

**ADELAIDE HILLS COUNCIL
MINUTES OF ORDINARY COUNCIL MEETING
TUESDAY 23 MAY 2023
63 MT BARKER ROAD STIRLING**

In Attendance

Presiding Member: Mayor Jan-Claire Wisdom

Members:

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

In Attendance:

David Waters	A/Chief Executive Officer
Terry Crackett	Director Corporate Services
Peter Bice	Director Infrastructure & Operations
Rebecca Shepherd	A/Director Community Capacity
Lachlan Miller	Executive Manager Governance & Performance
John McArthur	Manager Sustainability Waste & Emergency Management
Mike Carey	Manager Financial Services
Jen Blake	Manager Communications Engagement & Events
Steven Watson	Governance & Risk Coordinator
Tom Portas	Systems Analyst
Pam Williams	Minute Secretary

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 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.

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3. Apology

Nil

3.1 Leave of Absence

- Cr Pauline Gill 6 May – 28 May 2023, approved by Council 26 April 2023
- Cr Leith Mudge 17 June – 25 June 2023, approved by Council 26 April 2023
- Mayor Jan-Claire Wisdom 14 August – 24 September 2023, approved by Council 11 April 2023

3.2 Absent

Nil

4. MINUTES OF PREVIOUS MEETINGS**4.1 Council Meeting – 9 May 2023**

Moved Cr Mark Osterstock
S/- Cr Chris Grant

124/23

That the minutes of the Ordinary Council meeting held on 9 May 2023 as supplied, be confirmed as an accurate record of the proceedings of that meeting.

Carried Unanimously

4.2 Special Council Meeting – 12 May 2023

Moved Cr Mark Osterstock
S/- Cr Kirsty Parkin

125/23

That the minutes of the Special Council meeting held on 12 May 2023 as supplied, be confirmed as an accurate record of the proceedings of that meeting.

Carried Unanimously

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5. DECLARATION OF CONFLICT OF INTEREST BY MEMBERS OF COUNCIL

**5.1 General Conflict of Interest, Cr Louise Pascale – Item 15.1 Motion Without Notice
Boundary Change Committee venue**

Under section 75B of the *Local Government Act 1999* Cr Louise Pascale disclosed a General (section 74) Conflict of Interest in Item 15.1 Motion Without Notice - Boundary Change Committee venue, the nature of which is as follows:

- I am a resident of Woodforde and will move a motion concerning the Boundary Change Committee

Cr Louise Pascale intends participate in discussions and vote.

6. PRESIDING MEMBER'S OPENING REMARKS

Mayor Jan-Claire Wisdom advised that the appointment of Greg Georgopoulos is now completed and we look forward to welcoming him as the new Chief Executive Officer of Adelaide Hills Council in late July.

7. QUESTIONS ADJOURNED/LYING ON THE TABLE

7.1 Questions Adjourned

Nil

7.2 Questions Lying on the Table

Nil

8. PETITIONS/DEPUTATIONS/PUBLIC FORUM

8.1 Petitions

Nil

8.2 Deputations

Nil

8.3 Public Forum

Mayor Jan-Claire Wisdom welcomed members of the public to address Council on the Annual Business Plan for one hour, if required, commencing at 6.34pm.

No member of the public addressed the Council.

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9. PRESENTATIONS

9.1 Landscapes Hills & Fleurieu

Deferred

9.2 Leah Maxwell, AHRWMA Annual Business Plan & Budget

9.3 Rob Gregory, East Waste Annual Business Plan & Budget

10. QUESTIONS ON NOTICE

10.1 Subdivision Applications (Cr Kirsty Parkin)

- a. **How many subdivisions have occurred since changes to the [Country Living] zoning in the Adelaide Hills?**
- b. **The number of subdivisions in the old Country Living Zone?**
- c. **The number of new housing approvals?**
- d. **The number of new development approvals in the old Country Living Zone?**

Officer's response – Director Development & Regulatory Services

- a. **How many subdivisions have occurred since changes to the [Country Living] zoning in the Adelaide Hills**

Since 19 March 2021 when the zoning in the Adelaide Hills changed, there have been 17 applications for land division in the Rural Neighbourhood Zone. 16 of these applications have been determined (15 approved and 1 refused) and one remains under assessment.

Six of these determined applications involved one allotment being divided into two and the other 10 were boundary realignments between existing allotments. Thus, in the last 2 years, 5 new allotments have been successfully created in the Rural Neighbourhood Zone (an average of 2.5 per year), with one application refused.

- a. **The number of subdivisions in the old Country Living Zone**

In the five years prior to 19 March 2021, there were 39 Land Division Applications in the former Country Living Zone approved. Of these, 22 involved one allotment being divided into two, 1 involved one allotment divided into three and the other 16 were boundary realignments. Thus, in the 5 years from 2017 to 2021, there were 24 new allotments successfully created (an average of 4.8 per year).

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b. The number of new housing approvals

There have been 266 new housing approvals in the Council district since 19 March 2021. 37 of these have been in the Rural Neighbourhood Zone. The bulk of these have been developed on existing allotments.

c. The number of new development approvals in the old Country Living Zone

- (i) There have been 1619 planning approvals* in total since 19 March 2021 (2 year period) in the Council district and 364 of these were in the Rural Neighbourhood Zone (an average of 182 per year).
- (ii) In the 2020 calendar year there were 1306 development approvals in the Council area and 203 of these were in the then Country Living Zone.
- (iii) In the 2018 calendar year there were 833 development approvals in the Council area and 160 of these were in the then Country Living Zone.

*Planning Approvals (or planning consents) used instead of full Development Approval as the Portal provides data differently.

11. MOTIONS ON NOTICE

11.1 East Waste Kerbside Audit

**Moved Cr Lucy Huxter
S/- Cr Leith Mudge**

126/23

That Council notes:

- 1. The release of East Waste's kerbside audit for 2022**
- 2. Its performance across the Council region in relation to diversion from landfill, green waste and recycling management**
- 3. Its role in influencing a shift in behavioural change of residents to help improve proper waste disposal within households.**

Carried Unanimously

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12. OFFICER REPORTS – DECISION ITEMS

12.1 Adelaide Hills Region Waste Management Authority Annual Business Plan & Budget

Moved Cr Lucy Huxter
S/- Cr Mark Osterstock

127/23

Council resolves:

1. That the report be received and noted.
2. To advise the Adelaide Hills Region Waste Management Authority Board that Council has reviewed and approved the Adelaide Hills Region Waste Management Authority *Draft Annual 2023-24 Business Plan and Budget* (incorporating updated *Long Term Financial Plan*).

Carried Unanimously

12.2 East Waste Annual Business Plan & Budget

Moved Cr Malcolm Herrmann
S/- Cr Chris Grant

128/23

Council resolves:

1. That the report be received and noted.
2. To provide consent to the Eastern Waste Management Authority *Draft Annual Plan 2023-24*.

Carried Unanimously

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12.3 Yanagin Road Consultation Outcomes & Revocation of Community Land Classification

Moved Cr Kirsty Parkin

S/- Cr Mark Osterstock

129/23

Council resolves:

1. That the report be received and noted.
2. To apply to the Minister for Local Government to revoke the Community Land Classification over portion of allotment 7 in File Plan 129661 as hatched in purple, in land division dated 14/10/2022 and as shown in *Appendix 1* of this Report.
3. Following a response from the Minister a report be submitted back to Council outlining the outcome of the Minister's decision.

Carried Unanimously

12.4 Budget Review 3

Moved Cr Leith Mudge

S/- Cr Malcolm Herrmann

130/23

Council resolves:

1. That the report be received and noted.
2. To adopt the proposed budget adjustments presented in Budget Review 3 for the 2022-23 financial year which result in:
 - a. An increase in the Operating Surplus from \$830k to \$970k for the 2022-23 financial year.
 - b. No overall change to the Capital Works capital expenditure budget for 2022-23 thus maintaining a budget of \$19.369m which takes into account estimated carry forwards of \$8m in capital expenditure.
 - c. A change in Council's current Net Borrowing Result from \$342k to \$202k for the 2022-23 financial year as a result of the proposed operating adjustments.
 - d. Financial sustainability indicators within Council's agreed targets as follows:

i.	Operating Surplus Ratio	1.8%	(Target 1% to 5%)
ii.	Net Financial Liabilities Ratio	46%	(Target 25% to 75%)
iii.	Asset Renewal Funding Ratio	104%	(Target 95% to 105%)

Carried Unanimously

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12.5 Delegations Review – Local Government Act

Moved Cr Malcolm Herrmann
S/- Cr Lucy Huxter

Council resolves:

1. That the report be received and noted
2. That, having considered a review of Council's Delegations as presented, the Council hereby revokes its previous delegations to the Chief Executive Officer of those powers and functions under the following Acts:

Instrument of Delegation
<i>Local Government Act 1999</i>

3. That, having considered a review of Council's Delegations as presented, in exercise of the power contained in Section 44 of the *Local Government Act 1999* the powers and functions under the following Acts and statutory instruments made thereunder contained in the proposed Instrument of Delegation attached to the Report dated 23 May 2023 and entitled as detailed in the table below are hereby delegated this 23rd Day of May 2023 to the person occupying or acting in the office of Chief Executive Officer of the Council subject to the conditions and/or limitations, if any, specified herein or in the Schedule of Conditions in the proposed Instrument of Delegation.

Instrument of Delegation	Appendix Number
<i>Local Government Act 1999</i>	Appendix 2

LOST

Moved Cr Kirsty Parkin
S/- Cr Louise Pascale

131/23

Council resolves:

1. That the report be received and noted
2. That the matter be deferred until a further Workshop on 5 June 2023 and post Workshop a report be brought to the 13 June 2023 Council meeting.

Carried

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12.6 Gawler River Floodplain Management Authority Rescission of Resolution 14 February 2023

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

132/23

Council resolves:

1. That the report be received and noted.
2. To rescind the resolution made on 14 February 2023 and numbered 28/23.
3. Decline the request to provide funding of \$100,000 to the Gawler River Floodplain Management Authority in support of a Business Case, but instead offer a contribution of \$10,380 in line with the Council's percentage share of capital works costs as per the adopted GRFMA charter.

VARIATION

With the consent of the Mover and the Secunder leave was granted to vary the motion.

Council resolves:

1. **That the report be received and noted.**
2. **To rescind the resolution made on 14 February 2023 and numbered 28/23.**
3. **Decline the request to provide funding of \$100,000 to the Gawler River Floodplain Management Authority in support of a Business Case, but instead offer a contribution of \$10,380 in line with the Council's percentage share of capital works costs as per the adopted GRFMA charter, on the proviso that the subject business case proceeds, prior to any funds being paid to the GRFMA.**

Carried Unanimously

8.43pm Cr Mark Osterstock left the Chamber

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12.7 Status Report – Council Resolutions Update

Moved Cr Chris Grant
S/- Cr Kirrilee Boyd

133/23

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
9/05/2023	Ordinary Council	107/23	Petition - Sealing of Croft Road Lenswood	Nil
9/05/2023	Ordinary Council	116/23	Attendance at National General Assembly Canberra	Material - Mayor Wisdom Material - Cr Adrian Cheater

Carried Unanimously

13. OFFICER REPORTS - INFORMATION ITEMS

Nil

8.44pm Cr Adrian Cheater left the Chamber

8.45pm Cr Mark Osterstock returned to the Chamber

14. QUESTIONS WITHOUT NOTICE

8.47pm Cr Adrian Cheater returned to the Chamber

Cr Malcolm Herrmann

1. Footpath North East Road Inglewood - funds in budget
2. Warren Lucky Hit and Martin Hill Roads - funds in budget
3. Stormwater Junction Road Balhannah - funds in budget
4. Stormwater Onkaparinga Valley Rd Woodside - funds in budget

Cr Kirsty Parkin - Update on Wattletree Road Bridgewater

Cr Melanie Selwood - Community Forums

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15. MOTIONS WITHOUT NOTICE

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

Cr Louise Pascale declared a General Conflict of Interest at Agenda Item 5 'Declaration of Interest by Members of the Council' in relation to item 15.1.

Cr Louise Pascale is to remain in the Chamber and vote.

15.1 Boundary Change Committee meetings venue

**Moved Cr Louise Pascale
S/- Cr Melanie Selwood**

134/23

That from its next meeting and until its dissolution all Boundary Change Committee meetings be held at the Norton Summit Community Centre, when available.

VARIATION

With the consent of the Mover and the Seconder leave was granted to vary the motion.

That from its next meeting and until its dissolution all Boundary Change Committee meetings be held at either the Norton Summit Community Centre or a venue in the affected area, when available.

Carried

Cr Louise Pascale voted for the motion. The majority of persons who were entitled to vote at the meeting voted in favour of the motion.

16. REPORTS

16.1 Council Member Function or Activity on the Business of Council

Mayor Jan-Claire Wisdom

- 28 April, SHLGA, Stirling
- 04 May, Meeting Senator Sheldon, Lobethal Bushland Park re Disaster Recovery
- 05 May, Hills and Fleurieu Treasures Morning Tea, Hahndorf
- 05 May, CEO Selection Panel Interviews, Adelaide
- 10 May, Government House Reception for Coronation of King Charles III, Adelaide
- 16 May, SHLGA Advisory Meeting via zoom
- 17 May, Adelaide Hills Tourism networking event, Mt Barker
- 22 May, Community Freight By-Pass meeting, Glen Osmond

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Outgoing Mayoral correspondence April – May 2023

Date	To	Subject	Related Council meeting
6 April	Department Energy & Mines	White Rock Quarry	28/2
18 April	Parliamentarians	Uluru Statement of the Heart	11/4
18 April	Rostrevor College	Congratulations on centenary	
19 April	Minister for Climate, Environment & Water	Vegetation Clearance Mt Lofty Summit	11/4
20 April	Lobethal Cricket Club	Congratulations on successful season	28/3
2 May	Loiacono Family	Sympathy letter	26/4
16 May	Minister for Infrastructure, Transport, Regional Development & Local Government	LRCIP Phase 4 funding appreciation	
22 May	Minister for Infrastructure & Transport	Amy Gillett Bikeway funding	

Cr Malcolm Herrmann

- 7 May, History Week Display, Kersbrook
- 18 May, Volunteer Week, Mt Barker

Cr Melanie Selwood

- Public Forum Stirling Hospital

Cr Leith Mudge

- English Ale, Mylor

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

Nil

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16.3 CEO Report

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

- English Ale Festival at Mylor
- Recreational Vehicle dump points
- June workshop on native vegetation clearance & encroachment

17. REPORTS OF COMMITTEES**17.1 Council Assessment Panel**

Nil

17.2 Audit Committee 15 May 2023

Moved Cr Malcolm Herrmann
S/- Cr Melanie Selwood

135/23

That the minutes of the Audit Committee meeting held on 15 May 2023 as distributed, be received and noted.

Carried Unanimously

17.3 CEO Performance Review Panel

Nil

17.4 Boundary Change Committee

Nil

17.4.1 Short Adjournment

Moved Cr Mark Osterstock
S/- Cr Leith Mudge

136/23

That the meeting be adjourned for a short break from 9.22pm.

Carried Unanimously

9.29pm The Council meeting resumed.

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18. CONFIDENTIAL ITEMS

18.1 Event Opportunity – Santos Tour Down Under 2024 – Exclusion of the Public

Moved Cr Kirsty Parkin

S/- Cr Lucy Huxter

136/23

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

- Acting Chief Executive Officer, David Waters
- Acting Director Community Capacity, Rebecca Shepherd
- Director Corporate Services, Terry Crackett
- Director Infrastructure & Operations, Peter Bice
- Executive Manager Governance & Performance, Lachlan Miller
- Governance & Risk Coordinator, Steven Watson
- Manager Communications, Engagement & Events, Jennifer Blake
- Tom Portas, Systems Analyst
- Minute Secretary, Pam Williams

be excluded from attendance at the meeting for Agenda Item 18.1: (Event Opportunity – Santos Tour Down Under 2024) in confidence.

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

Section 90(3)(j) of the *Local Government Act 1999*, the information to be received, discussed or considered in relation to this Agenda Item is information the disclosure of which –

- (i) would divulge information provided on a confidential basis by or to a Minister of the Crown, or another public authority or official (not being an employee of the council, or a person engaged by the council); and
- (ii) would, on balance, be contrary to the public interest.

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

Carried Unanimously

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18.1.1 Event Opportunity – Santos Tour Down Under 2024 – Confidential Item

Moved Cr Kirsty Parkin

S/- Cr Leith Mudge

137/23

Council resolves:

1. That the report be received and noted.
2. That in respect to the 2024 Santos Tour Down Under, to accept the offer by the South Australian Tourism Commission for the Council to host:
 - WTDU Stage 2 finish in Stirling on Saturday 13 January 2024
 - TDU Stage 2 finish in Lobethal on Wednesday 17 January 2024
 - TDU Stage 6 finish on Mount Lofty on Sunday 21 January 2024
 for a total consideration of no more than \$25,000 GST, to be paid by the Council.
3. That the Chief Executive Officer be authorised to act for and on behalf of the Council to execute any contracts or other documents required to progress the matter.
4. That the Chief Executive Officer be authorised to consider and negotiate any changes to stage hosting details, including but not limited to start and finish locations and event dates, so long as the licence fee remains within the amount outlined above, for substantially the same outcomes.
5. That the Council notes that the Chief Executive Officer will act pursuant to the delegation provided to him in respect to considering and providing consent for road closures associated with the 2024 Santos Tour Down Under, the 2024 Santos Women's Tour Down Under and any other ancillary events, pursuant to Section 33 of the *Road Traffic Act 1961*.

Carried Unanimously

9.55pm Cr Pascale left the Chamber and did not return

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18.1.2 Extension of Meeting Time

Moved Cr Mark Osterstock
S/- Cr Nathan Daniell

139/23

That the Council meeting time be extended by 30 minutes.

Carried Unanimously

18.2 Electricity Tenders Post 30 June 2023 - Exclusion of the Public

Moved Cr Leith Mudge
S/- Cr Malcolm Herrmann

140/23

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

- Acting Chief Executive Officer, David Waters
- Acting Director Community Capacity, Rebecca Shepherd
- Director Corporate Services, Terry Crackett
- Director Infrastructure & Operations, Peter Bice
- Executive Manager Governance & Performance, Lachlan Miller
- Governance & Risk Coordinator, Steven Watson
- Manager Financial Services, Mike Carey
- Tom Portas, Systems Analyst
- Minute Secretary, Pam Williams

be excluded from attendance at the meeting for Agenda Item 18.2: (Confidential – Electricity Contracts Post 30 June 2023) 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)(k) tenders for the supply of goods, the provision of services or the carrying out of works;) of the *Local Government Act 1999*, the information to be received, discussed or considered in relation to this Agenda Item is commercial information of a confidential nature (not being a trade secret) the disclosure of which could reasonably be expected to prejudice the commercial position of the LGAP or tenderers who supplied the information by disclosing specific quotes and modelling by the tenderer.

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

Carried Unanimously

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18.2.1 Electricity Tenders Post 30 June 2023 – Confidential Item

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18.2.2 Electricity Tenders Post 30 June 2023 – Duration of Confidentiality

Moved Cr Chris Grant
S/- Cr Kirsty Parkin

142/23

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 18.2 in confidence under sections 90(2) and 90(3)(k) 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 contracts are signed, but not longer than 30 June 2023
Related Attachments	NIL
Minutes	Until the contracts are signed, but not longer than 30 June 2023
Other (presentation, documents, or similar)	Until the contracts are signed, but not longer than 30 June 2023

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 Tuesday 13 June 2023 from 6.30pm at 63 Mt Barker Road, Stirling.

20. CLOSE MEETING

The meeting closed at 10.24pm.