

**ADELAIDE HILLS COUNCIL  
MINUTES OF ORDINARY COUNCIL MEETING  
TUESDAY 28 MARCH 2023  
63 MT BARKER ROAD STIRLING**

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In Attendance

**Presiding Member:** Mayor Jan-Claire Wisdom

**Members:**

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

In Attendance:

David Waters	Chief Executive Officer
Peter Bice	Director Infrastructure & Operations
Natalie Armstrong	Director Development & Regulatory Services
Rebecca Shepherd	Acting Director Community Capacity
Lachlan Miller	Executive Manager Governance & Performance
Karen Cummings	Manager Property Services
Jennifer Blake	Manager Communications, Engagement & Events
James Szabo	Senior Strategic & Policy Planner
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 Kaurna people. They are Custodians of this ancient and beautiful land and so we pay our respects to Elders past, present and emerging. We will care for this country together by ensuring the decisions we make will be guided by the principle that we should never decrease our children's ability to live on this land.

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**3. Apology**

Cr Kirsty Parkin

**3.1 Leave of Absence**

**Moved Cr Pauline Gill**

**S/- Cr Leith Mudge**

**59/23**

- 1 That a Leave of Absence from all duties of office be granted to Cr Kirrilee Boyd from 14 April 2023 to 25 April 2023**
- 2 That any committee, panel or advisory group membership currently held by Cr Kirrilee Boyd be undertaken by the Deputy during the leave of absence.**

<b>Carried Unanimously</b>
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**3.2 Absent**

Nil

**4. MINUTES OF PREVIOUS MEETINGS****4.1 Council Meeting – 14 March 2023**

**Moved Cr Malcolm Herrmann**

**S/- Cr Chris Grant**

**60/23**

**That the minutes of the Ordinary Council meeting held on 14 March 2023 as supplied, be confirmed as an accurate record of the proceedings of that meeting.**

<b>Carried Unanimously</b>
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**5. DECLARATION OF CONFLICT OF INTEREST BY MEMBERS OF COUNCIL****5.1 General Conflict of Interest, Cr Pauline Gill - Item 12.1 Fire Water Tank Upper Hermitage**

Under section 75B of the *Local Government Act 1999* Cr Pauline Gill disclosed a General (section 74) Conflict of Interest in Item 12.1 Fire Water Tank Upper Hermitage, the nature of which is as follows:

- I have known Ms Verrall and Ms Elland through the Sampson Flat Community Leadership group and have supported their fundraising efforts on behalf of the Upper Hermitage CFS.

Cr Pauline Gill intends to stay in the meeting when this item is discussed.

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**5.2 Material Conflict of Interest, Cr Adrian Cheater - Item 11.1 Community Event Electrical Certificates of Compliance Subsidies**

Under section 75C of the *Local Government Act 1999* Cr Adrian Cheater disclosed a Material (section 75) Conflict of Interest in Item 11.1 Community Event Electrical Certificates of Compliance Subsidies, the nature of which is as follows:

- I am a member of the CFS and administrative coordinator of a brigade.

Cr Adrian Cheater intends to leave the meeting when this item is discussed.

**5.3 Material Conflict of Interest, Cr Malcolm Herrmann - Item 11.1 Community Event Electrical Certificates of Compliance Subsidies**

Under section 75C of the *Local Government Act 1999* Cr Malcolm Herrmann disclosed a Material (section 75) Conflict of Interest in Item 11.1 Community Event Electrical Certificates of Compliance Subsidies, the nature of which is as follows:

- I am a member of a group which potentially could gain a benefit should the motion be passed.

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

**5.4 General Conflict of Interest, Cr Malcolm Herrmann - Item 12.1 Fire Water Tank Upper Hermitage**

Under section 75B of the *Local Government Act 1999* Cr Malcolm Herrmann disclosed a General (section 74) Conflict of Interest in Item 12.1 Fire Water Tank Upper Hermitage, the nature of which is as follows:

- I sponsored the production of the book, Sampson Flat Bushfire 2015, proceeds of which are proposed for a water tank.

Cr Malcolm Herrmann intends to stay in the meeting when this item is discussed.

**5.5 General Conflict of Interest, Cr Adrian Cheater - Item 12.1 Fire Water Tank Upper Hermitage**

Under section 75B of the *Local Government Act 1999* Cr Adrian Cheater disclosed a General (section 74) Conflict of Interest in Item 12.1 Fire Water Tank Upper Hermitage, the nature of which is as follows:

- I am a member of the CFS and administrative coordinator of a brigade.

Cr Adrian Cheater intends to stay in the meeting when this item is discussed.

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**5.6 General Conflict of Interest, Cr Leith Mudge - Item 12.2 Adelaide Hills Subzone Code Amendment Process**

Under section 75B of the *Local Government Act 1999* Cr Leith Mudge disclosed a General (section 74) Conflict of Interest in Item 12.2 Adelaide Hills Subzone Code Amendment Process, the nature of which is as follows:

- The conflict is with my role as the elected member representative on the Council Assessment Panel. Under the Assessment Panel Members Code of Conduct Sections 14C & E, a panel member is not allowed to make public comment on a matter that may come before the panel or engage in an act which may give rise to a reasonable presumption that they have prejudged a development proposal or application.

As this proposed Code Amendment relates to a class of development that may come before the panel in future, any public comment that I make on this could potentially lead to an impression that I have prejudged a particular application.

I will therefore not participate in the debate which would be considered as public comment but will remain in the chamber and vote on the motion.

Cr Leith Mudge intends to stay in the meeting when this item is discussed.

**6. PRESIDING MEMBER'S OPENING REMARKS**

Nil

**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**

6.38pm Cr Nathan Daniell left the meeting.

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**8.1.1 Australia Day Civic Awards**

Moved Cr Pauline Gill

S/- Cr Malcolm Herrmann

61/23

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.

<b>Carried</b>
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6.39 Cr Nathan Daniell returned to the meeting.

**8.1.2 Flooding at Junction Road, Balhannah**

Moved Cr Chris Grant

S/- Cr Pauline Gill

62/23

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 them 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.

<b>Carried Unanimously</b>
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**8.1.3 Fire Water Tank, Upper Hermitage**

Moved Cr Malcolm Herrmann  
S/- Cr Leith Mudge

**63/23**

**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.**

<b>Carried Unanimously</b>
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**8.2 Deputations**

**8.2.1 David Pound & Denise Elland re Fire Water Tank Upper Hermitage**

**8.2.2 Steven Salamon, Regional Commander – Region 2, SA Country Fire Service re Fire Water Tank Upper Hermitage**

**8.3 Public Forum**

Matt Thomas - progress on Houghton Oval redevelopment.  
Sarah Pollard and Kerry Clark from Mount Torrens re undergrounding of power lines.

With the Leave of the Meeting, Item 12.1 was brought forward to this point in the meeting.

Cr Pauline Gill, Cr Malcolm Herrmann and Cr Adrian Cheater 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 Pauline Gill, Cr Malcolm Herrmann and Cr Adrian Cheater remained in the Chamber and voted.

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**12.1 Fire Water Tank Upper Hermitage**

Moved Cr Malcolm Herrmann  
S/- Cr Pauline Gill

64/23

Council resolves that:

1. the report be received and noted.
2. Council acknowledges the fundraising efforts by Ms Jan Verrall and Ms Denise Elland.
3. in view of advice by letter dated 21 February 2023 received from the CFS Regional Commander Region 2, summarised as follows:
  - the whole of the land is needed for CFS volunteers to exercise and train;
  - the tank would not be used or maintained by the CFS, and
  - the Upper Hermitage site is a dangerous location to place a community water tank for use during a time of fire;

Council respectfully declines the offer for the donation and placement of a fire water tank at the corner of Range Road North and Warner Road Upper Hermitage.

4. That Council staff continue to work with the CFS across the Regions to support firefighting, fire prevention and fire educational efforts.
5. That the CEO or his delegate formalises the use of the land described as allotment 5 in Filed Plan 218343 and contained in Certificate of Title 5854 Folio 841, commonly known as the Upper Hermitage tennis courts and CFS land, to the SA Country Fire Service (CFS) for its purposes.

<b>Carried Unanimously</b>
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Cr Pauline Gill, Cr Malcolm Herrmann and Cr Adrian Cheater voted "for" for motion. The majority of persons who were entitled to vote at the meeting voted in favour of the motion.

**8.3.1 Short Adjournment**

Moved Cr Mark Osterstock  
S/- Cr Chris Grant

65/23

Council resolves that the meeting adjourns for a short break from 7.52pm.

<b>Carried</b>
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7.52pm The Council meeting adjourned  
8.00pm The Council meeting resumed  
8.01pm Cr Malcolm Herrmann returned to the Chamber

**9. PRESENTATIONS**

8.10pm Cr Chris Grant left the Chamber  
8.12pm Cr Chris Grant returned to the Chamber

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

**10. QUESTIONS ON NOTICE**

Nil

**11. MOTIONS ON NOTICE**

Cr Adrian Cheater and Cr Malcolm Herrmann declared a Material Conflict of Interest at Agenda Item 5 'Declaration of Interest by Members of the Council' in relation to Item 11.1.

8.24pm Cr Adrian Cheater & Cr Malcolm Herrmann left the Chamber.

**11.1 Community Event Electrical Certificates of Compliance Subsidies**

**Moved Cr Mark Osterstock  
S/- Cr Pauline Gill**

**66/23**

Council resolves:

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 to 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.



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VARIATION

Leave of the meeting was granted to vary the motion.

**Council resolves:**

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, but not limited to, 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.**

<b>Carried Unanimously</b>
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8.32pm Cr Herrmann & Cr Cheater returned to the Chamber

**12. OFFICER REPORTS – DECISION ITEMS**

**12.1 Fire Water Tank Upper Hermitage**

This item was considered earlier in the meeting.

Cr Nathan Daniell declared a General Conflict of Interest in Item 12.2 Adelaide Hills Subzone Code Amendment as he is a Deputy Member of the Council Assessment Panel (CAP) and is unable to make comment on a matter that may come before CAP as a Code Amendment may be relevant to future CAP decisions and it could be perceived that I have already taken a position.

Cr Leith Mudge declared a General Conflict of Interest at Agenda Item 5 'Declaration of Interest by Members of the Council' in relation to Item 12.2.

Cr Nathan Daniell & Cr Leith Mudge remained in Chamber and voted.

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**12.2 Adelaide Hills Subzone Code Amendment**

Moved Cr Mark Osterstock  
S/- Cr Lucy Huxter

67/23

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.

<b>Carried Unanimously</b>
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Cr Nathan Daniell and Cr Leith Mudge voted "for" for motion. The majority of persons who were entitled to vote at the meeting voted in favour of the motion.

**12.3 Attendance at LGA OGM**

Moved Cr Nathan Daniell  
S/- Cr Chris Grant

68/23

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.

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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.

<b>Carried Unanimously</b>
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8.39pm the Council meeting adjourned

8.41pm the Council meeting resumed

**12.3.1 Attendance at LGA OGM – Council delegate**

**Moved Cr Chris Grant**

**S/- Cr Adrian Cheater**

**69/23**

**Council resolves to appoint Cr Leith Mudge as the Council's delegate for the 14 April 2023 LGA Ordinary General Meeting and authorises the Chief Executive Officer to advise the LGA of the appointment.**

<b>Carried Unanimously</b>
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**12.4 Status Report – Council Resolutions Update**

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

**70/23**

**Council resolves:**

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

<b>Meeting Date</b>	<b>Meeting</b>	<b>Res No.</b>	<b>Item Name</b>	<b>Previously Declared COI</b>
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

**Carried Unanimously**

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**13. OFFICER REPORTS - INFORMATION ITEMS**

Nil

**14. QUESTIONS WITHOUT NOTICE**

Cr Malcolm Herrmann – Ministerial correspondence housing availability

Cr Chris Grant – Tiers Road Woodside Road works

Cr Chris Grant – Mobile Phone Black Spot Grant availability

**15. MOTIONS WITHOUT NOTICE**

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

**15.1 Congratulations - Lobethal Cricket Club**

**Moved Cr Lucy Huxter**

**S/- Cr Malcolm Herrmann**

**71/23**

**That Council:**

- 1. Congratulates the Lobethal Cricket Club A Grade team for winning the premiership flag this past weekend, beating the undefeated Langhorne Creek Tigers on their home turf, and**
- 2. Congratulates the Lobethal Cricket Club U14 and B Grade teams who also won premiership flags the weekend prior.**

<b>Carried Unanimously</b>
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**16. REPORTS****16.1 Council Member Function or Activity on the Business of Council****Cr Melanie Selwood**

- 20 March 2023, Kersbrook Soldiers' Memorial Recreation Grounds Committee Meeting
- 23 March 2023, State Economic Partnership Forum Civic Function
- 24 March 2023, State Economic Partnership Forum
- 25 March 2023, Inclusive Football Gala Day with One Culture Support Services, supported by the Woodside Warriors Soccer Club & Adelaide Hills Council
- 25 March 2023, Harmony Day Picnic at Gumeracha
- 26 March 2023, First Nations Voice to Parliament Special Event – North Terrace

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**Cr Malcolm Herrmann**

- 3 March, Meeting with Member for Schubert, Birdwood
- 15 March, RSL sub branch, Gumeracha
- 19 March, Discover Bikeway - Woodside, Charleston and Mount Torrens
- 22 March, Kersbrook Shed AGM, Kersbrook
- 27 March, Independent Audit Committee selection panel

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

**Cr Malcolm Herrmann**

- March 6, GRFMA Audit Committee, North Adelaide
- March 16, GRFMA, Elizabeth

**16.3 CEO Report**

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

- Harmony Day Picnic at Gumeracha
- Discover, Play, Bikeway
- Emergency Tree Pruning works in Stirling Main Street
- Economic Partnerships Forum
- Advocacy to Minister Transport & Infrastructure
- Meeting with Member for Schubert re Amy Gillett Bikeway and other matters

**17. REPORTS OF COMMITTEES**

**17.1 Council Assessment Panel – 8 March 2023**

**Moved Cr Leith Mudge  
S/- Cr Adrian Cheater**

**72/23**

**That the minutes of the Council Assessment Panel meeting held on 8 March 2023 as distributed, be received and noted.**

<b>Carried Unanimously</b>
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**17.2 Audit Committee**

Nil

**17.3 CEO Performance Review Panel**

Nil

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**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 11 April 2023 from 6.30pm at 63 Mt Barker Road, Stirling.

**20. CLOSE MEETING**

The meeting closed at 9.02pm.