

**ADELAIDE HILLS COUNCIL
MINUTES OF ORDINARY COUNCIL MEETING
TUESDAY 11 APRIL 2023
63 MT BARKER ROAD STIRLING**

In Attendance

Presiding Member: Mayor Jan-Claire Wisdom

Members:

Councillor Kirrilee Boyd
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

In Attendance:

David Waters	Chief Executive Officer
Karen Cummings	A/Director Corporate Services
Peter Bice	Director Infrastructure & Operations
Natalie Armstrong	Director Development & Regulatory Services
Rebecca Shepherd	A/Director Community Capacity
Lachlan Miller	Executive Manager Governance & Performance/ Minute Secretary
Tom Portas	Systems Analyst Information Systems
Mike O'Donnell	ICT Support Officer

1. COMMENCEMENT

The meeting commenced at 6.31pm.

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 Adrian Cheater

3.1 Leave of Absence

Cr Kirrilee Boyd from 14 April – 25 April 2023, approved at Council on 28 March 2023.

Moved Cr Nathan Daniell

S/- Cr Malcolm Herrmann

73/23

- 1 That a Leave of Absence from all duties of office be granted to Mayor Jan-Claire Wisdom from 14 August to 24 September**
- 2 That any committee or panel membership currently held by Mayor Jan-Claire Wisdom be undertaken by the Deputy during the leave of absence.**

Carried Unanimously

3.2 Absent

Nil

4. MINUTES OF PREVIOUS MEETINGS

4.1 Council Meeting – 28 March 2023

Moved Cr Lucy Huxter

S/- Cr Malcolm Herrmann

74/23

That the minutes of the Ordinary Council meeting held on 28 March 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

Nil

6. PRESIDING MEMBER'S OPENING REMARKS

Confidential workshop to follow Council meeting.

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7. QUESTIONS ADJOURNED/LYING ON THE TABLE

7.1 Questions Adjourned

Nil

7.2 Questions Lying on the Table

Nil

8. PETITIONS/DEPUTATIONS/PUBLIC FORUM

8.1 Petitions

8.1.1 Sealed footpath Tolmer Road to Gale Street Woodside

Moved Cr Chris Grant

S/- Cr Malcolm Herrmann

75/23

Council resolves:

1. That the petition signed by 84 signatories requesting the sealing of the Tolmer Road Woodside footpath be received and noted.
2. That the CEO advises the principal signatory:
 - a. The Council's noting of the petition
 - b. That the requested works will be considered for inclusion in the Draft 2023-24 Annual Business Plan and Budget and
 - c. Any other resolutions relating to the matter

Carried Unanimously

8.2 Deputations

Nil

8.3 Public Forum

Vanessa Swan, Mt George – Uluru Statement from the Heart

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9. PRESENTATIONS

Nil

10. QUESTIONS ON NOTICE

Nil

11. MOTIONS ON NOTICE

11.1 Bike Lockers for Personal Use

Moved Cr Melanie Selwood
S/- Cr Leith Mudge

76/23

Council resolves that:

1. the CEO prepare a report for Council's consideration examining installation of bike lockers or cages for public use including:
 - a. key locations on council land where bike lockers or bike cages could strategically be placed, taking into consideration public transport stops and cycleways, including but not limited to;
 - i. Verdun Junction
 - ii. Woodside Main Street
 - iii. Balhannah Main Street
 - iv. Kayannie Corner (intersection of Woodside Road and Onkaparinga Valley Road)
 - v. Aldgate Bus Depot and/or Main Street
 - vi. Bridgewater Oval
 - vii. Steamroller Park, Stirling
 - viii. Uraidla Main Street
 - b. the initial installation cost and ongoing maintenance costs of bike lockers and cages
 - c. any other implications for Council resources
2. The report be presented to Council no later than September 2023.

Carried Unanimously

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11.2 Uluru Statement from the Heart and Voice Referendum

Moved Cr Leith Mudge
S/- Cr Kirrilee Boyd

That Council:

1. Accepts the invitation of the Uluru Statement from the Heart and supports a First Nations Voice to Parliament enshrined in the Australian Constitution.
2. Welcomes the passage of the *First Nations Voice Bill 2023* through State Parliament and assent by Her Excellency the Governor of South Australia.
3. Resolves to submit an Item of Business for the Greater Adelaide Region of Council's consideration for the Local Government Association to support the positions set out in points 1-2 of this motion.
4. That the Mayor writes to the Federal Member for Mayo, the State Premier and State Opposition Leader and Co-Leaders of the Greens in State Parliament informing them of this resolution.

Lost

Cr Leith Mudge requested a Division

The Mayor set aside her previous ruling and called for Members to stand to demonstrate their vote.

For (3) – Councillors Kirrilee Boyd, Leith Mudge, Melanie Selwood

Against (8) – Councillors Malcolm Herrmann, Pauline Gill, Chris Grant, Kirsty Parkin, Lucy Huxter, Louise Pascale, Nathan Daniell, Mark Osterstock

Lost

Cr Leith Mudge left the Chamber at 7.33pm.

Leave of the meeting was granted to consider a Motion Without Notice.

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**Moved Cr Mark Osterstock
S/- Cr Lucy Huxter**

77/23

That Council:

- 1. Acknowledges the Uluru Statement from the Heart and acknowledges that the Statement seeks to have, amongst other things, a First Nations Voice to Parliament enshrined in the Australian Constitution.**
- 2. Notes the passage of the First Nations Voice Bill 2023 through State Parliament and assent by Her Excellency the Governor of SA.**
- 3. Is supportive of the upcoming Federal referendum, proposing a law; “to alter the Australian Constitution to recognise the First Peoples of Australia by establishing an Aboriginal and Torres Strait Islander Voice”.**
- 4. Acknowledges and accepts that such a decision to approve this proposed law to alter the Australian Constitution is a matter for the Australian people.**
- 5. Resolves to submit an item of business for the Greater Adelaide Region of Council’s consideration for the Local Government Association to support the positions set out in points 1 – 4 of this resolution.**
- 6. Requests that the Mayor write to the Federal Member for Mayo, Rebekha Sharkie MP, the Hon. Peter Malinauskas MP, Premier of South Australia, the Hon. David Speirs MP, Leader of the State Opposition, and the Co-Parliamentary Leaders of The Greens SA, informing them of this resolution.**

Carried

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11.3 Illegal Native Vegetation Clearance

Cr Leith Mudge returned to the Chamber at 7.42pm.

Moved Cr Nathan Daniell

S/- Cr Kirsty Parkin

78/23

That Council:

- 1. Condemns the unapproved and excessive clearance of remnant native vegetation at 104 Mount Lofty Road, Crafers.**
- 2. Reaffirms its unwavering commitment to protecting and restoring the Adelaide Hills natural environment.**
- 3. Requests the Mayor write to the Minister for Climate, Environment and Water, Hon Dr Susan Close MP to request:**
 - a. The *Native Vegetation Act 1991* be amended to increase penalties associated with the illegal clearance of native vegetation;**
 - b. The budget allocated to the *Native Vegetation Council* be increased to enable appropriate resources to be allocated to compliance and enforcement**
- 4. Requests the CEO review legislative options available to strengthen Council's compliance and enforcement efforts in preventing and addressing illegal clearance of native vegetation. That as part of this review:**
 - a. A workshop be conducted with elected members.**
 - b. A report be provided to Council by 30 June 2023 including options that would improve Council's ability to ensure prevention, compliance, and enforcement, associated with the illegal clearance of native vegetation.**
- 5. Requests the CEO investigate any scope for the inclusion of additional Council owned properties to be assessed for suitability to be encumbered by a Heritage Agreement for the additional protection of native vegetation on that land. That as part of this investigation:**
 - a. A workshop be conducted with elected members (at the same time as 4(a) above).**

Carried Unanimously

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12. OFFICER REPORTS – DECISION ITEMS

12.1 Records & Information Management Policy & Procedure

Moved Cr Pauline Gill
S/- Cr Chris Grant

79/23

Council resolves:

1. That the report be received and noted.
2. With an effective date of 26 April 2023, to revoke the 22 September 2020 '*Records Information Management Policy*' (Appendix 1) and to adopt the new '*Records Information Management Policy*' as contained in Appendix 2.
3. With an effective date of 26 April 2023, to revoke the 22 September 2020 '*Records & Information Management for Council Members Procedure*' (Appendix 3) and to adopt the updated '*Records Information Management for Council Members Procedure*' as contained in Appendix 4.
4. That the Chief Executive Officer, or delegate, be authorised to make any formatting, nomenclature or other minor changes to the policy and the procedure prior to the date of effect.

Carried Unanimously

12.2 Status Report – Council Resolutions Update

Moved Cr Chris Grant
S/- Cr Kirrilee Boyd

80/23

Council resolves:

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

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Meeting Date	Meeting	Res No.	Item Name	Previously Declared COI
24/01/2023	Ordinary Council	21/23	18.1.1 Appointment of Audit & Risk Committee Independent Members to the Adelaide Hills Region Waste Management Authority	Nil
14/02/2023	Ordinary Council	25/23	MON - Glenside Road Crafers Land Division & Other Matters	Nil
28/02/2023	Ordinary Council	43/23	Draft 2023-24 LTFP for consultation	Nil
14/03/2023	Ordinary Council	55/23	Confidential Items Review	General - Cr Malcolm Herrmann
14/03/2023	Ordinary Council	58/23	Audit Committee Recommendations to Council	Nil
28/03/2023	Ordinary Council	61/23	Petition - Australia Day Civic Awards	Nil
28/03/2023	Ordinary Council	63/23	Petition - Fire Water Tank Upper Hermitage	Nil
28/03/2023	Ordinary Council	68/23	Attendance at LGA OGM	Nil
28/03/2023	Ordinary Council	69/23	Attendance at LGA OGM - Council Delegate	Nil

Carried Unanimously

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13. OFFICER REPORTS - INFORMATION ITEMS

13.1 Policy Register Review

Moved Cr Mark Osterstock
S/- Cr Pauline Gill

81/23

Council resolves that the report be received and noted.

Carried Unanimously

14. QUESTIONS WITHOUT NOTICE

Cr Louise Pascale – map of locality signs

Cr Louise Pascale – timing of handover and costing of Hamilton Hill

15. MOTIONS WITHOUT NOTICE

Nil

16. REPORTS

16.1 Council Member Function or Activity on the Business of Council

Cr Melanie Selwood

- 5 April, Woodside Commerce Association Meeting

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:

- Confidential workshop regarding Amy Gillett Bikeway – to follow Council meeting
- Gumeracha Library Upgrade – delayed due to procurement difficulties

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17. REPORTS OF COMMITTEES

17.1 Council Assessment Panel

Nil

17.2 Audit Committee

Nil

17.3 CEO Performance Review Panel

17.3.1 CEO Performance Review Panel - 23 March 2023

Moved Cr Chris Grant

S/- Cr Mark Osterstock

82/23

That the minutes of the CEO Performance Review Panel meeting held on 23 March 2023 as distributed, be received and noted.

Carried Unanimously

17.3.2 CEO Performance Review Panel – Recommendations to Council 23 March 2023

Moved Cr Chris Grant

S/- Cr Lucy Huxter

83/23

Council resolves:

1. That the report be received and noted.
2. To not conduct the 2023 Annual CEO Performance Review and Remuneration Review due to the timing of the substantive CEO recruitment process.
3. To note that the CEO Performance Review Panel has resolved to adopt the Expanded Quarterly Performance Review & Development Process (EQPRDP).

Carried Unanimously

17.4 Boundary Change Committee

Nil

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18. CONFIDENTIAL ITEMS

18.1 Audit Committee Independent Member Appointment – Exclusion of the Public

Moved Cr Malcolm Herrmann

S/- Cr Chris Grant

84/23

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

- Acting Chief Executive Officer, David Waters
- Acting Director Community Capacity, Rebecca Shepherd
- A/Director Corporate Services, Karen Cummings
- Director Development & Regulatory Services, Natalie Armstrong
- Director Infrastructure & Operations, Peter Bice
- Executive Manager Governance & Performance/ Minute Secretary, Lachlan Miller
- ICT Support Officer, Mike O'Donnell
- Systems Analyst Information Systems, Tom Portas

be excluded from attendance at the meeting for Agenda Item 18.1: (Audit Committee Independent Member Appointment) in confidence.

The Council is satisfied that it is necessary that the public, with the exception of Council staff in attendance as specified above, be excluded to enable Council to consider the report at the meeting on the following grounds:

Section 90(3)(a) of the *Local Government Act 1999*, the information to be received, discussed or considered in relation to this Agenda Item is information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead), because it would disclose the personal details of candidates who have expressed an interest to be on the Audit Committee.

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

Carried Unanimously

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RELEASED 13 APRIL 2023

18.1.1 Audit Committee Independent Member Appointment – Confidential Item

Moved Cr Malcolm Herrmann
S/- Cr Melanie Selwood

85/23

Council resolves:

Decision 1:

1. That the report be received and noted
2. To amend clause 5.7 on the AHC Audit Committee Terms of Reference to include:

Appointments to the Committee shall be for a period of up to four (4) years.

Carried Unanimously

Moved Cr Melanie Selwood
S/- Cr Malcolm Herrmann

86/23

Decision 2:

1. To appoint Pamela Lee to the position of Audit Committee Independent Member for a term to commence from 01 May 2023 until 30 April 2027 (inclusive).
2. To appoint David Moffatt and Sarah Beesley to the positions of Audit Committee Independent Member for a term to commence from 01 December 2023 until 30 November 2027 (inclusive).

Carried Unanimously

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18.1.2 Audit Committee Independent Member Appointment – Duration of Confidentiality

Moved Cr Chris Grant

S/- Cr Lucy Huxter

87/23

Subject to the CEO, or his delegate, disclosing information or any document (in whole or in part) for the purpose of implementing Council's decision(s) in this matter in the performance of the duties and responsibilities of office, Council, having considered Agenda Item 18.1 in confidence under sections 90(2) and 90(3)(a) of the *Local Government Act 1999*, resolves that an order be made under the provisions of sections 91(7) and (9) of the *Local Government Act 1999* to retain the Items in confidence as detailed in the Duration of Confidentiality Table below:

Item	Duration of Confidentiality NB: Item to be reviewed every 12 months if not released
Report	Until the appointment has been confirmed, but not longer than 30 April 2023.
Related Attachments	Until the appointment has been confirmed, but not longer than 30 April 2023.
Minutes	Until the appointment has been confirmed, but not longer than 30 April 2023.
Other (presentation, documents, or similar)	NIL

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

Carried Unanimously

19. NEXT ORDINARY MEETING

The next ordinary meeting of the Adelaide Hills Council will be held on Wednesday 26 April 2023 (note change of date) from 6.30pm at 63 Mt Barker Road, Stirling.

20. CLOSE MEETING

The meeting closed at 8.19pm.