completion of Council resolutions assists in meeting legislative and good governance responsibilities and obligations.

➤ Legal Implications

Not applicable

➤ Risk Management Implications

Regular reporting on outstanding action items will assist in mitigating the risk of:

Actions arising from Council resolutions may not be completed in a timely manner

Inherent Risk	Residual Risk	Target Risk
High (4C)	Medium (4E)	Medium (4E)

➤ **Financial and Resource Implications**

Not applicable

➤ **Customer Service and Community/Cultural Implications**

Not applicable

➤ **Sustainability Implications**

Not applicable

➤ **Engagement/Consultation conducted in the development of the report**

Not applicable

2. BACKGROUND

At its meeting of 24 March 2015 Council resolved:

That the CEO provides a report to the 28 April 2015 Council meeting in relation to outstanding resolutions passed before 31 March 2013 outlining the reasons why the resolutions have not been completed, detailing what actions have been taken and an estimated date of completion.

The contents of this report formed a workshop discussion with Council Members on 3 May 2017.

While the above resolution referred to a date, the duration was two (2) years and the intent of the Council's resolution has been carried forward as a prudent accountability mechanism.

3. ANALYSIS

The Action list has been updated to provide Council with information regarding outstanding actions. Completed resolutions are identified in the recommendation for removal from the Action List.

4. OPTIONS

Council has the following options:

- I. Note the status of the outstanding items and the proposed actions
- II. Resolve that other actions are required.

5. APPENDIX

- (1) Action List

Appendix 1
Action List

Meeting Date	Meeting	Res No.	Item Name	Previously Declared COI	Action Required (Council Resolution)	Responsible Director	Status	Status (for Council reporting)	Confidential
24/01/2017	Ordinary Council	7/17	Cromer Cemetery Revocation of Community Land	None declared	a report be prepared and submitted to the Minister for Local Government seeking approval for the revocation of the community land classification of a portion of the land contained in Certificate of Title Volume 5880 Folio 219 identified in red on the plan attached as Appendix 1.	Terry Crackett	In Progress	DEWNR have requested that the revocation be put on hold whilst they investigate the requirements to alter the trust affecting the land and undertake an assessment of the native vegetation on the land, this is likely to take some months. DEW advised on 4/12/18 that there are some impediments to the progression of the proposed boundary realignment due to the mining operations on the adjacent land, which are being negotiated with the Dept for Mining. Advice is that these negotiations could take considerable time (2yrs). In the interim, consideration will be given to the granting of a right of way to ensure that the cemetery has legal access. DEW staff member dealing with this matter has left DEW so there may be an extended delay whilst it is reallocated and assessed. DEW awaiting finalisation of negotiations with Dept for Mining March 21 - Council staff have requested an update from DEW as to the status of this matter October 21 - Council staff continue to engage with DEW to seek a progression of the matter November 21 - no further update from DEW Jan 22 - contact has been made with DEW who are investigating the situation again prior to further communication with Council March 22 - a new contact has been established with DEW who is working proactively with Council to plan a path forward to meet both DEW and Council objectives August 2022 - DEW have advised that the land can be subdivided as Crown Land and rededicated back to Council which will mean Community Land revocation is unnecessary. On site meeting held with DEW, Survey Plan prepared and with DEW for comment (sent 30/08/2022) prior to lodgement. Seeking confirmation from DEW on their willingness to resume the land prior to lodging land division. October 2022 - DEW have the Plan of division and are liaising with staff regarding the best way forward. Nov 22 - liaising with Plan SA who have now received the land division for assessment Dec 22 - Council's comments on the crown land division now with Plan SA for a final decision Jan 23 - Crown Lands advised early Jan that they are finalising paperwork submission to Minister Feb 23 - no update Mar 23 - Awaiting update advice from Crown Lands SA	FALSE
28/08/2018	Ordinary Council	200/18	Proposal to enter 11 AHC Reserves into Heritage	None declared	<ol style="list-style-type: none"> 1. That the report be received and noted. 2. That the Biodiversity Officer be authorised to enter: Doris Coulls Reserve, 152 Old Mt Barker Road, AldgateHeathfield Waste Facility, 32 Scott Creed Road, HeathfieldKiley Reserve, 15 Kiley Road, AldgateShanks Reserve, 1 Shanks Road, AldgateStock Reserve, Stock Road, MylorLeslie Creek Reserve, Leslie Creek Road, MylorMi Mi Reserve, 125 Aldgate Valley Road, MylorAldgate Valley 2 Reserve, 114 Aldgate Valley Road, MylorKyle Road Nature Reserve, Kyle Road, MylorCarey Gully Water Reserve, Deviation Road, Carey GullyHeathfield Stone Reserve, 215 Longwood Road, HeathfieldMylor Parklands, Mylor 3. That the Heritage Agreements retain the existing dog access arrangements in place for each of those reserves. 	Peter Bice	In Progress	The Heritage Applications were phased over the years in order to be accommodated within available resourcing. All applications have been lodged by June 30 2022 as per 2018 Council resolution. Heritage Agreements have been registered over: Kiley Reserve Shanks Reserve Kyle Road Nature Reserve, Leslie Creek Reserve Aldgate Valley 2 Reserve Doris Coulls Reserve Mylor Parklands Heathfield Waste Facility Heathfield Conservation Reserve Conditionally approved: 1. Reserve 26 - "Stock Rd 1". Needs to be allocated CT to progress. Paperwork signed by CE and Mayor and lodged. Delays due to CT Application fee being payable by cheque only. AHC organising bank cheque. 2. Carey Gully. Rededication from recreation to conservation purposes required. Paperwork to amend a dedication submitted to Crown Lands. Awaiting outcome. NOTES: Heathfield Stone Reserve was successfully rededicated for conservation purposes with Lands Title Office, and is now referred to as Heathfield Conservation Reserve. Heathfield Conservation Reserve and Heritage Mi Mi Reserve Applications have been accepted and signed by CEO, to be countersigned by DEW. Carey Gully was initially rejected but appealed by Biodiversity Officer. Heritage Officer changed their recommendation for acceptance and sent to delegate for approval. Correspondence received that rededication from recreation to conservation purposes is required. Paperwork to amend a dedication has been submitted to Crown Lands.	FALSE

Meeting Date	Meeting	Res No.	Item Name	Previously Declared COI	Action Required (Council Resolution)	Responsible Director	Status	Status (for Council reporting)	Confidential
11/09/2018	Special Council	229/18	Road Exchange McBeath Drive, Skye Horsnell G.	None declared	In accordance with sections 12 and 15 of the Roads (Opening and Closing) Act 1991, as regards the land within the Adelaide Hills Council area, enter into an Agreement for Exchange with Boral Resources (SA) Ltd and issue a Road Process Order to open as road portions of Section 906 Hundred of Adelaide numbered "1", "2" and "3" on Preliminary Plan No. 17/0066 (Appendix 1) and in exchange to close portions of McBeath Drive marked "A", "B", "C" and "D" on Preliminary Plan No. 17/0066, subject to the following: Boral Resources (SA) Ltd agreeing to pay all costs associated with the road exchange process including but not limited to all survey, valuation and reasonable legal costs; Boral Resources (SA) Ltd agreeing to pay all costs associated with a Council boundary adjustment between Adelaide Hills Council and the City of Burnside to rectify the resulting Council boundary anomaly from the road exchange process The closed road is excluded as Community Land pursuant to the Local Government Act 1999. Council approves the sale of the differential between the total area of closed road and the total area of opened road of approximately 1,242m2 to Boral Resources (SA) Ltd for the amount of \$6,210 as determined by an independent valuation. Subject to the successful completion of the road exchange process, Council undertakes a process in conjunction with the City of Burnside to realign the local government boundary along the new location of McBeath Drive to the south side of pieces 42, 52 and 62 of the proposed residential allotments in accordance with the provisions of the Local Government (Boundary Adjustment) Amendment Act 2017 (to commence on 1 January 2019) and/or Part 2 of Chapter 3 of the Local Government Act 1999. The Mayor and Chief Executive Officer be authorised to sign all documents necessary, including affixation of the common seal, to give effect to this resolution.	Terry Crackett	In Progress	Road exchange documentation has been executed and provided to Boral for lodgement with the Surveyor-General. Submission has been prepared and lodged with the Boundaries Commission jointly on behalf of the City of Burnside and Adelaide Hills Council. The Boundaries Commission has agreed to investigate the proposal and that process is underway. Further feedback has been provided to the Boundaries Commission to progress. Boral are negotiating a Land Management Agreement with the State Government which has delayed the completion of the land division and road exchange Awaiting advice that land division has been completed so that the boundary realignment can occur November 21 - Boral have received final DA and lodgement of land division plan with Land Services SA is expected shortly, once the land division is finalised, the boundary realignment April 22 - awaiting lodgement of land division plans by Boral August 2022 - Have had no update from Boral or lawyers, Karen to follow up. October 2022 - No update as yet Nov 22 - no update Dec 22 - no further update to report Jan 23 - no further update to report Feb 23 - Boral advised in late Jan that all docs have now been forwarded for land division lodgement to their Lawyers Mar 23 - Boral has made progress with the land division with deposit of plan now imminent. Burnside has requested an extension of time from the boundaries commission for resolution of the boundary issues as the matter is nearing finalisation	FALSE
11/09/2018	Special Council	232/18	Revocation of Community Land – Bridgewater R	None declared	To commence a process to revoke the Community Land classification of the land located on the corner of Mt Barker Road and Second Avenue Bridgewater known as 511 Mt Barker Road Bridgewater contained in Certificate of Title Volume 5488 Folio 788 (Land) on which a portion of the Bridgewater Retirement Village is located by: Preparing a report as required under section 194(2)(a) of the Local Government Act 1999 and making it publicly available. Undertaking consultation in accordance with its Public Consultation Policy as required under section 194(2)(b) of the Local Government Act 1999. To commence a process to vary the charitable trust affecting the Land by investigating land parcels owned by the Adelaide Hills Council, including Carripook Park, Candlebark Reserve and Vincent Playground Reserve, that may be suitable for the development of a landscaped garden for the benefit of the community and for the construction of a memorial to the Ash Wednesday Bushfires of 1983 as contemplated by the charitable trust over the Land and invite community suggestions and feedback in relation to any appropriate land parcels. To approve a budget allocation in the amount of \$10,000 for legal expenses for the preparation of an Application to the Supreme Court to vary the charitable trust. That a further report be presented to Council for consideration after community consultation and further investigations have been completed	Terry Crackett	In Progress	Initial consultation to identify possible locations for the establishment of a garden and memorial concluded on 28 January 2019 with only one submission received being a suggestion from the Retirement Village residents to investigate Carripook Park as their preferred option. Council, at the meeting of 27 August 2019, approved Carripook Park as the location to vary the trust to. The Attorney-General has provided in-principle support to the proposal so a design for the landscaped garden and bushfire memorial at Carripook Park will be prepared for submission to the Supreme Court. November 21 - consultation has been undertaken and draft affidavit has been prepared for lodgement with the Supreme Court Jan 22 - awaiting approval from the Attorney General prior to lodgement with the Supreme Court April 22 - documents nearing finalisation for lodgement with Supreme Court June 22 - all Supreme Court documents have been executed and progressed with the Attorney-General Aug 22 - all documents to remove the Trust have now been approved by the supreme court. Trust now removed from Retirement Village site. Meeting with residents on 22 Sept to finalise any updated feedback on community land revocation. Oct 22 - Meeting held with residents on 22 September to communicate current status. Documents sent to Minister for Community Land revocation on week ending 14/10/2022. Nov 22 - Advice received from Ministers office that community land revocation would be reviewed mid November 2022. Dec 22 - waiting on final decision regarding community land revocation from Ministers office Jan 22 - waiting on final decision regarding community land revocation from Ministers office Feb 22 - waiting on final decision regarding community land revocation from Ministers office Mar 23 - still waiting on advice from Ministers office	FALSE
23/07/2019	Ordinary Council	188/19	LED Street Lighting Upgrade	None declared	That the report be received and noted. To approve an increase of \$365k in Council's 2019/20 capital budget to commence the transition of 900 P – category public streetlights to LED with the funding source to be recommended to Council at its next budget review. That Council engage SAPN to commence the changeover of P-Category lights to LED public lighting on Council roads and that authority is given to the CEO to finalise a contract with SAPN and sign that agreement. That Council enter into a PLC tariff agreement for public lighting with SAPN until 30 June 2020 and subsequently move to the tariff set by the Australian Energy Regulator from July 2020. That Council continues to liaise with SAPN and DPTI on the changeover of Council public lighting on roads under the care and control of the State Government. That a further report be provided to Council on the outcome of the continued discussions with SAPN and DPTI.	Peter Bice	In Progress	Council footpath lighting quote being sought for changeover to LED in Birdwood Main Street. Council lights changed to LED at Aldgate, Uraidla and Sumertown Main Street complete. The Public Lighting Working Group (including representatives from Local Government, DIT and SAPN) has established a sub-group to work with DIT on the transition of V Category lights on state maintained roads. Timing of any agreements between LG and DIT unknown. Council officers continue to be updated on sub-group progress and have nominated to join main street lighting working group.	FALSE

Meeting Date	Meeting	Res No.	Item Name	Previously Declared COI	Action Required (Council Resolution)	Responsible Director	Status	Status (for Council reporting)	Confidential
28/01/2020	Ordinary Council	11/20	Revocation of Community Land - Bridgewater R	None declared	That the report be received and notedSubject to the Supreme Court issuing an order granting approval for a trust variation scheme, a report be prepared and submitted to the Minister for Planning seeking approval to revoke the community land classification of Allotment 220 in Filed Plan No. 8131 known as 511 Mount Barker Road Bridgewater.The Mayor and CEO be authorised to sign all necessary documentation to give effect to this resolution.	Terry Crackett	In Progress	Application to the Minister for Planning will be made once the trust variation scheme has been approved by the Supreme Court. The Attorney-General has provided in-principle support for the proposal. A detailed landscape design has been prepared, community consultation on the design is underway and submission for the Supreme Court is being prepared. November 21 - consultation has been undertaken, draft affidavit has been prepared for lodgement with the Supreme Court Jan 22 - awaiting approval from the Attorney General to lodge with the Supreme Court April 22 - documents nearing finalisation for lodgement with Supreme Court June 22 - all Supreme Court documents have been executed and progressed with the Attorney-General August 2022 -Supreme court document have beenapproved, Trust now removed from Retirement Village site and have been transferred to Carpiook Park. Meeting with residents on 22 September to discuss status and will then finalise report to Minister to revoke community land classification. Oct 22 - Meeting held with residents re current status on 22/10/2022. Community Land revocation application finalised and sent to minister week ending 14/10/2022 Nov 22 - advice received from Minister that community land revocation would be assessed around mid November 2022 Dec 22 - awaiting final decision from Minister regarding community land revocation Jan 23 - awaiting final decision from Minister regarding community land revocation Feb 23 - awaiting final decision from Minister regarding community land revocation Mar 23 - awaiting final decision from Minister regaeding community land revocation	FALSE
15/12/2020	Ordinary Council	300/20	Road Exchange Pomona Road Stirling	None declared	1. That the report be received and noted2. In accordance with sections 12 and 15 of the Roads Opening and Closing) Act 1991, enter into an Agreement for Exchange with the owner of the land of 21 Pomona Road Stirling and issue a Road Process Order to open as public road the area identified as "Road to be opened 1" on the Preliminary Plan No 20/0038 and in exchange to close a portion of Pomona Road as identified on the Preliminary Plan No 20/0038 as "Public Road A", subject to the owner of the land at 21 Pomona Road Stirling agreeing to pay all costs associated with the road exchange process including but not limited to all survey, valuation and reasonable legal costs 3. The closed road be excluded as Community Land pursuant to the Local Government Act 1999. The Mayor and Chief Executive Officer be authorised to sign all documents necessary, including affixation of the common seal, to give effect to this resolution	Terry Crackett	In Progress	Final Plans and Road Process Order documents have been executed by all parties. Awaiting on processing with the Surveyor- General and the Lands Titles Office	FALSE
27/01/2021	Ordinary Council	22/21	CWMS Review	None declared	that the report, related attachments and the discussion and considerations of the subject matter be retained in confidence until 30 July 2021.	Peter Bice	In Progress		FALSE
23/03/2021	Ordinary Council	52/21	Crown Land Revocation	None declared	1. That the report be received and noted 2. That the consultation report (Appendix 1) be received and noted 3. To apply to the Minister for Planning to revoke the Community Land classification of the following parcels of land:- i. CR 5752/186, Lot 32 Fullgrave Road, Crafers ii. CR 5753/725, Section 1609 Illert Road, Mylor iii. CR 5753/729, Section 1657 Scott Creek Road, Scott Creek iv. CR 5753/741, Sections 53 and 54 Sandy Waterhole Road, Woodside v. CR 5753/742, Section 547 Schuberts Road, Lobethal vi. CR 5753/744, Section 553 Pedare Park Road, Woodside vii. CR 5753/745, Section 556 Tiers Road, Woodside viii. CR 5753/746, Section 565 Old Carey Gully Road, Stirling ix. CR 5753/754, Section 511 North East Road, Inglewood x. CR 5753/758, Section 262 Reserve Road, Forreston xi. CR 5763/631, Section 1591 Silver Road, Bridgewater xii. CR 5763/634, Section 71 Magarey Road, Mount Torrens xiii. CR 5763/635, Section 72 Magarey Road, Mount Torrens xiv. CR 5763/636, Section 84 Forreston Road, Forreston xv. CR 6142/329, Lot 501 Greenhill Road, Balhannah xvi. CR 5926/487, Lot 20 Bell Springs Road Charleston (for rededication to the Department of Environment & Water) xvii. CR 5753/718, Section 1544 Reserve Terrace Aldgate (for rededication to Meals on Wheels) xviii. CR 5753/753, Section 495 off Kersbrook Road Kersbrook (for rededication to Forestry SA) 4. That a further report be presented to Council once a response from the Minister for Planning is received.	Terry Crackett	In Progress	Being progressed in accordance with resolution. November 21 - awaiting feedback from the Minister for Planning on final application for revocation Jan 22 - final application has been lodged with the Minister for Planning June 22 - awaiting response from new Minister September 2022 - still awaiting response from Minister Oct 22 - Still awaiting response from Minister Nov 22 - Still awaiting response from Minister Dec 22 - received response from Minister that matter has been referred to DEW for land to be resumed from the Crown to alleviate the need for Community Land revocation. Report to be made to Council in January 2023 providing an update on the Ministers correspondence and next steps Jan 23 - report to Jan Council meeting regarding next steps. Feb 23 - matter now referred to crown lands SA - workshop to now be held with Council before Council meeting by end of June 2023 Mar 23 - have asked crown lands SA to put matter on hold pending Council workshop schedule for May	FALSE

Meeting Date	Meeting	Res No.	Item Name	Previously Declared COI	Action Required (Council Resolution)	Responsible Director	Status	Status (for Council reporting)	Confidential
27/07/2021	Ordinary Council	158/21	Revocation of Community Land Classification - C	Perceived - Cr Linda Green	<ol style="list-style-type: none"> 1. That the report be received and noted 2. To commence a revocation of community land process for the land described as "AA" in Road Plan No. 2142 ("Closed Road"), off Lenger Road, Mount Torrens including consultation in accordance with Council's Public Consultation Policy and the <i>Local Government Act 1999</i> with the intention of selling the Closed Road to the adjoining owners. 3. To commence a revocation of community land process for the land described as "A" and "B" in Road Plan No. 1573 ("Closed Road") adjacent to 105 Nicholls Road, Norton Summit including consultation in accordance with Council's Public Consultation Policy and the <i>Local Government Act 1999</i> with the intention of selling the Closed Road to the adjoining owners. 4. That a further report be presented to Council at the completion of the consultation. 	Terry Crackett	In Progress	<p>Commenced in accordance with the resolution</p> <p>Public Consultation has completed. NO formal responses received - follow up report is prepared and to be presented at June 2022 Council meeting</p> <p>Follow up report presented to Council 26 July 2022.</p> <p>Council have written to the Minister for approval of Community Land Revocation status.</p> <p>Anticipated response due mid September 2022.</p> <p>Oct 22 - No response received from Minister</p> <p>Nov 22 - Response from Minister still to come</p> <p>Dec 22 - Response from Minister still to come</p> <p>Jan 23 - Response from Minister received 10/1/2023 - in favour of Revocation. Next steps are to prepare next report to Council to progress with the sale of the Closed Road Land (March 2023 Meeting).</p> <p>Mar 23 - Roads Officer position now vacant, will look to report to Council on this asap likely April.</p>	FALSE
24/08/2021	Ordinary Council	170/21	Road Exchange Aldi Development Pomona Road	None declared	<p>That the report be received and noted</p> <p>In accordance with sections 12 and 15 of the <i>Roads (Opening and Closing) Act 1991</i>, enter into an Agreement for Exchange with the owner of the land of 3-5 Pomona Road Stirling and issue a Road Process Order to open as public road the area identified as "Road to be opened 1" on the Preliminary Plan No 21/0011 and in exchange to close a portion of Pomona Road as identified on the Preliminary Plan No 21/0011 as "Public Road A", subject to the owner of the land at 3-5 Pomona Road Stirling and Council agreeing to share all costs associated with the road exchange process including but not limited to all survey, valuation and reasonable legal costs. The closed road be excluded as Community Land pursuant to the <i>Local Government Act 1999</i>. The Mayor and Chief Executive Officer be authorised to sign all documents necessary, including affixation of the common seal, to give effect to this resolution.</p>	Terry Crackett	In Progress	<p>Commenced in accordance with resolution</p> <p>Road Process Documents have been signed by Council. Currently awaiting process by the Surveyor-Generals and Lands Titles Office.</p> <p>Road plan has been examined, however this is awaiting the deposit of a prior amalgamation and easement plan with the Lands Titles Office.</p> <p>Oct 22 - No further update to report</p> <p>Nov 22 - No further updates</p> <p>Dec 22 - No further updates</p> <p>Jan 23 - No further updates</p> <p>6 Feb 23 - No further updates</p> <p>Mar 23 - easement plan now signed and ready for lodgement</p>	FALSE
24/08/2021	Ordinary Council	178/21	Operational Workplace Review	None declared	<ol style="list-style-type: none"> 1. That the report be received and noted 2. That Council take up commercial lease space in Stirling at 85 Mount Barker Road Stirling, and the associated costs for the leasehold premises detailed in <i>Appendix 1</i> be adjusted in the 2021-22 financial year at Budget Review 1 3. Further detailed scoping be undertaken on the proposed renewal and energy efficiency upgrades to the Stirling Office, Heathfield Depot, Gumeracha Depot and Woodside Offices (current Development and Building Team offices) and presented to Council for consideration where appropriate within the 2021-22 Budget Review 1 and the next review of the Long Term Financial Plan 4. Subject to endorsement of the detailed scoping identified in 3 above, the Development and Building Team be relocated from Woodside to Stirling 5. To include budget provision in the draft Annual Business Plan for the 2022-23 financial year to undertake a feasibility study on the medium to long term needs for community and operational sites and where greater efficiencies may be obtained through consolidation of sites. 	Terry Crackett	In Progress	<p>Commenced in accordance with resolution</p> <p>Fitout of Garrod Office and progression of preliminary work for Stirling transportable underway. Scoping of other components to be is nearing completion and will be presented back to Council for review.</p> <p>Sept 22 - refit of transportable building at Stirling underway to allow for Ranges and EHO's to move in. Fitout at Garrod now complete with some staff having moved in. Meeting at Heathfield in early Sept to continue discussions on extension/renovations at that site.</p> <p>Oct 22 - Transportable building renovations well progressed. Meeting at Heathfield postponed pending further discussion with CEO on process for moving forward given scope of new building proposed for Heathfield has now changed.</p> <p>Nov 22 - Transportable renovations going to plan with completion estimated prior to Christmas. Discussion held with CEO/exec team re scope/process moving forward</p> <p>Dec 22 - Transportable on track to be completed prior to Christmas. Scoping for planning and building team to be relocated to Stirling underway</p> <p>Jan 23 - discussions underway regarding options for woodside staff to be relocated to Stirling together with costings for changes to West Wing (Council chamber). Report to be submitted to Council prior to any changes being made.</p> <p>Feb 23 - update report coming to council in March/April</p> <p>Mar 23 - update report to come to Council more likely April/May</p>	FALSE
26/10/2021	Ordinary Council	220/21	Charleston Cemetery Compulsory Acquisition	None declared	<ol style="list-style-type: none"> 1. That the report be received and noted. 2. To revoke the resolution of Council of 22 May 2001, B129. 3. To commence a process to compulsorily acquire, under the <i>Land Acquisition Act 1969</i>, the Charleston Cemetery being the land contained in Certificate of Title Volume 5066 Folio 740 located at 36 Newman Road Charleston from The Charleston Cemetery Trust Inc. To continue to manage the Charleston Cemetery on behalf of The Charleston Cemetery Trust Inc in the interim from the date of this resolution until the completion of the land acquisition process. To authorise the Mayor and Chief Executive Officer to undertake all necessary actions, including execution of documents, including under the common seal of Council, to give effect to this resolution. 	Terry Crackett	In Progress	<p>Commenced in accordance with the resolution.</p> <p>November 21 - letter seeking consent to undertake the compulsory acquisition has been sent to the Minister</p> <p>Jan 22 - Minister has advised they are considering their position and will advise further in due course</p> <p>March 22 - Minister advised that has been deferred until after the election</p> <p>April 22 - new Minister has confirmed receipt and will review in due course</p> <p>Aug 22 - received advice from Minister for Local Government (via Normans) on 9/08/2022 that they were still waiting to hear back from Crown Solicitors Office on this matter.</p> <p>Oct 22 - No update received from Minister</p> <p>Nov 22 - No update received from Minister</p> <p>Dec 22 - No update received from Minister</p> <p>Jan 23 - no update received from Minister.</p> <p>Feb 23 - no update received from Minister</p> <p>Mar 23 - Lawyer followed up and Minister has advised that they are still reviewing the request from Council</p>	FALSE
26/10/2021	Ordinary Council	235/21	Ashton Landfill - Confidential Item	None declared	As per Confidential minute	Peter Bice	In Progress	Matter continues to be progressed. Further updates will be provided when a material change occurs.	TRUE
26/10/2021	Ordinary Council	238/21	Electricity Procurement Legal Matter - Confident	None	As per confidential minute	Peter Bice	In Progress		TRUE

Meeting Date	Meeting	Res No.	Item Name	Previously Declared COI	Action Required (Council Resolution)	Responsible Director	Status	Status (for Council reporting)	Confidential
14/12/2021	Ordinary Council	274/21	Woodside Recreation Ground Reuse further infc	Perceived - Cr Stratford	1. The report be received and noted. 2. That a report be prepared for Council's information on the costs associated with bore water saving initiatives that could be implemented in respect to Council-owned recreational assets that are currently irrigated by bore water.	Peter Bice	In Progress	An audit of the site was undertaken on Wednesday 4th January 2023, along with other key areas. Report was delayed, due mid March 2023.	FALSE
22/03/2022	Ordinary Council	52/22	Response to MON Bore Use	Nil	1. That the report be received and noted 2. To negotiate an agreement with the Summertown Village Water Company for access to the Council bore located on Anya Crescent Reserve at Summertown for a defined period, being not more than 3 years, on terms and conditions to be agreed whereby by the end of the agreement term, the Summertown Village Water Company has established an independent water supply for its shareholders and current use of the Council bore ceases 3. To negotiate an in principle agreement with the Summertown Community Centre Inc. for a land exchange at Tregarthen Reserve Summertown that would see the public infrastructure located on land owned by the Council and the sport and recreation infrastructure on land owned by the Summertown Community Centre Inc. with the Council being responsible for the provision of water to Tregarthen Reserve 4. To negotiate an agreement with the owner of 30 Stonehenge Avenue Stirling, for access to and use of the bore located on Council land at 28 Stonehenge Avenue Stirling, for a defined reasonable period of time, say 18 – 24 months, on terms and conditions to be agreed whereby by the end of the agreement, the landowner has established an independent water supply for its land and use of the Council bore ceases 5. To undertake further investigations in relation to the Mylor bore and tanks and to which properties it supplies water 6. The CEO further reports to Council on an annual basis of progress being made on points 2-5.	Terry Crackett	In Progress	Commenced in accordance with resolution. Sept 22 - commenced as per resolution Oct 22 - commenced as per resolution Nov 22 - commenced as per resolution Dec 22 - commenced as per resolution with an update report to be submitted to Council in early 2023 Jan 23 - update to be reported to Council in March 2023 Feb 23 - report still on track for March 2023 meeting Mar 23 - report to now be considered by Council for meeting later this year around September	FALSE
22/03/2022	Ordinary Council	53/22	Removal of Remoteness Sculpture, Stirling	Nil	1. That the report be received and noted. 2. That the sculpture known as <i>The Remoteness</i> , be removed from the area in front of the Coventry Library, Stirling. 3. That best endeavours should be made to retain suitable elements of the sculpture for placement in the surrounding landscape in a manner appropriate to the setting, such as for informal seating. 4. That the Council works with the Stirling Business Association and stakeholders from the former Adelaide Hills International Sculpture Symposium Inc to identify and implement appropriate means of recognising the sculpture and ensuring its legacy is not lost to the precinct in which it is presently situated and the overall Hills Sculpture Trail.	Terry Crackett	In Progress	In mid-June, the former artistic director for Adelaide Hills International Sculpture Symposium Inc approached Council staff advising of a product he believes may provide a potential 'fix' for the sculpture. He was unavailable to progress the matter through June/July, however staff have recently met with him to progress the matter. Staff have sought advice on the suggested fix from ArtLab and at the time of update, are awaiting an outcome of their work. It will be important to evaluate whether or not the risk profile associated with the matter would change with the proposed fix. As there is a Council resolution to remove the sculpture, the matter may need to come back to Council for consideration if the fix is deemed viable. Response from Artlab has indicated that, given the load bearing of the design and the weakened nature of the stone it is unlikely that any treatment options will resolve the issues, however they suggested that we further consult with an engineer regarding proposed fix. An engineer has been approached and provided with all information to date and we await his response. The engineer has met with the artist who proposed the potential fix and we are in discussions with him regarding options. 12/12 David Waters has spoken to the engineer who is sending some additional information regarding risk management. 19/1 Information has been recieved from the engineer which indicates there may be some merit in the solution proposed by the artist but there are still some complexities regarding that solution. The case has now been referred to property services to review and finalise. Feb 23 - property reviewing all documentation and undertaking a risk assessment on current proposal Mar 23 - property collating all information received prior for submission to Council's insurers.	FALSE
26/04/2022	Ordinary Council	86/22	MON Property Lobethal Road Lenswood	Nil	1. Council notes the long history of compliance action taken by the Council under both the <i>Development Act 1993</i> , and the <i>Local Nuisance and Litter Control Act 2016</i> , in relation to: continuing unauthorised use of the land as a junkyard/scrap storage facility/builder's storage facility; the continuing unsightly condition of the land when viewed from the public realm; and ongoing nuisance caused by wandering livestock and animals which issues continue to bring about adverse impacts within the locality. The Council instructs the Chief Executive Officer to take such further action/s as he may be advised to take under (including but not limited to) the <i>Local Nuisance and Litter Control Act 2016</i> , and/or the <i>Planning, Development and Infrastructure Act 2016</i> , (which action/s may involve the commencement legal proceedings and/or the exercise of step-in rights) to address the above issues on an ongoing basis. Wherever possible, such action should seek to recover the Council's costs associated with the relevant action/s.	Natalie Armstrong	In Progress	Continued monitoring is being undertaken by Council staff and action if appropriate.	FALSE
26/04/2022	Ordinary Council	87/22	Property Lobethal Road Lenswood - Duration of Nil	Item	Duration of Confidentiality NB: Item to be reviewed every 12 months if not released ReportTwo year termRelated AttachmentsTwo year termMinutesNILOther (presentation, documents, or similar)NIL	Natalie Armstrong	In Progress		FALSE

Meeting Date	Meeting	Res No.	Item Name	Previously Declared COI	Action Required (Council Resolution)	Responsible Director	Status	Status (for Council reporting)	Confidential
24/05/2022	Ordinary Council	122/22	Purchase of Land 8 St John Road Norton Summit	Perceived - Cr Leith Mudge	I move that the matter of the purchase of land at 8 St John Road Norton Summit be brought to a workshop to ensure all members are fully aware of the situation which includes issues that have to be resolved, e.g. Council's encroachment onto Church land of the septic system and part of the CFS shed.	Terry Crackett	In Progress	Workshop scheduled for 9 August 2022. Workshop held on 16 August 2022. Investigations ongoing during September/October 2022 Nov 22 - internal investigations ongoing with report planned for Council meeting in early 2023. Dec 22 - on site meeting held to discuss possible options for new septic tank including land requirement Jan 23 - property team is seeking quotes for upgrade of septic system, Feb 23 - have given engineer go ahead for quote and design of new septic system Mar 23 - awaiting advice from engineer re scope and design of new septic system	FALSE
28/06/2022	Ordinary Council	157/22	Revocation of Community Land Classification - Cr Linda Green	Perceived - Cr Linda Green	That the report be received and noted A report be prepared and submitted to the Minister for Planning seeking approval for the revocation of the community land classification of the land identified as: a. Closed Road AA in Road Plan No. 2142 contained in Certificate of Title Volume 6261 Folio 496 located at Mount Torrens (Appendix 1) b. Closed Road AB in Road Plan No. 1573 contained in Certificate of Title Volume 6261 Folio 497 located at Norton Summit (Appendix 1)	Terry Crackett	In Progress	Commenced in accordance with resolution. Council staff have written to the Minister for Local Government (Hon. Geoff Brock) seeking the Revocation of Community Land Classification. Oct 22 - Waiting on response from Minister Nov 22 - Awaiting response from Minister Dec 22 - Awaiting response from Minister Jan 23 - Response from Minister received 10/1/2023 - in favour of Revocation. Next steps are to prepare next report to Council to progress with the sale of the Closed Road Land (March 2023 Meeting). Mar 23 - Report more likely to come in April due to staff vacancy	FALSE
28/06/2022	Ordinary Council	166/22	Warren Road Birdwood Blackspot - Confidential	Nil	See Confidential Minute	Peter Bice	In Progress	In Progress	TRUE
28/06/2022	Ordinary Council	167/22	Warren Road Birdwood Blackspot - Duration of Confidentiality	Nil	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)(d) of the <i>Local Government Act 1999</i> , resolves that an order be made under the provisions of sections 91(7) and (9) of the <i>Local Government Act 1999</i> 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 all resolutions are executed, but not longer than 28 June 2023 Related Attachments Until all resolutions are executed, but not longer than 28 June 2023 Minutes Until all resolutions are executed, but not longer than 28 June 2023	Peter Bice	In Progress	In Progress	FALSE
28/06/2022	Ordinary Council	172/22	Ashton Landfill - Confidential	Nil	See Confidential Minute	Peter Bice	In Progress	Matter continues to be progressed. Further updates will be provided when a material change occurs.	TRUE
28/06/2022	Ordinary Council	173/22	Ashton Landfill - Duration of Confidentiality	Nil	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 18.3 in confidence under sections 90(2) and 90(3)(i) of the <i>Local Government Act 1999</i> , resolves that an order be made under the provisions of sections 91(7) and (9) of the <i>Local Government Act 1999</i> 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 28 June 2024 Related Attachments 28 June 2024 Minutes 28 June 2024 Other NIL	Peter Bice	In Progress	Matter continues to be progressed.	FALSE
28/06/2022	Ordinary Council	175/22	Fabrik Tender & Contract - Confidential Item	Nil	See Confidential Item	Terry Crackett	In Progress	Oct 2022 - Building 21 Contract has now been finalised. Contracts for remainder of buildings in process of being finalised. Nov 22 - remaining contracts in process of being finalised. Dec 22 - External works contract in process of being finalised which will be the last of the four contracts to be executed. Jan 23 - External works contract to be signed early 2023 Feb 23 - awaiting signing of external works contract Mar 23 - awaiting signing of external works contract	TRUE
26/07/2022	Ordinary Council	182/22	Policy Review - Festivals and Events	Nil	That the report be received and noted. To undertake public consultation on the Draft July 2022 <i>Festivals and Events Policy</i> and the CEO prepares a report for Council.	Rebecca Shepherd	In Progress	We have commenced phase 1 of consultation on the Festival & Events Policy with a general invitation to our community and event attendees to provide feedback on events they run or attend. We will then run a workshop session with Council in the second half of the year to provide details regarding the variety of ways we currently support events and seek input into how we should be supporting them in the future. That feedback will then inform the development of our new policy to come to Council in 2023. https://engage.ahc.sa.gov.au/festivals-and-events-in-the-adelaide-hills	FALSE

Meeting Date	Meeting	Res No.	Item Name	Previously Declared COI	Action Required (Council Resolution)	Responsible Director	Status	Status (for Council reporting)	Confidential
23/08/2022	Ordinary Council	206/22	MON Undergrounding of Power Lines Lobethal,	Nil	That the CEO investigates the potential for undergrounding of power lines in: Main Street and portion of Lobethal Road, Lobethal; Onkaparinga Valley Road (Main Street) Woodside; and Townsend Street, Mount Torrens and, after consultation with the Power Lines Environment Committee, provides a report to Council by 28 February 2023.	Peter Bice	In Progress	Report date postponed to 26 April 2023 meeting to allow for additional information about main street priorities generally.	FALSE
23/08/2022	Ordinary Council	230/22	East Waste Recycling Contract – Duration of Confidentiality	Nil	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 23 August 2024 Related Attachments 23 August 2024 Minutes 23 August 2024 Other 23 August 2024 Pursuant to section 91(9)(c) of the <i>Local Government Act 1999</i> , the Council delegates the power to revoke the confidentiality order either partially or in full to the Chief Executive Officer.	Peter Bice	In Progress	Confidential material remains sensitive and could reasonably be expected to prejudice the commercial position of the person who supplied the information.	FALSE
23/08/2022	Ordinary Council	234/22	Revised East Waste 2022-23 Annual Plan & Budget	Nil	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 Appendix 1 Appendix 2 23 August 2024 Nil Minutes Nil Other Nil Pursuant to section 91(9)(c) of the <i>Local Government Act 1999</i> , the Council delegates the power to revoke the confidentiality order either partially or in full to the Chief Executive Officer.	Peter Bice	In Progress	Confidential material remains sensitive and could reasonably be expected to prejudice the commercial position of the business who supplied the information.	FALSE
23/08/2022	Ordinary Council	236/22	Ministerial Exemption – Confidential Item	Nil	Refer to Confidential Minute	Peter Bice	Completed	Confidential action has been completed.	TRUE
23/08/2022	Ordinary Council	237/22	Ministerial Exemption - Duration of Confidentiality	Nil	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 23 August 2024 Related Attachments 23 August 2024 Minutes 23 August 2024 Other 23 August 2024 Pursuant to section 91(9)(c) of the <i>Local Government Act 1999</i> , the Council delegates the power to revoke the confidentiality order either partially or in full to the Chief Executive Officer.	Peter Bice	In Progress		FALSE
27/09/2022	Ordinary Council	254/22	MON Coach Parking	Nil	That the CEO prepares a report into the viability of a Coach Parking space in Stirling and adjacent environs by 31 January 2023.	Peter Bice	Completed	Report will be provided to 28 February Council meeting.	FALSE
25/10/2022	Ordinary Council	273/22	MON Parking & Road Safety Wattle Tree Road Bridgewater	Nil	I move that a report be presented back to Council by January 2023 covering the following: The current safety of Wattle Tree Road for motorists, and what could be done to improve safety in the long term. Possible solutions for on-street parking in Wattle Tree Road.	Peter Bice	Completed	Report has been completed and will be provided to Council at 28 February meeting.	FALSE

Meeting Date	Meeting	Res No.	Item Name	Previously Declared COI	Action Required (Council Resolution)	Responsible Director	Status	Status (for Council reporting)	Confidential
29/11/2022	Ordinary Council	295/22	Time and Place of Meetings	Nil	<ol style="list-style-type: none"> The report be received and noted. Commencing 2022 until 28 February 2024, Ordinary Council Meetings will be held at 63 Mt Barker Road, Stirling and are scheduled to commence at 6.30pm on the second and fourth Tuesday of the month, except for: December 2022 (Tuesday 20 December 2022) January 2023 (Tuesday 24 January 2023) December 2023 (Tuesday 19 December 2023) January 2024 (Tuesday 23 January 2024) The Chief Executive Officer be authorised to adjust the Ordinary Council Meeting schedule, including time and place of the meeting, where matters necessitate a change such as a meeting date occurring on a public holiday, catastrophic fire danger day or other valid reason. Commencing 2022 until 28 February 2024, times and venues for Special Council Meetings, requested in accordance with the legislative provisions, are to be determined by the Chief Executive Officer. Commencing 2022 until 28 February 2024, Information or Briefing Sessions are scheduled as follows: <ol style="list-style-type: none"> Workshops scheduled ordinarily at 6.30pm on the first Monday of each month, held at 36 Nairne Road, Woodside, except for January. Professional Development Sessions scheduled ordinarily at 6.30pm on the third Tuesday of each month, held at 63 Mt Barker Road, Stirling, except for December and January. The Chief Executive Officer be authorised to schedule additional Information or Briefing sessions where workload dictates, or adjust the Information or Briefing Sessions schedule, including time and place of the sessions, where matters necessitate a change such as an Information of Briefing session date occurring on a public holiday, catastrophic fire danger day or other valid reason. The Chief Executive Officer is authorised to adjust any Policy which is impacted by the setting of the Time and Place of Meetings. The Chief Executive Officer will evaluate, in consultation with Council, and present a report on the success, or otherwise, on the aforementioned (Time and Place of Meetings), to be presented to Council for consideration by no later than the first meeting in February 2024. 	David Waters	In Progress	<p>All meetings as per the schedule have been booked.</p> <p>No policy changed required.</p> <p>This item will remain open until the evaluation has been completed.</p>	FALSE
20/12/2022	Ordinary Council	295/22	Cemetery Operating Policy	Nil	<ol style="list-style-type: none"> That the report be received and noted. With an effective date of 3 January 2023, to revoke the 24 August 2021 <i>Cemetery Operating Policy</i> and to adopt the 20 December 2022 <i>Cemetery Operating Policy</i> as per Appendix 1. That the Chief Executive Officer be authorised to make any formatting, nomenclature or other minor changes to the 20 December 2022 <i>Cemetery Operating Policy</i> as per Appendix 1 prior to the date of effect. 	Terry Crackett	Completed	Final changes being made to Cemeteries Operating Policy prior to publishing. 14/03/23: Final changes uploaded to website and can now be removed from Action tracker	FALSE
20/12/2022	Ordinary Council	303/22	Surplus Government Land Notification	Nil	See Confidential Minute	Terry Crackett	In Progress		FALSE
20/12/2022	Ordinary Council	304/22	Surplus Government Land Notification	Nil	<p>to retain the Items in confidence as detailed in the Duration of Confidentiality Table below:</p> <p>Item</p> <p>Duration of Confidentiality</p> <p>NB: Item to be reviewed every 12 months if not released</p> <p>Report Until the land has been placed on the open market by the State Government or until the State Government authorises release of the information, whichever event occurs first.</p> <p>Related Attachments Until the land has been placed on the open market by the State Government or until the State Government authorises release of the information, whichever event occurs first.</p> <p>Minutes Until the land has been placed on the open market by the State Government or until the State Government authorises release of the information, whichever event occurs first.</p> <p>Other (presentation, documents, or similar) NIL</p>	Terry Crackett	In Progress		FALSE
24/01/2023	Ordinary Council	3/23	Questions adjourned - Options to reduce traffic	Nil	<ol style="list-style-type: none"> That the report be received and noted. That following the completion of the Child Care development, and in liaison with the Department for Education, Council Staff undertake a Traffic Monitoring Study of the local road network in the vicinity of Bridgewater Primary School including Lezayre Avenue, Morella Grove, Trenouth Street and Shannon Road. That a report be brought back to Council within 6 months of the opening of the Childcare Centre. 	Peter Bice	In Progress	<p>Report to be brought back to Council within 6 months of the opening of the Childcare Centre.</p> <p>Staff will progress at the appropriate time once child care centre has been in operation for six months.</p>	FALSE
24/01/2023	Ordinary Council	5/23	MON First Nations use of Surplus Land	Material - Cr Adrian Cheater	That the CEO investigates the feasibility, including yet not limited to the implications for Council, of providing preference to traditional custodians and other Aboriginal and Torres Strait Islander stakeholders who live, work or have a strong connection to the Adelaide Hills, to purchase, lease or use vacant land, at no cost to Council, that is: <ol style="list-style-type: none"> owned by Council; or crown land under the care and control of Council, that is surplus to Council's needs. <ol style="list-style-type: none"> The Adelaide Hills Reconciliation Working Group (AHRWG), traditional custodians and other Aboriginal and Torres Strait Islander stakeholders who live, work or have a strong connection to the Adelaide Hills be consulted as part of this investigation. The outcomes of the investigation be discussed at a workshop and a report including recommended changes to relevant policy be presented to Council for consideration not later than 30 June 2023. 	Terry Crackett	In Progress	<p>Feb 23 - not yet commenced</p> <p>Mar 23 - Workshop scheduled for May 2023 with Council report scheduled for June 2023</p>	FALSE

Meeting Date	Meeting	Res No.	Item Name	Previously Declared COI	Action Required (Council Resolution)	Responsible Director	Status	Status (for Council reporting)	Confidential
24/01/2023	Ordinary Council	7/23	First Nations and Australia Day	Nil	<p>That Council</p> <ol style="list-style-type: none"> Reaffirms its commitment to being an inclusive council that respects First Nations culture and values Acknowledges the 26th of January is a day of mourning for many First Nations people Requests the Chief Executive Officer prepares a report for Council's consideration on the proposal to move citizenship ceremonies, award ceremonies and related events to a date other than 26 January from 2024 onwards. 	Rebecca Shepherd	In Progress	Initial discussions regarding stakeholder engagement have occurred. A consultation plan has been developed and appointments are being made with stakeholders. Meetings have been held with the Reconciliation Working Group and two stakeholder groups.	FALSE
24/01/2023	Ordinary Council	14/23	37 Yanagin Road Greenhill Revocation of Comm	Nil	<ol style="list-style-type: none"> That the report be received and noted. That Council commences a revocation of community land process for the land identified in Appendix 2 including consultation in accordance with Council's Public Consultation Policy and the <i>Local Government Act 1999</i> with the intention of undertaking a land swap with the owners of 37 Yanagin Road, Greenhill, together with varying the existing Heritage Agreement over Yanagin Reserve. That a report be brought back to Council following completion of the Community Consultation process. 	Terry Crackett	In Progress	Feb 23 - materials for public consultation in process of being prepared Mar 23 - public consultation process now underway	FALSE
24/01/2023	Ordinary Council	21/23	18.1.11 Appointment of Audit & Risk Committee Independent Members to the Adelaide Hills Region Waste Management Authority	Nil	<p>retain the items in confidence as detailed in the Duration of Confidentiality Table below:</p> <p>Item</p> <p>Duration of Confidentiality</p> <p>NB: Item to be reviewed every 12 months if not released</p> <p>Report 30 June 2023</p> <p>Related Attachments Nil</p> <p>Minutes 30 June 2023</p> <p>Other (presentation, documents, or similar) Nil</p>	David Waters	Completed	AHRWMA has advised that this can be released from confidence.	TRUE
14/02/2023	Ordinary Council	25/23	MON - Glenside Road Crafers Land Division & Ot	Nil	<p>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). 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.</p> <ol style="list-style-type: none"> Council notes that this application proposed to create two allotments of 4392m² and 1114m², and: <ol style="list-style-type: none"> 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 that the smaller allotment was closer to Glenside Road and contains the existing dwelling. Council notes, and is in full agreement with, the grounds for refusal, those grounds in summary being: <ol style="list-style-type: none"> that the land division was not sympathetic or consistent with the established allotment pattern and the character of development within the locality. 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). that the smaller allotment was considered inconsistent with the density and dimensions expressed in the Zone. 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. Council is extremely concerned that the weight of previous planning policy has been seriously weakened under the (new) Planning and Design Code. 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). 	Natalie Armstrong	In Progress		FALSE
14/02/2023	Ordinary Council	26/23	Preserving Randell's Workers Cottages 1 Beavis (Nil	<ol style="list-style-type: none"> That the report be received and noted. 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. That Council explores another submission to the State Government in an attempt to excise this parcel of land from the Environmental Food Production Zone. 	Natalie Armstrong	In Progress		FALSE
14/02/2023	Ordinary Council	29/23	Policy Review Meeting Procedures	Nil	<p>That the report be received and noted. That in relation to the Code of Practice for Council Meeting Procedures: 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.</p>	David Waters	In Progress	Planning for workshop is underway with launch of discussion board on Member's Portal.	FALSE
14/02/2023	Ordinary Council	30/23	Policy Review Access to Council, Committee, Infr	Nil	<ol style="list-style-type: none"> That the report be received and noted. That in relation to the Code of Practice for Access to Council and Council Committee and Information or Briefing Session Meetings & Documents: 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. 	David Waters	In Progress	Planning for workshop is underway with launch of discussion board on Member's Portal.	FALSE
14/02/2023	Ordinary Council	35/23	MWN Amy Gillett Bikeway completion Mt Torre	Nil	<p>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.</p>	David Waters	In Progress	Deputation Requested	FALSE

Meeting Date	Meeting	Res No.	Item Name	Previously Declared COI	Action Required (Council Resolution)	Responsible Director	Status	Status (for Council reporting)	Confidential
14/02/2023	Ordinary Council	37/23	Substantive CEO Recruitment Remuneration & I Nil		See Confidential Minute	David Waters	In Progress	Recruitment process is underway.	FALSE
14/02/2023	Ordinary Council	38/23	Substantive CEO Recruitment Remuneration & I Nil		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 releasedReportUntil the contract execution of the Substantive Chief Executive OfficerRelated AttachmentsUntil the contract execution of the Substantive Chief Executive OfficerMinutesUntil the contract execution of the Substantive Chief Executive OfficerOther (presentation, documents, or similar)Nil	David Waters	In Progress	Recruitment process is underway.	FALSE
28/02/2023	Ordinary Council	40/23	MON Violence Against Women	Nil	Notes the <i>National Plan to End Violence Against Women and Children 2022-2032 (Appendix 1)</i> ;Recognises that violence against women and children is one of the most widespread violations of human rights in our community;Is committed, where possible, to helping its community end violence against women and children in the Adelaide Hills Council region;Requests that the CEO implement the Our Watch's Prevention Toolkit for Local Government by 31 October 2023 so that they may be able to inform Council on how best to assist in helping its community end violence against women and children within our region.	Rebecca Shepherd	In Progress	A work plan is being developed to commence implementation.	FALSE
28/02/2023	Ordinary Council	41/23	MON Hanson Construction Materials Ltd - Whitr Nil		1. That the Chief Executive Officer, on behalf of Council, writes to the Chief Executive Officer of the Department for Energy and Mining (Dr Paul Heithersay), requesting: Details on the current status of Hanson Construction Materials Ltd (Hanson) White Rock Quarry (expansion) revised Mine Operations Plan (MOP) that was originally submitted on or about 23 December 2020.Details and outcomes of any and all compliance order(s) that have been issued to Hanson since the subject MOP was submitted on or about 23 December 2020.Details and outcomes of any and all compliance actions that the Environment Protection Authority has undertaken in respect to Hanson since the subject MOP was submitted on or about 23 December 2020.Confirmation that the ultimate decision maker as to whether Hanson's MOP obtains approval is the Minister for Energy and Mining (the Honourable Tom Koutsantonis MP). 2. That once a response is received from the Chief Executive Officer of the Department for Energy and Mining, that response will be tabled at the next scheduled Ordinary meeting of Council.	Natalie Armstrong	In Progress		FALSE
28/02/2023	Ordinary Council	43/23	Draft 2023-24 LTFP for consultation	Nil	1. That the report be received and noted. 2. To adopt the Draft Long Term Financial Plan, as contained in Appendix 1 for community consultation in accordance with Section 122 of the <i>Local Government Act 1999</i> noting the adherence to adopted financial sustainability ratios relating to Operating Surplus Ratio, Net Financial Liabilities Ratio and Asset Renewal Funding Ratio. 3. That the CEO be authorised to:Make any formatting, nomenclature or other minor changes to the Plan prior to being released for public consultation, andDetermine the consultation timings, media and processes while ensuring consistency and compliance with the provisions of applicable legislation and Council's <i>Public Consultation Policy</i> .	Terry Crackett	Completed	Draft 2023-24 LTFP finalised for consultation and consultation commenced on 8 March 2023	FALSE
28/02/2023	Ordinary Council	45/23	Parking and Road Safety Wattle Tree Road Bridg Nil		That the report be received and notedTo implement the recommended signage addition and vegetation management outlined in the reportIn addition to the recommended signage, to investigate and implement advisory speed signage in the vicinity of the crest, or other appropriate traffic control mechanisms aimed at reducing vehicle speeds That Council ensure the road siding of section 2 is maintained through the regular application of appropriate fillThat parking, access and safety considerations on Wattle Tree Road be monitored again once current residential development on the street is complete.	Peter Bice	Not Started	No further actions taken to date.	FALSE
28/02/2023	Ordinary Council	46/23	Coach Parking in Stirling	Nil	The report be received and notedThe merit of coach parking in Stirling be further explored by the administration and the development of costings be consideredThe Stirling Business Association and Adelaide Hills Tourism be consulted as part of this processA report be brought back to Council by December 2023.	Rebecca Shepherd	Not Started		FALSE
14/03/2023	Ordinary Council	51/23	CWMS Asset Management Plan	Material - Cr Malcolm Herrmann & Cr Melanie Selwood	1. That the report be received and noted. 2. That Council note the community feedback on the <i>Draft Asset Management Plan Community Wastewater Management System Community Engagement Outcome Report</i> as attached in Appendix 1. 3. That the Council adopt the <i>Asset Management Plan Community Wastewater Management</i> as attached in Appendix 2.	Peter Bice	Completed	Adopted Plan updated and alignment with LTFP	FALSE

Meeting Date	Meeting	Res No.	Item Name	Previously Declared COI	Action Required (Council Resolution)	Responsible Director	Status	Status (for Council reporting)	Confidential
14/03/2023	Ordinary Council	52/23	Heritage Agreements	Nil	That the report be received and noted. That the Chief Executive Officer further investigate and where feasible and eligible, be authorised to enter: Bridgewater Recreation Reserve, Cave Reserve, Bridle Path & Walking trails at Cave Ave, Ayr Street, Anzac Ridge Road, Bridgewater RAA Tower Reserve at 21 Hillcrest Avenue Crafers WestHeron Reserve at 21 Onkaparinga Rd, BridgewaterCharleston Waste Facility (Mt Charles) at Harrison Road, CharlestonThe Deanery, Old Mount Barker Rd, BridgewaterGrasby Reserve at Pye Road, BalhannahHalliday Reserve at Wright Rd, StirlingRudall Reserve at 7-9 Rudall Ave, CrafersSmith Rd/Stone Quarry Reserve at South Para Rd, KersbrookHampton Reserve at Hampton Rd, MylorCooper's Reserve at Silver Lake Rd, MylorGurr Rd Reserve parcel at Gurr Rd North, BradburyHeathfield/Longwood Reserve, Corner of Heathfield & Longwood Rd, HeathfieldAldgate Tennis Courts at 180 Mt Barker Rd, AldgateChapman Water Reserve at Chapman Road, InglewoodAldgate Valley Wildlife Corridor, aka "Bandicoot Lane" Stock Road to Stevens Rd, MylorSilver Rd Reserve at 34 Silver Rd BridgewaterPitt Road Reserve at Pitt Rd, ParacombeHead Rd Reserve at Head Road North, HoughtonFernwood Reserve at Fernwood Way, Upper SturtPound reserve, Marble Hill and Pound Rd, AshtonMt Bold Cutting, Mount Bold Road Cut, Dorset ValeStirling Cemetery, Strathalbyn Rd, AldgateAldgate Valley Reserve, 96 Aldgate Valley Rd, AldgateWindmill Reserve, 151 Norton Summit Rd, Woodfordebeing of significant or high potential biodiversity value, into Heritage Agreements. That the Heritage Agreement applications seek to apply to those portions of the abovementioned reserves which are of significant or high potential biodiversity value, while retaining any existing dog access and established recreational use arrangements in place for each of those reserves.	Peter Bice	In Progress	Initial feedback from Native Vegetation Council's Heritage Agreement Officer received and currently under review. This will guide shortlist of sites provided to Property for consultation & in depth analysis.	FALSE
14/03/2023	Ordinary Council	54/23	Nomination to Dog & Cat Management Board	Material - Cr Mark Osterstock	Council resolves to endorse the nomination(s) of Cr Mark Osterstock and Natalie Armstrong for the Dog & Cat Management Board and authorise the Chief Executive Officer to lodge the completed nomination form(s) to the Local Government Association by COB Friday 31 March 2023.	David Waters	Completed	Nomination forms sent to LGA 20 March 2023	FALSE
14/03/2023	Ordinary Council	55/23	Confidential Items Review	General -	Refer to Minute	David Waters	In Progress		FALSE
14/03/2023	Ordinary Council	56/23	Advisory Groups	Nil	<ol style="list-style-type: none"> That the report be received and noted. To suspend the operation of Council Advisory Groups until it has determined a position on its broader governance structures following the Strategic Plan development. That the Mayor writes to the Independent Members of Council's Advisory Groups to advise them of Council's decision, thank them for their service and to encourage them to remain engaged with Council. That the CEO conducts a Council Member workshop, and reports back to Council by December 2023, on alternatives to Council Advisory Groups, which will include, but is not limited to, the feasibility of establishing Section 41 Committees. 	David Waters	In Progress	Letters have been drafted for Advisory Group members. Item will remain on the Action Tracker until the report to Council in December 2023 as per Resolution 3.	FALSE
14/03/2023	Ordinary Council	58/23	Audit Committee Recommendations to Council	Nil	That the report be received and notedTo adopt the revised <i>Strategic Internal Audit Plan v1.9a</i> as contained in Appendix 1.To note the status of the Risk Management Plan at Appendix 3.	David Waters	Completed	Strategic Internal Audit Plan has been updated as per resolution.	FALSE

Item 17 Minutes of Committees

**ADELAIDE HILLS COUNCIL
MINUTES OF COUNCIL ASSESSMENT PANEL MEETING
WEDNESDAY 8 MARCH 2023
63 MOUNT BARKER ROAD, STIRLING
AND
ZOOM VIRTUAL MEETING ROOM**

[Please Note: These minutes are unconfirmed until 12 April 2023]

In Attendance

Presiding Member

Geoff Parsons

Members

Ross Bateup

Paul Mickan

Leith Mudge

In Attendance

Natalie Armstrong

Deryn Atkinson

James Booker

Doug Samardzija

Karen Savage

Director Development & Regulatory Services

Assessment Manager

Team Leader Statutory Planning

Senior Statutory Planner

Minute Secretary

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. We pay our respects to Elders past, present and emerging as the Custodians of this ancient and beautiful land. Together we will care for this country for the generations to come".

3. Apologies/Leave of Absence

3.1 Apologies

Myles Somers

3.2 Leave of Absence

Nil

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4. Previous Minutes

4.1 Meeting held 14 December 2022

The minutes were adopted by consensus of all members (1)

That the minutes of the meeting held on 14 December 2022 be confirmed as an accurate record of the proceedings of that meeting.

5. Presiding Member's Report

Nil

6. Declaration of Interest by Members of Panel

Paul Mickan advised that, in relation to Item 8.2, he is connected with the applicant's Planning Consultant, Emma Barnes, via social media. He has not been in touch with Emma for quite some time, and has not discussed this application nor any other application with her. Accordingly, he does not believe he has an interest in this matter and will remain in the room and vote.

7. Matters Lying on the Table/Matters Deferred

7.1 Matters Lying on the Table

Nil

7.2 Matters Deferred

Nil

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8. Development Assessment Applications – Planning, Development and Infrastructure Act

- 8.1 Development Application 21017786 by Cobbs Hill Estate for construction of a function centre and restaurant building with associated car parking and landscaping, 100,000 litre underground water storage tank and variations to Development Authorisation 16/973/473 to increase the overall capacity, the number of functions and operating hours and Development Authorisation 16/882/473 to increase the capacity of the existing cellar door and to undertake the development in two stages:**

Stage 1: Vary cellar door capacity and number of functions, with deletion of special events, upgrade of car parking, vehicle access and waste control system; and

Stage 2: Construction of the function centre and restaurant building and remainder of works at 382B Swamp Road, Oakbank

8.1.1 Representations

Name of Representor	Address of Representor	Nominated Speaker
Gai Adcock	339-357 Oakwood Road Oakbank	Peter Meline
Duncan & Anne Young	426 Oakwood Road Oakbank	Peter Meline
Margaret Wilson	423B Swamp Road Lenswood	Margaret Wilson
Peter Salu	48 Carrington Street Adelaide	Did Not Attend
Michael Gallagher	61B Peacock Road South Oakbank	Michael Gallagher
Jill & Greg Brodie-Tyrrell	61A Peacock Road South Oakbank	Jill Brodie-Tyrrell
Katherine Parker	67 Peacock Road South Oakbank	Darryl Parker
Henry Young	426 Oakwood Road Oakbank	Did Not Attend

The representors, Peter Meline, Michael Gallagher, Jill Brodie-Tyrrell and Darryl Parker, answered questions from the Panel.

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The applicant's representatives, Gregg Jenkins (Heynen Planning Consultants), Phil Weaver (Phil Weaver & Associates), Ivailo Dimitrov (Bestec Pty Ltd) and Jed Hicks (Cobbs Hill Estate), addressed the Panel, and answered questions from the Panel.

8.1.2 Decision of Panel

Moved	Ross Bateup	Carried
S/-	Leith Mudge	(2)

The Council Assessment Panel resolved that:

- 1) Pursuant to Section 107(2)(c) of the Planning, Development and Infrastructure Act 2016, and having undertaken an assessment of the application against the Planning and Design Code, the application is NOT seriously at variance with the provisions of the Planning and Design Code; and
- 2) Development Application Number 21017786 by Cobbs Hill Estate for construction of a function centre and restaurant building with associated car parking and landscaping, 100,000 litre underground water storage tank and variations to Development Authorisation 16/973/473 to increase the overall capacity, the number of functions and operating hours and Development Authorisation 16/882/473 to increase the capacity of the existing cellar door and to undertake the development in two stages:
 Stage 1: Vary cellar door capacity and number of functions, with deletion of special events, upgrade of car parking, vehicle access and waste control system; and
 Stage 2: Construction of the function centre and restaurant building and remainder of works
 at 382B Swamp Road, Oakbank is granted Planning Consent subject to the following conditions:

CONDITIONS

Planning Consent

- 1) The development granted shall be undertaken and completed in accordance with the stamped plans and documentation, except where varied by conditions below.

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- 2) All external lighting shall be directed away from residential development and, shielded if necessary to prevent light spill causing nuisance to the occupiers of those residential properties.
- 3) All external materials and finishes shall be of subdued colours which blend with the natural features of the landscape and are of a low-light reflective nature.

NOTE: browns, greys, greens and beige are suitable but galvanised iron and zincalume are not suitable.

- 4) Prior to stage 1 of the application being commenced all car parking spaces, driveways and manoeuvring areas shall be designed, constructed, and delineated in accordance with Australian Standard AS 2890.1:2004. Delineation and directional arrows shall be clearly visible and maintained in good condition at all times.

Driveways, vehicle manoeuvring and parking areas shall be constructed of compacted gravel and maintained in good condition at all times to the reasonable satisfaction of the Council.

- 5) Prior to the stage 1 of the application being commenced the wastewater treatment system must be established in accordance with the report 'Wastewater Engineers Report Cobb's Hill Estate Wastewater System Upgrade for Function Centre & Cellar Door' by Ametqua, dated 21 June 2022 and existing on-site wastewater system must be decommissioned and the existing irrigation area incorporated into the new irrigation area.
- 6) Prior to the stage 1 of the application being commenced the access to the property shall be modified and constructed in accordance with the following requirements and maintained at all times to the reasonable satisfaction of Council:
 - Driveway crossover and internal access track shall be widened and constructed using compacted gravel to a width of 6m and a length of 100m to allow for a two way vehicle movement;
 - Bitumen seal shall be laid for a distance of 20 metres from the Swamp Road carriageway edge to inside the property boundary. Construction shall include 100mm of compacted rubble base and 40mm AC10 bitumen.
 - Maximum crossover width of 6 metres; and

Driveway to be constructed in accordance with Council Standard Detail drawing for Piped Entrance for rural verge crossover (refer attachment).

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- 7) Prior to Building Consent being granted for stage 2 of the application the applicant shall prepare and submit to Council a Soil Erosion and Drainage Management Plan (SEDMP) for the site for Council's approval. The SEDMP shall comprise a site plan and design sketches that detail erosion control methods, areas of stock piled soil and installation of sediment collection devices that will prevent:
- soil moving off the site during periods of rainfall;
 - erosion and deposition of soil moving into the remaining native vegetation; and
 - soil transfer onto roadways by vehicles and machinery.

The works contained in the approved SEDMP shall be implemented prior to construction commencing and maintained to the reasonable satisfaction of Council during the construction period.

- 8) Prior to construction of the approved development straw bales (or other soil erosion control methods as approved by Council) shall be placed and secured below areas of excavation and fill to prevent soil moving off the site during periods of rainfall.

Any queries regarding the clearance of native vegetation should be directed to the Native Vegetation Council Secretariat on 8303 9777. This must be sought prior to Full Development Approval being granted by Council.

- 9) All materials and goods shall at all times be loaded and unloaded within the confines of the subject land between the hours of 10:00am and 6:00pm. All Materials and goods shall not be stored on the land in areas delineated for use as car parking.
- 10) Prior to 6:00pm the overall capacity of the site shall be limited to a maximum of 330 persons. After 6:00pm the overall capacity of the site shall be restricted to a maximum of 130 persons. This includes any associated outdoor areas for liquor licensing purposes allowing the restaurant and a function to operate concurrently or the cellar door and a function to operate concurrently.
- 11) The overall capacity of the cellar door shall be 75 persons Monday to Friday and 200 persons Saturday and Sunday.

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- 12) a) The number of functions in a calendar year shall not exceed 32 with only one (1) function to occur on site at a time. A record of all functions shall be maintained and available for inspection by the Council upon request.
- b) Such functions shall have a maximum capacity of 130 persons and the operating days and hours for the functions shall be Friday, Saturday or Sunday 3:00pm to 12:00am (Midnight). Any increase in the number of functions/capacity as well as hours or days of operation will require separate development approval.
- 13) The use of the restaurant shall be limited to twice a week and the maximum capacity of the restaurant shall be 130 persons at any one time. Operating days and hours of the restaurant shall be either Friday, Saturday or Sunday from 11:00am to 10:00pm.
- 14) Stormwater from the car park and all hard surface area areas shall be managed in accordance with the stormwater management plan prepared by Clive Steele Partners, drawing number 20126-SK1 version P2 approved by Adelaide Hills Council. All other stormwater generated by the development hereby approved shall be managed on-site to the satisfaction of Council. All stormwater infrastructure shall be installed within 3 months of the completion of each stage of the development.
- 15) All waste shall be removed from the subject land at least once weekly. Collection of waste shall be carried out only between the hours of 7:00am and 5:00pm and only Monday to Friday.
- 16) Entertainment in the form of a range of music shall be contained within the restaurant/function building during the operating hours. Windows and doors of the building shall be kept closed during times when music is played.
- 17) Prior to occupation, the sound system shall be tuned and commissioned by an acoustic engineer in accordance with the recommendations from the Bestec Acoustic Services 100% Design Report dated 19 January 2023. When the nominated noise levels are achieved, the sound limiter and main amplifier should be locked by the acoustic engineer to prevent the settings being adjusted by staff or performers.

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- 18) All performers shall only use the sound system and amplifier provided by the function centre. No other sound systems and amplifiers are permitted to be used unless tuned and commissioned by an acoustic engineer prior to use in order to comply with the recommendations from Bestec Acoustic Services 100% Design Report dated 19 January 2023.
- 19) Except where varied by this authorisation, all other conditions, plans and details relating to Development Authorisations 16/973/473 and 16/882/473 continue to apply to this amended authorisation.

Conditions imposed by Environment Protection Authority under Section 122 of the Act

- 20) The existing on-site wastewater system (as detailed in the 'Wastewater Engineers Report Cobb's Hill Estate Wastewater System Upgrade for Function Centre & Cellar Door' by Ametqua, dated 21 June 2022) must be decommissioned and the existing irrigation area incorporated into the new irrigation area prior to occupation of the new function centre.
- 21) The wastewater treatment system must be established in accordance with the report 'Wastewater Engineers Report Cobb's Hill Estate Wastewater System Upgrade for Function Centre & Cellar Door' by Ametqua, dated 21 June 2022" prior to occupation of the new function centre.

ADVISORY NOTES

General Notes

- 1) No work can commence on this development unless a Development Approval has been obtained. If one or more consents have been granted on this Decision Notification Form, you must not start any site works or building work or change of use of the land until you have received notification that Development Approval has been granted.
- 2) Appeal rights – General rights of review and appeal exist in relation to any assessment, request, direction or act of a relevant authority in relation to the determination of this application, including conditions.

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- 3) This Planning Consent is valid for a period of twenty-four (24) months commencing from the date of the decision, subject to the below or subject to an extension having been granted by the relevant authority. If applicable, Building Consent must be obtained prior to expiration of the Planning Consent.
- 4) Where an approved development has been substantially commenced within 2 years from the operative date of approval, the approval will then lapse 3 years from the operative date of the approval (unless the development has been substantially or fully completed within those 3 years, in which case the approval will not lapse).
- 5) The applicant is advised that any proposal to clear, remove limbs or trim native vegetation on the land, unless the proposed clearance is subject to an exemption under the Regulations of the Native Vegetation Act 1991, requires the approval of the Native Vegetation Council. For further information visit: [www.environment.sa.gov.au/Conservation/Native Vegetation/Managing native vegetation](http://www.environment.sa.gov.au/Conservation/Native_Vegetation/Managing_native_vegetation)

Advisory notes recommended by Environment Protection Authority under Section 122 of the Act

- 6) The applicant is reminded of its general environmental duty, as required by section 25 of the Environment Protection Act 1993, to take all reasonable and practicable measures to ensure that the activities on the whole site, including during construction, do not pollute the environment in a way which causes or may cause environmental harm. This includes taking all reasonable and practicable measures to minimise the potential for pollution from sediment and waste generated on-site during construction. Further guidance can be sought from the EPA's Stormwater Pollution Prevention Code of Practice for the Building and Construction Industry and the EPA's Handbook for Pollution Avoidance on Commercial and Residential Building Sites (http://www.epa.sa.gov.au/files/47790_bccop1.pdf).
- 7) The applicant is reminded of the relevant provisions of the Environment Protection (Water Quality) Policy 2015 including the requirement to take all reasonable and practicable measures to prevent or minimise environmental harm and the pollution of waters. The Environment Protection (Water Quality) Policy can be found at: https://www.epa.sa.gov.au/environmental_info/water_quality.

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- 8) More information about the Environment Protection Authority and the Environment Protection Act and policies can be found at: www.epa.sa.gov.au.

- 8.2 Development Application 22042116 by Arts & Entertainment of South Australia Pty Ltd and Planning Studio Pty Ltd for annual two-day music festival at 1403 Onkaparinga Valley Road, Woodside

8.2.1 Representations

Name of Represantor	Address of Represantor	Nominated Speaker
Douglas Burd	1480 Onkaparinga Valley Road, Charleston	Douglas Burd

The applicant's representatives, Emma Barnes (Planning Studio) and Jason Turner (Echo Acoustics), addressed the Panel, and answered questions from the Panel.

8.2.2 Decision of Panel

The following was adopted by consensus of all members (3)

The Council Assessment Panel resolved that:

- 1) Pursuant to Section 107(2)(c) of the Planning, Development and Infrastructure Act 2016, and having undertaken an assessment of the application against the Planning and Design Code, the application is NOT seriously at variance with the provisions of the Planning and Design Code; and
- 2) Development Application Number 22042116 by Arts & Entertainment of South Australia Pty Ltd and Planning Studio Pty Ltd for annual two-day music festival at 1403 Onkaparinga Valley Road, Woodside is granted Planning Consent subject to the following conditions:

CONDITIONS

Planning Consent

- 1) The development granted shall be undertaken and completed in accordance with the stamped plans and documentation, except where varied by conditions below.

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- 2) The event shall not go ahead should the day fall on a declared Catastrophic fire risk day.
- 3) Event staff shall be transported to site via buses organised by Vintage Vibes in order to decrease carparking demand.
- 4) Any temporary crossover or alteration to road verge shall be closed within one month of the conclusion of the event to the reasonable satisfaction of the Council Engineering Department.
- 5) Where wet weather occurs in the week prior or, during the event, hay bales (or other soil erosion control methods as approved by Council) shall be placed and secured adjacent the watercourse to prevent materials and liquids entering the watercourse.
- 6) Carparking areas and areas where large numbers of people will congregate on the subject land shall be located at least 25m from any watercourse. Two days prior to the event taking place the watercourse shall be fenced off and the grassed area for car parking and manoeuvring shall be cut to reduce grass to no higher than 10cm.
- 7) The event shall operate a maximum of once per calendar year with a maximum capacity of 10,000 patrons per day (maximum of two days).
- 8) All music from the event shall conclude at 10:30 pm.
- 9) The final Noise Management Plan shall be submitted to Council no later than four weeks prior to each annual event, and shall be to the reasonable satisfaction of the Assessment Manager. It is noted that the initial Noise Management Plan is currently still being developed and will be provided three weeks prior to the inaugural event, and shall be to the reasonable satisfaction of the Assessment Manager.
- 10) In accordance with Section 4.4 of the Echo Noise Management Plan dated 06 December 2022, noise measurements shall be undertaken during sound checks prior to commencement of, and during the event. Where sound levels exceed the levels as per the report, the acoustic engineer shall adjust the sound system to bring these levels into compliance.

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- 11) Two hundred (200) portable toilets shall be provided, and waste shall be removed from site and disposed of in accordance with the submitted Wastewater Management Report.
- 12) No camping or overnight accommodation shall be permitted as part of this event.
- 13) All food waste, dishes, linen and general waste located at the festival shall be disposed of offsite within two days of the conclusion of the event. Records/documentation shall be retained for 12 months by the applicant to verify the above, and such records shall be made available to Council on request.
- 14) No event platforms, stalls or the like shall be erected within the designated on-site car parking areas provided for each annual event.
- 15) An Event Traffic Management Plan shall be reviewed, updated and provided to Council six weeks prior to the annual event each year.
- 16) A copy of the approved Emergency Response Plan and Risk Assessment and Management Plan shall be submitted to Council no later than two weeks prior to each annual event.
- 17) A copy of the updated Certificate of Professional Indemnity and Public Liability Insurance which includes cover for the associated car parking areas and entertainment areas associated with the festival, shall be submitted to Council no later than two weeks prior to each annual event.
- 18) While construction crossovers, no excavation works shall occur within the verge area within proximity to street trees. Fill shall only be applied within sunken sections of verge to level in order to facilitate vehicular access.
- 19) Any future events shall undergo the appropriate consultation with Council/SA Police/DIT/Community members six (6) weeks prior to the event.

DIT Conditions

- 20) An on-site traffic management plan for event traffic management shall be submitted to the satisfaction of Council and the Department for Infrastructure and Transport prior to any event being held onsite. This plan shall:

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1. Provide details of all parking (including overflow parking) and traffic flow through the site;
2. Identify any passenger set down areas, including any buses accessing the site;
3. Identify any pedestrian management measures required; and
4. Identify all signage required to facilitate the traffic movements.

All access and traffic management for the event shall be in accordance with this plan.

ADVISORY NOTES

DIT Advisory notes

- 1) Approval for temporary traffic control will need to be obtained from DIT - Roadworks. The company engaged for traffic control will need to provide DIT with a copy of the traffic management plan (TMP) and seek approval of any temporary traffic control/signage. The TMP will need to show all traffic control devices to be utilised (including variable message signs) and any proposed traffic restrictions during the event (including setup/close down). The Traffic Management Centre Roadworks team can be contacted on 1800 434 058 or email dit.roadworks@sa.gov.au.
- 2) The event shall be developed in accordance with [https://dit.sa.gov.au/data/assets/pdf_file/0020/121394/DOCS_AND_FILES8197504-v5-Guidelines for Events on SA Roads.pdf](https://dit.sa.gov.au/data/assets/pdf_file/0020/121394/DOCS_AND_FILES8197504-v5-Guidelines_for_Events_on_SA_Roads.pdf)
- 3) Should the applicant want to discuss Adelaide Metro bus services to/from the event contact should be made with Mr Andrew Every, Performance and Planning Lead, Bus, South Australian Public Transport Authority on tel. 7133 2535, mob 0423 822 269 or email Andrew.Every@sa.gov.au.

EPA Advisory Notes

- 4) The applicant/owner/operator are reminded of its general environmental duty, as required by section 25 of the Environment Protection Act 1993, to take all reasonable and practicable measures to ensure that activities on the site and associated with the site (including during construction) do not pollute the environment in a way which causes or may cause environmental harm.
- 5) More information about the Environment Protection Authority and the Environment Protection Act and policies can be found at: www.epa.sa.gov.au.

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Council Advisory Notes

- 6) In relation to food businesses, the event organizer will notify Council's Event Officer who will let Council know what food businesses will be operating.
- 7) The applicants may wish to consider to provision of a bank of portable toilets off site on route to the venue for use by event attendees. Please discuss this further with Council's Event Officer.
- 8) The applicant shall seek liquor licence from the Office of Liquor and Gambling Commissioner for the event. This subsequent authorisation process often includes the imposition of numerous enforceable conditions in an ongoing manner.

General Notes

- 9) No work can commence on this development unless a Development Approval has been obtained. If one or more consents have been granted on this Decision Notification Form, you must not start any site works or building work or change of use of the land until you have received notification that Development Approval has been granted.
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- 9. Development Assessment Applications – Development Act**
Nil
- 10. Development Assessment Applications – Review of Decisions of Assessment Manager**
Nil
- 11. ERD Court Appeals**
The Assessment Manager provided the Panel with a verbal update on current ERD Court Appeals.
- 12. Policy Issues for Advice to Council**
Nil
- 13. Other Business**
- 13.1 State Planning Commission – Desktop Audit – Reminder about Code of Conduct**

The Assessment Manager reminded Panel members of their Code of Conduct obligations following correspondence received from the State Planning Commission (SPC) in December. A review of the Code of Conduct will be undertaken by the SPC focusing on conflict of interest and bias. Members were also reminded of their obligation to maintain Planning 2 Accreditation, and to ensure that Primary or Ordinary Returns are completed and returned at the end of each Financial Year.
- 14. Order for Exclusion of the Public from the Meeting to debate Confidential Matters**
Nil
- 15. Confidential Item**
Nil
- 16. Next Meeting**
The next ordinary Council Assessment Panel meeting will be held on Wednesday 12 April 2023.

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- 17. Close meeting**
The meeting closed at 9.47pm.