



## 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 25 July 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.

**Greg Georgopoulos**  
**Chief Executive Officer**



## **ORDINARY COUNCIL MEETING**

**AGENDA FOR MEETING**  
**Tuesday 25 July 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 Lucy Huxter
- 3.2. Leave of Absence
  - Mayor Jan-Claire Wisdom 14 August – 24 September 2023, approved at Council 11 April 2023
- 3.3. Absent

**4. MINUTES OF PREVIOUS MEETINGS**

Council Meeting – 11 July 2023

*That the minutes of the ordinary meeting held on 11 July 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. MAYOR'S OPENING REMARKS**

**7. QUESTIONS ADJOURNED/LYING ON THE TABLE**

- 7.1. Questions Adjourned  
Nil
- 7.2. Questions Lying on the Table  
Nil

**8. PETITIONS / DEPUTATIONS / PUBLIC FORUM**

- 8.1. Petitions  
Nil
- 8.2. Deputations  
Nil
- 8.3. Public Forum

**9. PRESENTATIONS (by exception)**

- 9.1. Adelaide Hills Tourism 2023 – 2024 Annual Business Plan

**10. QUESTIONS ON NOTICE**

- 10.1. Old Netball Courts Wright Road Stirling – Cr Kirsty Parkin  
*Can Council have an update on the sale of the old Stirling Comets Netball Courts on the corner of Wright Road Stirling?*

**11. MOTIONS ON NOTICE**

- 11.1. Fireworks Ban for Adelaide Hills Council area – Cr Pauline Gill  
*I move that the CEO prepare a report for Council to be presented at the 26 September 2023 Ordinary Council Meeting on the use of fireworks within the Adelaide Hills Council area including, but not limited to, the following considerations:*
  - 1. *potential impacts of conventional fireworks on wildlife, domestic pets, human health and pollution of soil and water*
  - 2. *the comparative cost and impacts of conventional fireworks against alternatives such as silent fireworks, drone light shows and laser shows*
  - 3. *options for consideration regarding the future use of fireworks in the AHC area.*

11.2. Road Safety Analysis Ridge Road & Mill Road Lobethal – Cr Lucy Huxter

1. *The Chief Executive arranges for staff to undertake an in-house road safety assessment into speeding and increased road use on Ridge Road and Mill Road, Lobethal, both of which are becoming used as a thoroughfare for road users attempting to avoid traffic on Main Street.*
2. *If the outcomes of the road safety assessment deem it necessary, that options to discourage road users from choosing these roads instead of the Main Street and combat speeding be explored using an external professional (including but not limited to the installation/construction of chicanes, speed bumps or additional signage).*
3. *The Chief Executive engages with the Department of Education regarding increased road usage and speeding vehicles on Mill Road, which affects all traffic and pedestrians to and from the primary school.*
4. *A report be prepared detailing the outcomes of this assessment for Council's consideration at the ordinary meeting scheduled for 24 October 2023.*

11.3. Proposed renaming of portion of suburb of Rostrevor to Morialta – Cr Louise Pascale

*That the CEO prepares a report on the viability and feasibility of changing the name of that portion of the suburb of Rostrevor that is located within the Adelaide Hills Council district to Morialta and for that report to be delivered to Council by 30 September 2023.*

**12. ADMINISTRATION REPORTS – DECISION ITEMS**

12.1. Proposed Date Change Citizenship and Award Ceremonies

*Council resolves that the report be received and noted.*

12.2. Revocation of Community land – Closed Roads off Lenger Road Mt Torrens and Nicholls Road Norton Summit

1. *That the report be received and noted.*
2. *That the Community Land classification over the land comprised in Certificate of Title Volume 6261 Folio 496 being for Allotment 10 in Filed Plan No. 257096 be revoked.*
3. *That the Community Land classification over the land comprised in Certificate of Title Volume 6261 Folio 497 being for Pieces 1 and 2 in Filed Plan No. 257220 be revoked.*

12.3. CEO Approval to Act

1. *That the report be received and noted.*
2. *To acknowledge the disclosure of interests contained in this report and to authorise the Chief Executive Officer (designate), Mr Greg Georgopoulos, to act in the course of his official duties in relation to the following matters/entities:*
  - a. *Preparation and endorsement of the Council's suite of Human Resource Policies including the Employee Behavioural Standards.*



**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 – 12 July 2023

*That the minutes of the CAP meeting held on 12 July 2023 as supplied, be received and noted.*

17.2. Audit Committee

*Nil*

17.3. CEO Performance Review Panel – 6 July

*That the minutes of the CEOPRP meeting held on 6 July 2023 as supplied, be received and noted.*

17.4. Boundary Change Committee

*Nil*

**18. CONFIDENTIAL ITEMS**

*Nil*

**19. NEXT MEETING**

Tuesday 8 August 2023, 6.30pm, 63 Mt Barker Road, Stirling

**20. CLOSE MEETING**

# Council Meetings & Workshops 2023

DATE	TYPE	LOCATION	MINUTE TAKER
<b>JULY 2023</b>			
Thur 27 July	CEOPRP	Stirling	TBA
Mon 31 July	Special Workshop	Stirling	N/A
<b>AUGUST 2023</b>			
Tues 8 August	Council	Stirling	Pam Williams
Wed 9 August	CAP	Stirling	Karen Savage
Tues 15 August	Professional Development	Stirling	N/A
Mon 21 August	Audit Committee	Stirling	TBA
Tues 25 August	Council	Stirling	Pam Williams
<b>SEPTEMBER 2023</b>			
Mon 4 September	Workshop	Woodside	N/A
Tues 12 September	Council	Stirling	Pam Williams
Wed 13 September	CAP	Stirling	Karen Savage
Tues 19 September	Professional Development	Stirling	N/A
Tues 26 September	Council	Stirling	TBA
Thur 28 September	CEOPRP	Stirling	
<b>OCTOBER 2023</b>			
Tues 3 October	Workshop (moved due to public holiday)	Woodside	N/A
Tues 10 October	Council	Stirling	TBA
Wed 11 October	CAP	Stirling	Karen Savage
Mon 16 October	Audit Committee	Stirling	TBA
Tues 17 October	Professional Development	Stirling	N/A
Tues 24 October	Council	Stirling	TBA

***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

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*For full details, see Code of Practice for Meeting Procedures on [www.ahc.sa.gov.au](http://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

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*For full details, see Code of Practice for Meeting Procedures on [www.ahc.sa.gov.au](http://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.

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## **Item 4 Minutes of Council**

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

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In Attendance

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

**Members:**

Councillor Adrian Cheater
Councillor Nathan Daniell
Councillor Pauline Gill
Councillor Chris Grant
Councillor Leith Mudge
Councillor Mark Osterstock
Councillor Kirsty Parkin
Councillor Louise Pascale
Councillor Melanie Selwood

In Attendance:

Terry Crackett	A/Chief Executive Officer
Peter Bice	Director Infrastructure & Operations
Natalie Armstrong	Director Development & Regulatory Services
Rebecca Shepherd	A/Director Community Capacity
Lachlan Miller	Executive Manager Governance & Performance
Melissa Grimes	Governance Consultant/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.

**3. Apology**

Cr Kirrilee Boyd

**ADELAIDE HILLS COUNCIL  
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**3.1 Leave of Absence**

- Mayor Jan-Claire Wisdom 14 August to 24 September 2023, approved by Council 11 April 2023
- Cr Lucy Huxter from 2 July to 14 July 2023, approved by Council 27 June 2023
- Cr Malcolm Herrmann from 10 July to 21 July 2023, approved by Council 27 June 2023

**3.2 Absent**

Nil

**4. MINUTES OF PREVIOUS MEETINGS**

**4.1 Council Meeting – 27 June 2023**

Moved Cr Nathan Daniell

S/- Cr Chris Grant

**184/23**

That the minutes of the Ordinary Council meeting held on 27 June 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**

Nil

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

Mayor Wisdom opened the meeting introducing Mr Terry Crackett as the Acting Chief Executive Officer and passing on her appreciation for Mr David Waters for his tenure as Acting Chief Executive Officer.

**7. QUESTIONS ADJOURNED/LYING ON THE TABLE**

**7.1 Questions Adjourned**

Nil

**7.2 Questions Lying on the Table**

Nil

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**8. PETITIONS/DEPUTATIONS/PUBLIC FORUM**

**8.1 Petitions**

Nil

**8.2 Deputations**

**8.2.1 Save Our Wildlife Foundation Inc – Marian MacLucas**

**8.3 Public Forum**

Nil

**9. PRESENTATIONS**

Nil

**10. QUESTIONS ON NOTICE**

Nil

**11. MOTIONS ON NOTICE**

**11.1 White Rock Quarry**

Moved Cr Mark Osterstock

S/- Cr Chris Grant

185/23

1. The Chief Executive Officer, on behalf of Council, writes to Benjamin Zammit, Acting Executive Director, Mineral Resources Division, Department for Energy and Mining:
  - a. Acknowledging receipt of his letter to Council dated 02 May 2023.
  - b. Seeking clarification as to whether the Minister for Energy and Mining, the Honourable Tom Koutsantonis MP, has the legislative power to over-rule the Director's decision should the Director of Mines approve the revised Mine Operations Plan (MOP) (and if so, provide details of the said legislative instrument).
  - c. Advising that Council notes that the revised MOP may require Hanson to acquire from Council, a portion of Horsnell Gully Road (a Council public road), together with an allotment of Council (community) land.
  - d. This being the case, Council seeks clarification as to how it is possible for DEM to consider the revised MOP, when Council has made no decision to dispose of a portion of Horsnell Gully Road, together with an allotment of Council (community) land, to Hanson, in order for Hanson to facilitate their proposed expansion.
2. Once a response is received from the Department for Energy and Mining, that response will be tabled at the next scheduled Ordinary meeting of Council.

<b>Carried Unanimously</b>
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**12. OFFICER REPORTS – DECISION ITEMS**

**12.1 Statement of Commitment and Our Watch Prevention Toolkit Implementation Plan**

Moved Cr Louise Pascale

S/- Cr Pauline Gill

186/23

Council resolves:

1. That the report be received and noted.
2. To adopt the following *Statement of Commitment*:

*Adelaide Hills Council recognises that violence against women and their children affects the entire Australian community. We recognise our responsibility to help reduce violence against women and their children.*

*We recognise that gender-based violence is predominantly perpetrated by men against women, and thus believe action and support needs to be focused on preventing violence against women and their children. We also acknowledge gender-based violence can affect people of all genders, sexualities, cultures, religions, ages, educational backgrounds, and income levels.*

*Council values the services, organisations and individuals that are already working in our community to prevent violence against women and their children, and to support families in crisis. We recognise the knowledge and commitment of these groups and wish to support and encourage their ongoing contribution.*

*We believe that preventing violence against women and their children is everyone's business and we are committed to working with the whole community to end violence against women and their children.*

*As part of renewing our commitment, we will:*

- *Implement Our Watch's Prevention Toolkit for Local Government*
- *Demonstrate leadership in primary prevention of violence against women and their children*
- *Raise employee and community awareness of the drivers and consequences of violence against women and their children*
- *Provide a safe, inclusive and respectful working environment*
- *Provide information to Council staff about ways they can prevent violence against women in their work and the services they deliver to community*
- *Advocate for gender equality in planning, decision-making and service delivery across local government.*
- *Council is committed to making changes to create a future that is free from violence against all women and their children.*

3. To endorse the proposed Toolkit Implementation Plan as contained in Appendix 2.

<b>Carried Unanimously</b>
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**12.2 Policy Reviews – *Code of Practice for Council Meeting Procedures* and *Code of Practice for Access to Council and Council Committee and Information or Briefing Session Meetings & Documents***

Moved Cr Chris Grant  
S/- Cr Leith Mudge

187/23

Council resolves:

1. That the report be received and noted.
2. That Council in relation to the *Code of Practice for Council Meeting Procedures*:
  - a. With an effective date of 17 July 2023, to revoke the 22 March 2022 *Code of Practice for Council Meeting Procedures* and adopt the 11 July 2023 *Code of Practice for Council Meeting Procedures*, as contained in Appendix 1.
  - b. That the Chief Executive Officer be authorised to make any formatting, nomenclature or other minor changes to the 11 July 2023 *Code of Practice for Council Meeting Procedures* prior to the effective date.
3. That Council in relation to the *Code of Practice for Access to Council and Council Committee and Information or Briefing Session Meetings & Documents*:
  - a. Approve the proposed *Code of Practice for Access to Council, Council Committee and Designated Informal Gathering Meetings & Documents*, as contained in Appendix 2, for public consultation in accordance with the provisions of Council's *Public Consultation Policy* and for the further report to be provided to Council following the consultation process.
  - b. That the CEO be authorised to:
    - i. Make any formatting, nomenclature or other minor changes to the Code prior to being released for public consultation and
    - ii. Determine the consultation timings, media and processes while ensuring consistency and compliance with the provisions of applicable legislation and Council's *Public Consultation Policy*.

Carried Unanimously
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**12.3 Status Report – Council Resolutions Update**

Moved Cr Pauline Gill  
S/- Cr Leith Mudge

**188/23**

**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
27/07/2021	Ordinary Council	158/21	Revocation of Community Land Classification - Closed Roads R2142AA & R1573AB	Perceived - Cr Linda Green
24/01/2023	Ordinary Council	5/23	MON First Nations use of Surplus Land	Material - Cr Adrian Cheater
9/05/2023	Ordinary Council	119/23	Bridgewater Retirement Village	Nil
9/05/2023	Ordinary Council	120/23	Bridgewater Retirement Village duration of confidentiality	Nil
13/06/2023	Ordinary Council	150/23	Adelaide Hills Tourism One Year Funding Agreement	Nil

**Carried Unanimously**

**13. OFFICER REPORTS - INFORMATION ITEMS**

Nil

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**14. QUESTIONS WITHOUT NOTICE**

Cr Mark Osterstock re action taken by Council for calls re injured wildlife and any funding provided to wildlife rescue organisations

**15. MOTIONS WITHOUT NOTICE**

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

**15.1 Appreciation for Acting CEO, David Waters**

**Moved Cr Chris Grant  
S/- Cr Leith Mudge**

**189/23**

**That Council thanks Mr David Waters for taking on the role of Acting Chief Executive Officer and for the past 9 months working in that role with Elected Members and staff, in particular during the election period and induction of the new Council, and performing these functions in an exemplary fashion.**

<b>Carried Unanimously</b>
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**15.2 Appreciation for Acting Director Community Capacity, Rebecca Shepherd**

**Moved Cr Melanie Selwood  
S/- Cr Kirsty Parkin**

**190/23**

**That Council thanks Ms Rebecca Shepherd for taking on the role of Acting Director Community Capacity for the past 9 months working in that role with Elected Members and staff, in particular during the election period and induction of the new Council, and performing these functions in an exemplary fashion.**

<b>Carried Unanimously</b>
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7:19pm Cr Nathan Daniell left the meeting.  
7:20pm Cr Nathan Daniell re-joined the meeting

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**16. REPORTS**

**16.1 Council Member Function or Activity on the Business of Council**

**Mayor Jan-Claire Wisdom**

- 26 May, Mayor & CEO Round Table with neighbouring regional councils, Murray Bridge
- 29 May, Citizenship ceremony, Stirling
- 02 June, Informal meeting with incoming CEO, Adelaide
- 05 June, Regular meeting with Josh Teague MP Heysen, Stirling
- 08 June, Meeting with Mayors of Onkaparinga, Mitcham, Victor Harbor at Willunga
- 13 June, National General Assembly Regional Forum day, Canberra
- 13 June, Private dinner with the Governor General and Mrs Hurley, Yarralumla
- 14 June, National General Assembly & NGA Dinner, Canberra
- 15 June, NGA and visits to Parliament House inc Question time, Canberra
  - Private meeting with Senator Tony Sheldon about community resilience programs
  - Private meeting with Rebekha Sharkie MP about Mayo issues
  - Private meeting with Louise Miller-Frost MP for Boothby about shared issues
  - Federal Govt/LG dinner at Parliament House, Canberra
- 16 June, Australian Council of Local Government Conference with Federal Government, Canberra
- 21 June, Lord Mayor's Civic reception SA Voice to Parliament, Adelaide
- 22 June, Rotary Dinner, Mt Osmond
- 27 June, Signing legal documents for sale of Bridgewater Aged Care to CCH, Stirling
- 30 June, Meeting with incoming CEO re 90 Day Plan, Strategic Plan and induction
- 05 July, Media call re Gumeracha Library upgrade, Gumeracha
- 06 July, LGA Mayor and CEO Forum dinner, Barossa
- 07 July, LGA Mayor and CEO Forum workshop day, Barossa

**Cr Melanie Selwood**

- 28 June - Lobethal Community Association Chat Group with a screening of Regenerating and presentation from AHC Sustainability Officer
- 8 July - Gumeracha Library Open Day

**Cr Adrian Cheater**

- 14 June, National General Assembly & NGA Dinner, Canberra – see report attached to Minutes

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**16.2 Reports of Members as Council/Committee Representatives on External Organisations**  
**Mayor Jan-Claire Wisdom**

- 22 June, SHLGA meeting, Goolwa

**16.3 CEO Report**

Terry Crackett, A/CEO, provided Council with a verbal update, including an update on the proposed induction plan for the new CEO and reminding Council Members of the special workshop on Saturday 19 August at the Adelaide Hills War Memorial Swimming Centre.

**17. REPORTS OF COMMITTEES**

**17.1 Council Assessment Panel**

Nil

**17.2 Audit Committee**

Nil

**17.3 CEO Performance Review Panel – 6 July 2023**

Moved Cr Chris Grant

S/- Cr Kirsty Parkin

**191/23**

That the minutes of the CEO Performance Review Panel meeting held on 6 July 2023 as distributed, be received and noted.

<b>Carried Unanimously</b>
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**17.3.1 CEO Performance Review Panel Recommendations to Council**

Moved Cr Chris Grant

S/- Cr Pauline Gill

**192/23**

**Council resolves:**

1. That the report be received and noted.
2. To determine that the Acting CEO has achieved the following status in relation to the 2022-23 CEO Performance Targets as at 11 July 2023:

**Target 1: Fabrik Redevelopment – Project on track, performance target achieved.**

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**Target 2: User Pays Bin Collection Study – Completed, with additional steps taken to progress alternative waste collection options.**

**Target 3: Savings Strategies – On track and subject to verification in the end of year financial reporting.**

**Target 4: Gumeracha Library Upgrade – Achieved.**

**Target 5: New Dog & Cat Facility – Achieved, with further steps taken to explore the broader challenges of longer term animal impounding.**

**Target 6: Central Irrigation System – Achieved.**

**Target 7: Unformed Public Roads Review – On track for completion in July 2023, with presentation to Council Members to occur when workshop schedule allows.**

3. To note the Remuneration Tribunal's Determination 4-2023 - Minimum and Maximum Chief Executive Officer Remuneration and determine not to undertake a Substantive CEO Total Employment Cost Package Review at this time.
4. To approve the proposed CEO Probationary Period Performance Review Process with the follow key activities/milestones:

<b>Week 1 (w/b 17/7/23)</b>	<b>Substantive CEO commences</b>
<b>Week 2 (w/b 24/7/23)</b>	<b>CEOPRP meets with Substantive CEO and sets out the CPPPRP and agrees the broader Performance Review Process (see next section)</b>
<b>Week 11 (w/b 25/9/23)</b>	<b>CEOPRP:</b> <ul style="list-style-type: none"> <li>• <b>Receives the Interim Performance Review &amp; Development Report from the Substantive CEO</b></li> <li>• <b>Discusses Key Performance Indicators with Substantive CEO and makes recommendation to Council for adoption of Indicators.</b></li> <li>• <b>Finalises Probation Review Survey contents</b></li> </ul>
<b>Week 17 (w/b 6/11/23)</b>	<b>Consultant administers the Probation Review Survey</b>
<b>Week 22 (w/b 11/12/23)</b>	<b>CEOPRP:</b> <ul style="list-style-type: none"> <li>• <b>Receives the Interim Performance Review &amp; Development Report from Substantive CEO</b></li> <li>• <b>Considers Probation Review Survey Report from the Consultant and makes recommendation to Council.</b></li> </ul>
<b>Week 23 (w/b 18/12/23)</b>	<b>Council considers CEOPRP recommendation regarding performance and determines continuance/cessation.</b>
<b>Week 27 (w/b 15/1/24)</b>	<b>Probation period ends 16/1/24</b>

5. To note that the CEO Performance Review Panel intends to develop annual Key Performance Indicators in accordance with clause 17.4 of the CEO Employment Agreement.

**ADELAIDE HILLS COUNCIL  
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63 MT BARKER ROAD STIRLING**

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6. To approve an increase in the Governance & Performance Department budget of \$2,000 for the purposes of engaging a consultant to assist the CEO Performance Review Panel with the development of Key Performance Indicators and the development and conduct of the Probation Review Survey as part of the CEO Probationary Period Performance Review Process.

<b>Carried Unanimously</b>
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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 25 July 2023 from 6.30pm at 63 Mt Barker Road, Stirling.

**20. CLOSE MEETING**

The meeting closed at 7:39pm.



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**ALGA National General Assembly Attendance Report - Cr Adrian Cheater**

Between the 12 and 16 June 2023 I attended the ALGA National General Assembly. Justification for my attendance was to immerse myself in the broad nature, content and engagement opportunities of the event. Being a first term elected member, I would also connect with fellow colleagues from other regional and metro councils around the nation.

Several aspects of the experience can be aligned with the Council's 22/23 strategic goals. These included but are not limited to:

- A functional Built Environment
  - Consider external influences in our long term asset management and adaption planning
- Community Wellbeing
  - C2- A connected, engaged and supported community
  - An active, healthy, thriving and resilient community
- A Prosperous Economy
  - Support and grow our region's existing and emerging industries
  - Encourage, attract and retain a creative, talented and skilled workforce in our region
- A valued National Environment
  - Nurture valuable partnerships and collaborations and engage the local community in the management of our natural environment
- A progressive Organisation
  - Technology and innovation is utilised to better meet our community's expectations and deliver value for money

**Key themes:**

Key themes that emerged from the conference which specifically relate to the Adelaide Hills Council included community resilience, grant funding (Regional Development Fund) and electrification.

I attended the regional forum which was focused on regional specific issues and initiatives. Case studies and success stories from other regional councils highlighted the ways in which they engaged community to work in partnership with council in improving resilience, especially in the area of bushfire prevention and asset protection. A profound example was that of organisations developing frameworks of improving property survivability in the event of a bushfire including; material recommendations for the building industry, shape and design considerations for reducing heat retention and collaborative community actions plans rather than individual action plans in isolation. There was significant presentation of data to inform stakeholders on the realities and learning taken from past bushfires in higher populated rural/regional areas, demonstrating desire for the tragedies of the past to not be in vain.

Significant confusion and anxiety was stressed from attendees to the Federal Members of Parliament on the status of funding/grants for regional areas. There is significant uncertainty in this space and what it will look like in the future. Minimal commitment or clarity was provided, but a general message of "keep up the good work" was delivered to the attendees and a commitment to work on the issue was the extent of the next steps. Exhibitors at the congress were dominated by the opportunity to electrify many of the fossil fuel based equipment commonly found in Local Government. Products such as commercial ride on mowers, light and medium rigid trucks, passenger vehicles and public/private charging infrastructure were

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showcased. Conversations I had with the exhibitors were centered around the business case and long term financial benefits of engaging in this space, rather than the historical conversation on social responsibility. 5-10 year return on investment comparisons to convention equipment demonstrated the increasing viability of moving to electric. Products such as electric passenger vehicles outperforming fossil fuel based options in some cases, with 2-3 year return on investment.

Mayor Jan-Claire and I also met with Senator Tony Sheldon, Member for Boothby, Louise Miller-Frost and Member for Mayo Rebekha Sharkie. Senator Sheldon was interested in the community resilience in the AHC, especially around natural events such as flood and fire. Our time with the senator was limited due to the abundance of divisions he was required to attend, but lines of communication and collaboration were established with his staff and office.

Louise Miller-Frost MP was interested in hearing from Mayor Wisdom on any relevant issues she could engage with the AHC on. With limited electorate crossover with the AHC, the meeting was focused on establishing a professional relationship to call upon if required in the future.

Our meeting with Rebekha Sharkie MP was focused on the Amy Gillett Bikeway, the ongoing concerns of funding commitments and the uncertainty of the capability/commitment of the South Australian State Government. We were assured that the federal funding was still committed, but the ongoing delay of State Government commitment was a hurdle to still be navigated.

I also engaged with other elected members and mayors from South Australia. A standout conversation included the desire for surrounding metropolitan councils to AHC to have a mechanism for collaborative communication. This was exemplified by the actions of Burnside City Council in the recent LGAP procurement process where an alternative option, in collaboration with Murray Bridge council saw strength in leveraging strong partnership.

I was able to minimise the financial cost to AHC by utilising shared accommodation and public transport.

**Takeaways:**

The key takeaways from the congress, relevant to the AHC include;

- The stress and anxiety Local Governments are facing is the high level of uncertainty of federal funding, when and how it will be available and the funding size. Additionally the eligibility criteria.
- A call to action for Local Government to be leaders in social issues such as environment, resilience, disaster recovery and housing.
- To explore the financial benefits and opportunities of electrification in their organisations.
- The sector is in the early stages of COVID-19 recovery, but funding is the major limiting factor.
- Prepare for the return of tourism

**Actions:**

Considerations to the key takeaways and themes have been included in my responses to the strategic planning engagement during the period 8/7/23 - 10/7/23.

Details and contact points for public/private vehicle charging infrastructure have been forwarded onto Peter Bice for further follow up.

**ADELAIDE HILLS COUNCIL  
ORDINARY COUNCIL MEETING  
Tuesday 25 July 2023  
AGENDA BUSINESS ITEM**

**Item:** 10.1 Question on Notice

**Originating from:** Cr Kirsty Parkin

**Subject:** Old Stirling Comets Netball Courts, Wright Road Stirling

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**1. QUESTION**

**Can Council have an update on the sale of the old Stirling Comets Netball Courts on the corner of Wright Road?**

**2. BACKGROUND**

None provided.

**3. OFFICER'S RESPONSE – Karen Cummings, Manager Property Services**

The old Stirling Comets netball courts are located on the corner of Wright Road and Old Mount Barker Road, Stirling with a street address of 43 Old Mount Barker Road Stirling. The land is described as allotment 11 in File Plan 158057. The total area of the land is approximately 2,200 sqm in size. An aerial photo of the land is provided as **Appendix 1**.

The courts at Wright Road, Stirling were the home of the Stirling Comets Netball Club, and were also used as overflow for the Crafers Tennis Club. Following a condition audit of all courts in the Council region in 2017, the Wright Road courts were considered unsafe, and the cost for remediation significant when considered against the strategic value of the site. At that point in time, the Netball Club had also reached capacity at that site and the land parcel provided no space for expansion.

It was acknowledged at the time of audit that the 'home and away' nature of both netball and tennis in that region of the Hills was important, and that Council would explore options for a new home base for the Stirling Comets Netball Club. While several options were explored, the courts at Heathfield High School were deemed the most suitable and the most strategic option for relocation.

Importantly the above-mentioned audit, previous workshops with Council, and Council's most recent Sport and Recreation Strategy have also highlighted that there is an oversupply of courts in the Council region, and the need to consider a more strategic approach to court provision and club locations. As an example Council's most recent Sport and Recreation Strategy suggest an industry benchmark for tennis courts of 1 court per 1,875 of total

population, whereas based on the 128 tennis courts in the Council region, the ratio at Adelaide Hills Council is at present approximately 1 court per 313 residents.

Given the need to progress a more strategic approach, Council staff have been reviewing the current facilities, site function and supporting upgrades at the following court sites over the past few years:

- Crafers
- Melville Reserve, Upper Sturt
- Stonehenge Reserve, Stirling
- Atkinson Reserve, Piccadilly
- Heathfield
- Bridgewater
- Aldgate
- Mylor

Information gathered from each review is currently being considered by staff and will form the basis of a workshop presentation and subsequent report for Council that is due towards the end of 2023. At this time the potential sale of the Wright Road site will be considered in a strategic context that will take into account the availability of other relevant land parcels and facilities.

By way of update in relation to the Stirling Comets Netball Club a considerable amount of work has been undertaken over the past four years to establish their new home at Heathfield. Importantly Council has partnered with the Department for Education, Heathfield High School and the Stirling Comets Netball Club to upgrade the courts and provide associated club amenities at the High School site. Stage 1 works (courts, lighting, toilets and access to the Heathfield Oval / Courts) were completed in May 2022. Stage 2 works (canteen, storage & access) are due for completion in July 2023. The Stirling Comets Netball Club, in partnership with the High School are also in the process of planning the construction of a shelter structure at the site. This addition will make the site incredibly functional for netball and tennis and home for the Netball Club.

In addition, the Crafers Tennis Club have utilised the courts for overflow matches in the 22/23 tennis season and will be able to do so in the future. Council and the Department for Education have entered into a unique joint use agreement (JUA) for future use and asset management of the Heathfield High School site, which, in addition to other benefits provides tenure for the Netball Club at that site. Maintenance and upgrade obligations via this JUA for the Netball Club will reflect obligations that other clubs utilising Council land have; making it a fair and equitable approach for the Netball Club.

#### **4. APPENDIX**

##### **1. Aerial photo of 43 Old Mount Barker Road Stirling**

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# **Appendix 1**

*Aerial photo of 43 Old Mount Barker Road, Stirling*

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## Appendix 1 – Aerial photo of 43 Old Mount Baker Road, Stirling



**ADELAIDE HILLS COUNCIL  
ORDINARY COUNCIL MEETING  
Tuesday 25 July 2023  
AGENDA BUSINESS ITEM**

**Item:** 11.1 Motion on Notice

**Originating from:** Cr Pauline Gill

**Subject:** Use of Fireworks in Adelaide Hills Council Area

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**1. MOTION**

I move that the CEO prepares a report for Council to be presented at the 26 September 2023 Ordinary Council Meeting on the use of fireworks within the Adelaide Hills Council area including, but not limited to, the following considerations:

1. potential impacts of conventional fireworks on wildlife, domestic pets, human health and pollution of soil and water
2. the comparative cost and impacts of conventional fireworks against alternatives such as silent fireworks, drone light shows, and laser shows
3. options for consideration regarding the future use of fireworks in the AHC area.

**2. BACKGROUND**

In the Introduction to Festivals and Events Policy it states, “we will seek to bring Festivals and Events to our district that has social, cultural, environmental and economic benefits” – Strategic Plan Goal: Connect 2.6. Any event or festival that use fireworks is not meeting the environmental aspect of this statement.

Section 4.7 of the Festivals and Events policy under Assessment Criteria, consideration is given to;

- Community Impact
- Effects of Noise and Nuisance

And Environmental Impact

- Opportunities to enhance environmental outcomes by embracing sustainability themes and principles
- Potential for detrimental impact on the environment including factors such as damage to flora and fauna.

Event and Festivals that use Fireworks should never be approved under these considerations, given the environmental impacts of pollution, harm to wildlife and domestic animals, impacts on war veterans and autism, to name a few.

**From the Animal Liberation website** - Fireworks are a mixture of sulphur-coal compounds, heavy metals, and other toxic chemicals or gases, such as ozone, sulphur dioxide, and nitric oxide. These toxins become airborne after fireworks combustion and create dangerous levels of air and water pollution. Humans who breathe in toxins and air pollution created by fireworks suffer illness and deaths, mostly from respiratory and cardiovascular causes.

Perchlorate is a chemical that is often mixed with sulphur and charcoal to create the gunpowder and makes fireworks explode. Exposure can inhibit the ability of the thyroid gland to derive iodine from the blood, known as hypothyroidism. This can interfere with the production of thyroid hormones, which are essential to the metabolic and mental development processes. It can also lead to goitre and thyroid cancer.

Strontium, a heavy metal used to produce the bright red colours in fireworks, has been linked to many serious health consequences, including birth-defects, damaged bone marrow, inhibited bone growth, anaemia, and impaired blood clotting.

Some of the other chemicals dispersed by fireworks, such as aluminium, barium, cadmium, dioxins, and rubidium, are radioactive and known carcinogens. Exposure to these chemicals is associated with a host of health conditions, including Alzheimer's disease, dementia, bipolar disorder, depression, anxiety, heart disease, kidney disease, multiple sclerosis, rheumatoid arthritis, gastrointestinal disorders, and chronic fatigue.

### **Effects on people**

Fireworks can cause distress and anxiety in some people, in particular those with autism or who have experienced war. Some people with autism find fireworks highly distressing, as a loud noise of any kind (fire alarms, school bells) causes suffering and pain. They will often cover their ears to try and block these upsetting noises. Fireworks can also trigger PTSD in people who have come from war-torn countries and Veterans of war, as the fireworks can often sound like gunfire.

### **Effects on animals**

Fireworks can cause catastrophic suffering to all animals. From wild, companion animals, and those trapped in zoos – no animals enjoy fireworks.

### **Wild Animals**

Bats and birds, who live and fly around the city, can be killed by the sonic shock. They will be, quite literally, knocked out of the sky [1]. In 2010 in Beebe, Arkansas, over 5,000 dead and dying red-winged blackbirds rained down from the skies leading some residents to fear an impending apocalypse [2]. Nesting birds have also been seen exploding from their nests in panic, causing them to smash into trees and other objects, resulting in broken necks. Birds who aren't killed outright, die from breathing in the smoke from fireworks. The response of most animals is to run. This panic can result in mothers and babies being unable to find each other after the noise.

### **Companion animals**

Dogs can hear up to 60,000hz, while humans cannot hear anything above 20,000hz, so it is little wonder fireworks can be agonising for dogs. Common reactions are freezing or paralysis, uncontrolled attempts to escape and hide, and tremors. Some more intense reactions dogs may exhibit are salivation, tachycardia, intense vocalizations, urination or defecation, increased activity, hyper-alertness, and gastrointestinal disorders. All these signs are indicative of extreme discomfort and stress.



Horses also experience stress during firework displays. People have reported their horses leaping fences to escape, and others even being hit by cars and suffering horrendous injuries [3]. Source [The Impacts of Fireworks — Animal Liberation | Compassion without compromise](#)

It should be noted that Category 3 Fireworks, largest fireworks available to the public, have a recommended safe distance of 25 meters. Category 4 Fireworks are only available to Professional Pyrotechnicians and are more explosive.

In our opening statement, “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.” If we continue to allow fireworks within our Council area, we are going against this statement. Our Council has also declared a Climate Emergency, the use of fireworks contributes to ground and water pollution, how is this in line with this declaration?

Resources and other reading:

[1] [The harmful effects of Fireworks on Bats, Owls and Sparrows. « Raptor Politics](#)

[2] [In Beebe, Ark., 5,000 Dead Blackbirds Drop From the Sky - The New York Times \(nytimes.com\)](#)

[3] ['Driven Insane With Terror': Horrific Ways Fireworks Affect Animals \(plantbasednews.org\)](#)

[The Impacts of Fireworks — Animal Liberation | Compassion without compromise](#)

[Short-term bang of fireworks has long-term impact on wildlife: study - News at Curtin |](#)

[Curtin University, Perth, Australia](#)

[Fireworks - Animal Justice Party Australia](#)

[Fireworks Frighten Animals. It Doesn't Have to Be This Way. | Sierra Club](#)

### **3. OFFICER’S RESPONSE – Jen Blake, Manager Communications, Engagement & Events**

#### **➤ Strategic Management Plan/Functional Strategy/Council Policy Alignment**

*Strategic Plan 2020-24 – A brighter future*

Goal 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 benefit.

#### **➤ Legal Implications**

Not applicable

#### **➤ Risk Management Implications**

There are no risk implications in preparing a report on this matter.

➤ **Financial and Resource Implications**

The investigation of this report is expected to take considerable time given the complexity of the issue. The Administration estimates it will require at least a month to research the issue given capacity pressure on officers planning for the Spring and Summer events season including the Santos Tour Down Under, Christmas events and community support applications.

➤ **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:

*Council Committees:* Not Applicable

*Council Workshops:* Not Applicable

*Advisory Groups:* Not Applicable

*External Agencies:* Not Applicable

*Community:* Not Applicable

#### **4. ANALYSIS**

Two regular events currently require approval and a permit from Adelaide Hills Council to conduct fireworks.

The Mylor Bonfire works event is held annually by the Mylor Oval Management Committee (previously run by the Mylor Primary School) and requires Council to approve the use of fireworks at the event and a permit and consent to discharge fireworks on the oval. The event commenced in 1996 and returns in 2023 after a three-year hiatus due to Covid-19.

On 24 March 2020 Council considered results from the Mylor Community Survey showing overwhelming community support for the event and fireworks display. Council resolved to provide ongoing and in-principle support for the Mylor Community Bonfire Night (and Firework display) as per the resolution copied below.

**13. OFFICER REPORTS - INFORMATION ITEMS**

**13.1 Mylor Community Survey Report**

Moved Cr Mark Osterstock  
S/- Cr Kirsty Parkin

61/20

1. That the report be received.
2. That Council notes the results of the recent Mylor Community Survey, in particular, the local community's overwhelming support for the annual Mylor Community Bonfire Night, and in particular the Firework Display.
3. That, subject to there being no material or substantial changes to the event, the Council provides ongoing and in-principle support for the Mylor Community Bonfire Night [and Firework Display].
4. Support by Council is subject to the annual receipt of an event application from the organisers and the subsequent approval, under delegated authority, by Council administrative staff.

Carried Unanimously

The 2023 Mylor Bonfire Night was postponed twice due to inclement weather and a permit has been provided by Council for the new date of Saturday 12 August 2023. In recent weeks Council has received a request for a five-year license from the Mylor Oval Management Committee.

The Woodside Commerce Association hold fireworks on the Woodside Recreation Ground as part of their Christmas Pageant every December. Council provides approval for the use of fireworks at the event and a permit and consent to discharge fireworks on the oval.

Council's Festival and Events Policy is under review and the Administration is conducting an audit of current event processes, practices and issues to assist in developing a new framework for supporting events and updates to the Policy. Preparation of a report regarding the use of fireworks would aid in this audit.

**5. APPENDIX**

Nil

**ADELAIDE HILLS COUNCIL  
ORDINARY COUNCIL MEETING  
Tuesday 25 July 2023  
AGENDA BUSINESS ITEM**

**Item:** 11.2 Motion on Notice

**Originating from:** Cr Lucy Huxter

**Subject:** Road safety analysis – Ridge Road and Mill Road, Lobethal

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**1. MOTION**

**I move that:**

- 1. The Chief Executive arranges for staff to undertake an in-house road safety assessment into speeding and increased road use on Ridge Road and Mill Road, Lobethal, both of which are becoming used as a thoroughfare for road users attempting to avoid traffic on Main Street.**
- 2. If the outcomes of the road safety assessment deem it necessary, that options to discourage road users from choosing these roads instead of the Main Street and combat speeding be explored using an external professional (including but not limited to the installation/construction of chicanes, speed bumps or additional signage).**
- 3. The Chief Executive engages with the Department of Education regarding increased road usage and speeding vehicles on Mill Road, which affects all traffic and pedestrians to and from the primary school.**
- 4. A report be prepared detailing the outcomes of this assessment for Council's consideration at the ordinary meeting scheduled for 24 October 2023.**

**2. BACKGROUND**

The Lobethal Community Association has raised concern about speeding vehicles on Ridge Road and Mill Road, Lobethal.

More drivers have been using these roads to bypass the Main Street, to avoid trucks travelling to the abattoir and road users in general.

The Lobethal Community Association, as a representative of residents, is concerned that this is making these roads increasingly more dangerous for local residents, other road users and pedestrians. The Lobethal Community Association will soon be collecting signatures for a petition seeking action from the Council regarding this same matter.

Ridge Road is a residential road that is prone to speeding vehicles. In recent years it has been known to locals as a key spot for speed cameras. There are crests, blind corners and the intersections to turn onto Ridge Road can be dangerous.

Mill Road is the main access road to Lobethal Primary School and, whilst road safety upgrades have been well received and effective in recent years, it does not combat the road becoming used more as a thoroughfare. Council staff have indicated that, in the past, solar powered digital speed signs were trialled at various school locations. Unfortunately, they were prone to breaking down and maintenance costs were quite expensive.

Consultation with Council staff has indicated that an in-house assessment is achievable within eight weeks.

### 3. OFFICER'S RESPONSE – Peter Bice, Director Infrastructure & Operations

#### ➤ Strategic Management Plan/Functional Strategy/Council Policy Alignment

*Strategic Plan 2020-24 – A brighter future*

Goal	A functional Built Environment
Objective B4	Sustainable management of our built asset ensures a safe, functional, and well serviced community.
Priority B4.4	Improve road safety through a safe system approach to road design, construction and maintenance including on-going applications to the State and Federal Road Blackspot program

#### ➤ Legal Implications

Not applicable

#### ➤ Risk Management Implications

The road safety assessment of Mill Road and Ridge Road, Lobethal will assist in mitigating the risk:

*Community concern about road safety and speeding leading to a belief that Council does not support road safety for its local community.*

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

#### ➤ Financial and Resource Implications

A proposed high-level road safety assessment can be undertaken in-house with existing resources. It is worth noting that whilst Council employs some staff with traffic engineering experience, we do not employ a dedicated traffic engineer, and that it would be necessary to get external advice from specialists for detailed proposed solutions, which is likely to be in the vicinity of \$10-20k. If the in house assessment deemed this an appropriate next step, we can account for the necessary budget at an upcoming budget review.

➤ **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:

*Council Committees:* Not applicable

*Council Workshops:* Not applicable

*Advisory Groups:* Not applicable

*External Agencies:* Not applicable

*Community:* Not applicable

#### **4. ANALYSIS**

Mill Road and Ridge Road in Lobethal are well known locally as routes that allow through traffic to bypass the Main Street of Lobethal. The layout of the township street network means that these roads currently provide a function for the local traffic and through traffic. Both roads are speed limited at 50km/h.

Council staff will be able to undertake the initial assessment of current traffic volumes and traffic speeds to help inform the current usage. This data along with site inspections of the current road environment and discussions with key stakeholders, such as the school, will be the basis in providing high-level options to Council.

As Council does not employ a full-time traffic engineer any detailed analysis of the possible solutions and their comparative effectiveness and costs of implementation would need the skills and expertise of an external traffic engineering consultant. If this is required following in house road safety assessment, a budget adjustment at an upcoming budget review can accommodate any necessary expenditure.

Council staff are also aware that the Local State Member, Dan Cregan MP, has written to the Minister of Transport requesting a review of junctions at either end of Mill Road in Lobethal. Both the Lobethal Road/ Mill Road Junction and Cudlee Creek Road/ Mill Road Junction are under the care and control of the Department of Infrastructure and Transport (DIT). Any proposal by DIT to modify the junctions may have an impact on the use of Mill Road by through traffic.

#### **5. APPENDIX**

(1) Location Plan – Mill Road and Ridge Road

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# **Appendix 1**

## *Location Plan – Mill Road and Ridge Road*

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200 m  
Scale = 1:6032.880



**ADELAIDE HILLS COUNCIL  
ORDINARY COUNCIL MEETING  
Tuesday 25 July 2023  
AGENDA BUSINESS ITEM**

**Item:** 11.3 Motion on Notice

**Originating from:** Cr Louise Pascale

**Subject:** Proposed renaming of portion of suburb of Rostrevor to "Morialta"

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**1. MOTION**

**I move:**

**That the CEO prepares a report on the viability and feasibility of changing the name of that portion of the suburb of Rostrevor that is located within the Adelaide Hills Council district to Morialta and for that report to be delivered to Council by 30 September 2023.**

**2. BACKGROUND**

Rostrevor is 3.56km<sup>2</sup> suburb in the foothills of Adelaide. It is a suburb Adelaide Hills Council shares with the City of Campbelltown and our section of it is settled on the northeast corner of Morialta Conservation Park. The 1.02kms<sup>2</sup> within Rostrevor that is part of the Adelaide Hills Council is distinctly different from the other two thirds of its area.

Rostrevor carries the qualities of who we are as a Council and community. It incorporates the lush environment of Morialta Conservation Park, has original narrow streets, natural stone gutters and lined with significant red gums. For over 55 years the residents of this pocket of Rostrevor have lovingly and painstakingly preserved and advocated for their community as many others in the Adelaide Hills Council have.

Seeing and being distinct from their neighbours in the City of Campbelltown the Morialta Residents Association pursued a name change to Morialta in 2006/7. This was supported by the Adelaide Hills Council however in March 2009 after their initial request for a name change was rejected by the Surveyor General, and at the time the Administration reported to Council;

*"The Surveyor General advised that if there was to be any re-consideration of an application for a name change, it would need to be a completely revised proposal. Subsequent advice suggested that AHC would need to be the applicant and that further additional justifications should also be included (i.e. statistical zones, planning zoning, governance issues)."*

By July 2009, the Morialta Residents Association re-applied for a name change, this time they also received support from Kurna Warra Pintyandi for their use of the Kurna language. This proposal also included Morialta Conservation Park be rezoned into their suburb.

The following August this new proposal was endorsed by Council however objections from Woodforde residents on losing Morialta Conservation Park as part of their suburb saw the subsequent failure of the name change.

Over 10 years later the Morialta Residents Association would like Council to once again endorse and explore the name change of their section of Rostrevor to Morialta. This time they have asked Adelaide Hills Council to make the submission to the Office of the Surveyor General.

This proposal does not include incorporating Morialta Conservation Park into their suburb. This may help a renewed application to the Surveyor General however in their rejection of the last application they did state; *"the GNU have advised that they would not support a small suburb of Morialta, which was previously refused."*

In this new endeavour to change their suburb name, the Morialta Residents Association have provided examples of suburbs smaller than theirs and it would be recommended that Council Administration include this in their investigations with the Office of the Surveyor General.

The Morialta Residents Association has written to me as their local Councillor to bring to the Chamber endorsement to explore this name change once again. Included in this background is the letter from Morialta Residents Association to myself for this motion (Appendix A) and the previous background to Council from December 2009 (Appendix B) which outlines the previous attempts.

As this is the third attempt for Morialta Residents Association this motion recommends Council explore the feasibility of a name change, the cost and resources involved and an informal approach to the Office of the Surveyor General on its viability.

### **3. OFFICER'S RESPONSE – Natalie Armstrong, Director Development & Regulatory Services**

#### **➤ Strategic Management Plan/Functional Strategy/Council Policy Alignment**

##### *Strategic Plan 2020-24 – A brighter future*

Goal	Community Wellbeing
Objective C2	A connected, engaged and supported community
Priority C2.4	Increase participation from the broadest range of our community and engage with them to shape policies, places and decisions that affect them
Goal	A progressive Organisation
Objective O4	We actively represent our 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

➤ **Legal Implications**

There are no legal implications in relation to the investigations and provision of a report as proposed in this Motion on Notice.

Proposals to change a location/suburb are managed under the *Geographical Names Act 1991* and administered by the Geographical Names Unit of the State Government.

➤ **Risk Management Implications**

*The proposed investigation and report on feasibility will assist in mitigating the risk of:*

*community dissatisfaction that the Council does not support an important community issue leading to loss in confidence of Council as the community’s elected body.*

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

➤ **Financial and Resource Implications**

The proposed investigation and report can be managed within existing resources. The report to be presented to Council will detail any financial or resource implications of progressing with the proposal.

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

This Motion on Notice, and the report proposed by it, will detail the further background and feasibility of the desired proposal. This is a community led proposal that is seeking Council’s support to run the process and advocate on their behalf.

➤ **Sustainability Implications**

As the background details, the local community have a strong attachment to the history of the area and the identifier of Morialta, and as such, the social connection to the area and the history.

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

Nil

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**

As detailed in the background, the proposal to create a new suburb of Morialta has been proposed in the past both in 2006/2007 and in 2009 and despite support from Council, it was ultimately unsuccessful.

Given the time that has elapsed since that proposal, and the ongoing strong desire of the local community to have their area formally identified as Morialta, a further investigation and report to Council on the process and feasibility can be accommodated at this time.

An investigation will be undertaken and a report prepared for Council for consideration in relation to the feasibility and viability of the community proposal.

#### **5. APPENDICES**

- (1) Letter from Morialta Residents Association
- (2) 1 December 2009 Council Report

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## **Appendix 1**

*Letter from Morialta Residents Association*

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1 Marola Avenue, Rostrevor 5073 • 8337 3264  
www.morialtaresidents.net • info@morialtaresidents.net

Cr Louise Pascale,  
Adelaide Hills Council,  
63 Mount Barker Road,  
Stirling SA 5152  
July 15, 2023

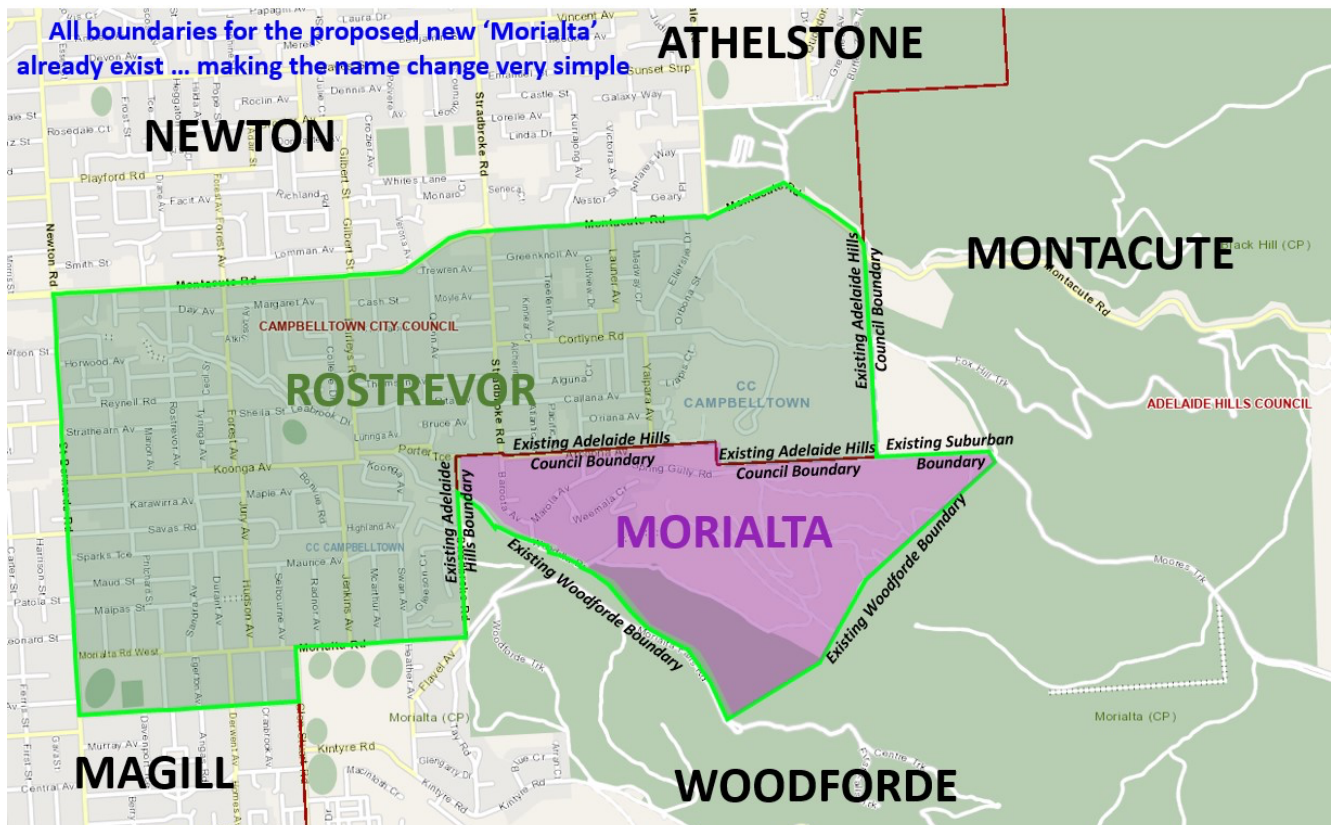
## Morialta suburb name change proposal

Dear Louise,

The Morialta Residents' Association seeks the Adelaide Hills Council's backing for its new campaign to have its part of Rostrevor renamed "Morialta."

This is the second name change bid by the MRA – it's previous attempt in 2007 was endorsed by the AHC but not accepted by the Surveyor General and the Geographic Names Unit.

A recent survey of residents has once again shown substantial support for the proposal, which aims to excise the area shown below from the suburb of Rostrevor.

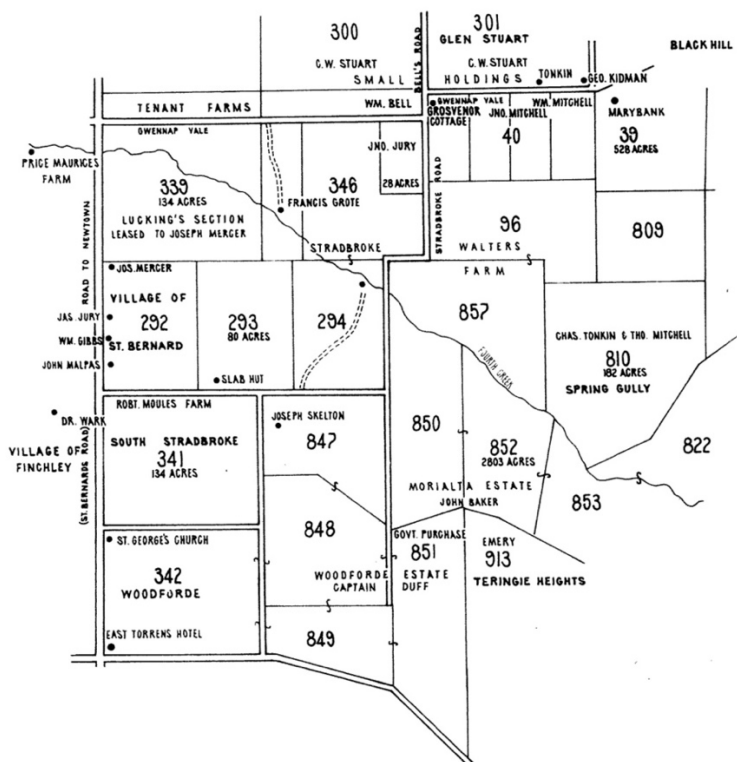


The survey of 126 households in the subject area in May 2023 drew 76 signed responses (one per household), all of them in favour of the proposal.

The new suburb's boundaries would be the existing Campbelltown City Council boundary with the AHC to the north and the current boundary with the AHC suburb of Woodforde, which takes in the Morialta Conservation Park.

## Brief history of ‘Morialta’

The area we call ‘Morialta’ is almost identical to the area originally gazetted as Sections 857 and 810, found in the centre of this land division map of 1839 (below). Since that time no other allotment or other land entity has been added.



### Original 1839 Subdivision of land after settlement of SA

Source. *The Making of Morialta*, E Warburton. 1982

The residents over the years have, however, successfully persuaded Governments to purchase lots that were originally earmarked for development and to have those areas made a part of the Morialta Reserve, thereby extending the boundary of the Morialta Reserve. These were Lot 88; an area known colloquially as ‘Motorbike Hill; and the major area (16 hectares) along the northern side of the park’s sealed road (Morialta Falls Road), lot 100. These areas (preserved through the efforts of the MRA) now form part of the Conservation Park and fall entirely within the area that the MRA is proposing becomes a part of the new ‘Morialta’ suburb.

The first subdivision of Section 857 was, in 1919, the creation of ‘Rostrevor Park’. The name was a developer’s choice, not an official one. As there were few residents then, developers would have wanted it to be seen as an extension of Rostrevor, a well-populated place at the time. It was never accepted by residents, as its character was – and still is – significantly different to that of the Adelaide plains type of the Rostrevor area under CCC’s control.

## Previous name change application

In 2004, the MRA set up a name change committee. With advice and support from the Adelaide Hills Council a case study commenced. A survey of 'Morialta' resident's wishes for a name change showed strong support – 124 households were surveyed, with 111 in favour. The case was submitted by the MRA to the Geographical Names Unit (GNU) in November 2007.

The case was rejected outright in September 2008, not going further than the initial *prima facie* level of consideration by the Surveyor-General acting alone, the single reason being stated formally as '*the case is predominantly based on social differences.*'

The MRA strongly disagrees with this contention.

The residents of 'Morialta' are a balanced community of many immigrant nationalities, trades, professions, income brackets and ages. There is no evidence that we have ever held, or shown, elitist views.

Indeed, many of the houses here are more modest than those in the adjacent (Rostrevor) area. Morialta is fiercely proud of its long and successful heritage, for its preservation of the original environment and for the key things it has achieved, some for itself, and many for the public good in the adjacent Morialta Park.

Morialta is not better than nor worse than the rest of Rostrevor, however, the bush feel to the area is quite distinct.

Following the 2008 application refusal, a revised proposal was put to the AHC to realign its suburb boundaries so that the Morialta Conservation Park would be part of the new 'Morialta', moving it from Woodforde.

This move was suggested by former Mayor Bill Spragg, the reasoning being that the new suburb would be significantly larger and might therefore have a better chance of approval. However, this proposal generated pushback from some Woodforde residents, who did not want to see their suburb reduced in size. As a result, the MRA asked the AHC to withdraw the motion asking Council to take the case to the GNU. The MRA did not want to develop unhelpful relationships with its Woodforde neighbours. Further name change attempts were abandoned.

## Morialta Residents Association background

The Morialta Residents Association has operated for more than 55 years and has always represented the residents of the area subject to this application.

The Morialta Residents Association (MRA) first met on October 17, 1968 to protect the interests of residents of Section 857, adjacent to the Morialta Conservation Reserve.

The constitution states the objects of the Association as:

- To preserve and enhance the indigenous qualities of the area.
- To prevent ugliness whether from development, neglect or any other cause.
- To promote a public awareness of the factors affecting our environment
- To make representations to Council and other authorities regarding works, amenities and services in the area.
- To cooperate with other bodies having similar aims.

When the allotment owners of the 1960s set up the residents' association to '*protect their environment*' it needed a name.



‘Rostrevor’ was clearly inappropriate. Being the only people living with house frontages right on the land adjacent to the Fourth creek (previously named the ‘Morialta Rivulet’) that was lived on by the Kaurna people, it was logical to call it the *Morialta Residents’ Association MRA*, which it is still today.

The issues that face Morialta are very different from those that affect the rest of Rostrevor. The way that these issues have been solved is also unique – and, to some extent, pioneering.

Examples of those issues:

- Development and retention of narrow streets without footpaths (1960s). Residents were determined to keep the streets narrow and have them follow the old bullock tracks that followed natural contours. After investigating overseas examples, and using money saved on the road width and footpaths (of which there were none), the curbing was lined with natural Wistow stone instead of having normal suburban concrete gutters. This effort resulted in a prize being awarded by the Civic Trust of SA.
- Protection of significant red gum trees in Marola Avenue from destruction during laying of a major water main (1960s).
- Purchase (by a founding member of the MRA) of a portion of what is now the Morialta Conservation Reserve from a developer and on-selling it to the State Government (at a loss) in order to protect it from industrial pollution (1965). This area is adjacent to the picnic grounds on Stradbroke Road and abuts the Fourth Creek.
- Control of development, with residents, on occasion, buying out developer's land and sub-dividing that land more aesthetically.
- Undergrounding power lines - with a significant cost contribution by Morialta residents (1980s).
- Native tree planting within the Morialta area to improve the streetscape (on-going).
- Native tree planting along Fourth Creek within the Morialta Conservation Reserve.
- Preventing habitat destruction by proposed paint ball business within the Hills Face Zone at the top of Spring Gully Road.
- Working to have the Morialta Conservation Park extended to include Lots 88 and 100. The MRA initiated and spearheaded this campaign.

## **A new application**

According to the SA Government web site, submissions for a proposed place name are assessed by considering a number of factors.

The MRA has again reviewed these criteria and makes the following observations:

### **• The views of police, emergency service providers and Australia Post**

Given the use of GPS modern mapping systems, locating premises in the area cannot be considered an issue for police etc. Indeed, the more granular a map the greater the ease in finding an address.

Australia Post – there would be no need to change the existing postcode. Suburbs which currently share postcode 5073 are Hectorville, Rostrevor, Tranmere and Tranmere North.

- **Difficulties the community has in accessing the area**

There are no difficulties involved.

- **The costs associated with the change**

None obvious – Adelaide Hills Council to advise.

- **The impact on local businesses**

This a residential area with no commercial businesses located within it. There may be one or two home-based, work-from-home operations but there would be no impact on these.

- **The level of support from residents and council**

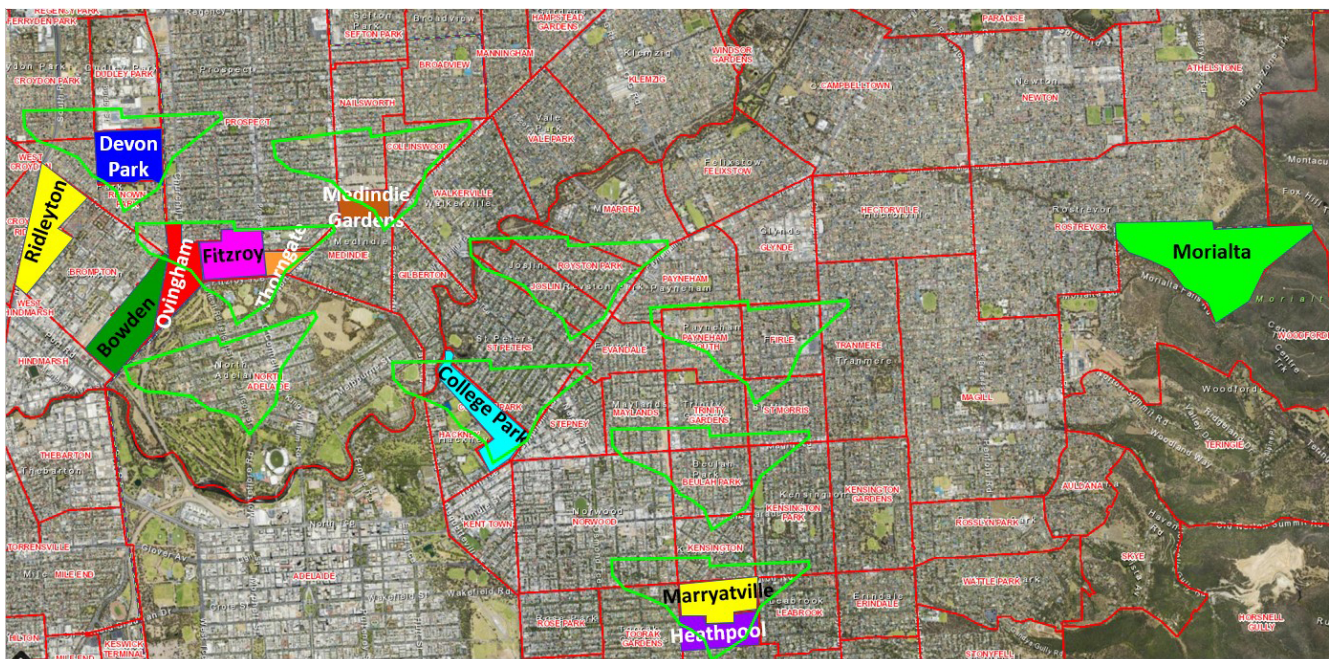
The most recent survey of the area's 126 households drew 76 responses, all of them in favour of the proposed name change, none against.

- **The benefits to the community as a whole**

For its entire history, 'Morialta' has served as a buffer between suburbia and the Adelaide Hills. Residents of the area have committed significant amounts of time, energy and money to preserve the natural heritage of the area. Renaming would recognise the area's distinct character and help sustain the efforts of residents to establish and preserve it.

- **The size of the area and the proposed boundaries**

The size of the proposed new suburb is consistent with numerous others in the Adelaide area, many of which are notably smaller in area – refer to the map below.



Current Hills Face Zone suburbs of similar size.

(areas approximate as mapped from the Location SA Map Viewer <https://location.sa.gov.au/viewer/>)

**Proposed Morialta:** total, 102 ha, current built area 25 ha

**Woodforde:** Excluding the Conservation Park but including Rostrevor College and the land developed as "Hamilton Hill" – total 82 ha. Including the Conservation Park – 430 ha total

**Auldana:** total 60 ha. Built area approx 50 ha

**Skye:** Total 135 ha, Built area 65 ha approx

**Other “small” suburbs**

Marryatville: 29 ha

Kings Park: 25 ha

Heathpool: 24 ha

Medindie Gardens: 13 ha

**• If a new name is proposed, the name and its links with the area**

Morialta is an aboriginal name, always used by locals, dating back beyond 55 years since first residential development and foundation of the Morialta Residents’ Association.

**• Submissions for reasons of perceived status or financial benefit will not be supported**

Any ‘status’ attached to the area already derives from its tree-studded, bush-like character, which makes it a desirable area in which to live, irrespective of its name.

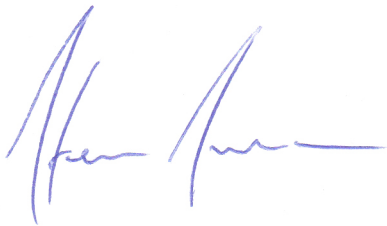
Median property prices in this area are already generally notably higher than in Rostrevor as a whole, according to real estate agent Tom Hector of Harris Real Estate, who specialises in Rostrevor sales.

Any ‘financial benefit’ is, therefore, obviously already evident in higher real estate prices, again due to the area’s unique ambience and character. It is not apparent that changing the area’s name would have any significant effect.

The Morialta Resident’s Association believes the area’s tradition of conservation of its environment (both flora and fauna) may better be sustained through the area being identified with its own name. It is hoped that the easy identification of this area as one whose residents are intent on restoring and sustaining, as far as it possible, the natural environment, may encourage other communities to emulate that vision.

We request, therefore, that the Adelaide Hills Council support the proposed change.

Yours faithfully,



Steve Swann  
secretary

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## **Appendix 2**

*1 December 2009 Council Report*

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**ADELAIDE HILLS COUNCIL MEETING**  
**Tuesday 1 December 2009**  
**AGENDA BUSINESS ITEM**

**Item:** 10.1

**Originating Officer:** Marc Salver, Director Planning & Development Services

**Subject:** Proposed renaming of a portion of the suburb of Rostrevor to "Morialta"

**File No:** 09.58.2

**SMP/Council Policy:** Goal 2: A Healthy, Safe & Connected Community  
Goal 5: Effective & Efficient Governance

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**1. SUMMARY**

At its meeting of 4 August 2009 (Item 10.6), Council resolved to grant its in principle support to the request to rename a portion of Rostrevor located within the Adelaide Hills Council area to the name "Morialta" (refer to Appendix 1 – Locality Plan) and to undertake community consultation in this regard.

Community consultation has subsequently been completed which involved a survey of the "affected" residents in Rostrevor, and obtaining comments from residents of Woodforde and Teringie. In summary, the survey results reflect that 83% of residents within the proposed "Morialta" area support the proposal. However, 12 letters of opposition from residents of Woodforde and Rostrevor were received, including a petition with 140 signatures. One letter of support to the proposed name change was also received.

The Geographic Names Unit (GNU) have advised Council that they consider the residents of Woodforde are affected by this proposal. They also consider the objections from the residents of Woodforde to be valid, and have advised that they will recommend to the Surveyor General that the status quo should be retained (i.e. the suburb renaming proposal would not be proceeded with).

In light of the strong opposition from the residents of Woodforde, and the reasons given, staff are recommending that the proposal to change the suburb name not be proceeded with.

**2. BACKGROUND**

➤ **Strategic Management Plan / Council Policy**

The Council's Strategic Management Plan empowers Council to consult with and advocate on behalf of the community and also to promote good services. The relevant Goals in our Strategic Management Plan are:

Goal 2 – A Healthy, Safe & Connected Community  
Goal 5 – Effective & Efficient Governance

➤ **Legislation**

The name of localities is subject to a formal procedure that includes consultation with the relevant Council for the area and the affected residents.

➤ **Sustainability**

The identification of areas by locality name can have some cultural, heritage and economic impacts for the locality.

- ☒ Economic
- ☒ Social
- ☐ Environmental
- ☒ Governance

The Geographical Names Unit (GNU) is an advisory board to the Department for Administrative & Information Services and is charged with the responsibility of reviewing and naming of localities, suburbs, place names and names of other features eg mountains, hills and watercourses. Any requests to change the name of a suburb are therefore submitted to, and processed by, the GNU in accord with their procedures. In fulfilling its responsibilities, the GNU is required to be unbiased and impartial in processing such applications. The decision to change names of places and suburbs rests with the Surveyor General and, where required, the Minister for Transport, Energy & Infrastructure, currently the Hon Patrick Conlon MP.

In this instance, Council received a request from the Morialta Residents' Association (MRA) on 12 July 2006 seeking Council's in principle support in order to commence the process of changing the name of a portion of Rostrevor located within the Adelaide Hills Council area to the name of "Morialta". Such "in principle" support was granted by Council at its meeting of 1 August 2006 (Item 11.1)

A year later on 20 August 2007, Council received a revised request from the MRA again seeking Council's in principle support to include the Morialta Conservation Park into the proposed suburb boundary of Morialta. As the aforementioned Park is owned by the Department of Environment & Heritage (DEH), Council sought their comments with regard to this request. In a letter dated 22 October 2007, DEH advised Council that as the inclusion of Morialta Conservation Park "*will have no operational implications on the management of the Park ..... DEH does not oppose these proposals.*" The matter was then reported to Council on 6 November 2007 (Item 10.5) where it again resolved to provide its in principle support to the proposal.

The MRA then made a formal submission to the GNU to have the suburb name changed to that of "Morialta", but this was subsequently declined by the GNU and Council received notification of this on 29 September 2008.

On the 18 March 2009, a community meeting was called by the Mayor and attended by Ms Lindsay Simmons MP (Member for Morialta), the Council's Director Planning & Development Services, the Surveyor General, Mr Peter Kentish, Bill Watt from the GNU and approximately 70 residents from the "Morialta" area. It was clear from the meeting that the residents wanted the GNU and Surveyor General to review their decision and requested what would need to be done in this regard. The Surveyor General advised that if there was to be any re-consideration of an application for a name change, it would need to be a completely revised proposal. Subsequent advice suggested that AHC would need to be the applicant and that further additional justifications should also be included (i.e. statistical zones, planning zoning, governance issues).

In a letter dated 17 July 2009, the MRA in essence has sought Council's support to progress this matter on their behalf and become the applicant and make the necessary submission to the GNU for the suburb name change (refer to *Appendix 2* for a copy of the letter). The MRA also obtained support from the Kaurna Warra Pintyandi for the use of the name "Morialta" for the suburb and a copy of this letter is provided with *Appendix 2*. The MRA have indicated that they are more than willing to assist Council in the preparation of the submission.

In the original 2006 request by MRA, they provided a number of reasons in support of the name change to Morialta, which are summarised as follows:

- The Association was created in 1968 and the name it bears was chosen because of the already existing longstanding association with the name 'Morialta'.
- The area has been considerably researched and has a well recorded history (in the Warburton book) showing its longstanding uniqueness under the name of Morialta.
- There is a distinct difference between that portion of Rostrevor located within the area of the Adelaide Hills Council and the area located within the Campbelltown Council area.
- The local Rotary Club bears the name Morialta.
- There is a need to better define and distinguish the portion of Rostrevor in the Adelaide Hills Council area for the emergency services in the event of a bushfire due to its location close to the Morialta Conservation Park.

In a report considered by Council on 4 August 2009 (Item 10.6) it was reported that the suburb name change should be supported in principle for the following reasons:

- i. The portion of Rostrevor located within the Adelaide Hills Council area is quite distinct in character and urban form from that of the rest of Rostrevor located within the City of Campbelltown. Council recognised this in its recent Part A submission to the Department of Planning & Local Government regarding Residential Neighbourhood Character which stated that the new Residential Code should not apply to this area without due consideration of the existing neighbourhood character.
- ii. The suburb is located immediately adjacent to the Morialta Conservation Park which is used as a landmark for directing emergency services and visitors to the area.
- iii. This area has a long association with the name Morialta.
- iv. From a governance perspective, it is considered that this area should have a different suburb name to that of the rest of Rostrevor, in order to:
  - a. Recognise it as being situated within a different Council area and a different Federal electorate to the rest of Rostrevor;
  - b. Facilitate easier identification by emergency services;
  - c. Allow for specific statistical / demographic data capture, rather than being subsumed with the greater Rostrevor area.
  - d. Recognise that the zoning of this portion of Rostrevor (Zoned R1 within the Adelaide Hills Council Development Plan) is different from the rest of the suburb of Rostrevor (Zoned R in the Campbelltown City Council Development Plan).
  - e. Recognise that this part of Rostrevor comes under a different regional planning strategy (i.e. the Outer Metropolitan Adelaide Region) versus the rest of Rostrevor which falls within the Metropolitan Adelaide Region.
  - f. Allow Council to use bulk postage to communicate with Residents'.

- v. There is in principle support from the Kurna people as indicated in the letter from the Kurna Warra Pintyandi (refer to *Appendix 2*) for naming the suburb "Morialta", which is a Kurna word meaning eastern cascades.

It was also noted that the suburb name change will have no planning or operational implications for Council.

Council at its meeting of 4 August 2009 (Item 10.6) resolved:

1. *"That Council agrees to initiate the process for the proposed suburb name change for that portion of Rostrevor located in the Adelaide Hills Council area to the name of "Morialta".*
2. *That Council agrees to be the applicant in this instance and make a formal submission to the Geographic Names Unit.*
3. *That staff be authorised to re-survey all affected property owners within the proposed suburb boundary and any other Residents' as required by the Geographic Names Unit (GNU).*
4. *That in the event the survey mentioned in 3 above indicate strong majority support (75% or more) for the proposal, staff prepare the formal submission to the GNU and report this back to Council for consideration before sending it to the GNU.*
5. *That in the event an application fee is payable in this regard, the matter be reported back to Council for a decision but that the Morialta Residents' Association be advised that they may have to pay this fee in the event it is required."*

Staff have since undertaken the public consultation process as discussed below.

### **3. DISCUSSION**

In accordance with the above resolution, staff met with the GNU to determine the extent of public consultation required and at their directive undertook the following consultation:

1. Letters together with voting slips were sent to all 132 property owners within the affected area of the proposed new suburb boundaries which includes all the properties within subject portion of Rostrevor, 2 privately owned properties within the suburb of Montacute, and the Department of Environment & Heritage which owns the Morialta Conservation Park (which lies partly in the suburb of Montacute and Woodforde).
2. Letters seeking comments were sent to all 173 property owners within the suburb of Woodforde as the proposal would result in that portion of the Morialta Conservation Park within the suburb of Woodforde becoming part of the new suburb of Morialta. This would reduce the size of the suburb of Woodforde by approximately 65%.
3. Letters seeking comments were sent to 34 property owners from Teringie who border or are close to the Morialta Conservation Park.



In response to the above, the following table indicates the voting results from the affected residents within the proposed new suburb boundary:

Subject	Number of Votes	Percentage of Votes
<b>Total Number of Residents' sent voting slips</b>	132	100%
<b>Total Residents' who voted "Yes"</b>	109	83%
<b>Total Residents' who voted "No"</b>	11	8%
<b>Total Residents' who did not vote</b>	12	9%

The above table reflects that 83% of the "affected" residents within the proposed new suburb boundary voted in favour of changing the suburb name to that of Morialta which is more than the required 75% as indicated by the GNU.

The Council received one letter of support and 12 letters of opposition to the proposal from residents of Woodforde and Rostrevor, including a petition with 140 signatures (refer to *Appendix 3* for copies).

Staff also received numerous calls from Woodforde residents in this regard and suggested that Council arrange a public meeting with them in order to discuss this further. This meeting took place on 12 November and was attended by the Mayor, Cr Bailey and the Director Planning & Development Services. The 25 residents present at the meeting reiterated their strong opposition to the proposal as it would affect the suburb of Woodforde, they had a strong connection with the Morialta Conservation Park and did not wish to see their suburb reduced in size as a result of loosing the Park to the proposed new suburb or "Morialta".

At the request of the MRA, staff also approached the GNU to obtain their opinion with regard to excluding the Morialta Conservation Park from the proposed suburb. The GNU responded stating that *"the residential portion of the proposal was too small to be a suburb in its own right. This has been (the Surveyor General's) position since the concept was first raised, even before the original proposal was received, and that is why the original proposal was increased to include the park area."* (Response from the GNU received on 27 October 2009)

The GNU was advised of the strong opposition received from the Residents' of Woodforde and in response advised that *"As we consider the consultation with affected Residents', (the Surveyor General) would also consider that the Residents' of Woodforde are affected by this situation as much as the Residents' of the subject portion of Rostrevor. Therefore, their reasons for opposing the change need to be determined. If they are deemed to be valid, then the status quo would be retained."* (Response from the GNU dated 27 October 2009)

Staff then sought clarification from the GNU with regard to the validity of the reasons given by the Woodforde residents who have subsequently confirmed that the reasons are considered valid and therefore the GNU would be recommending to the Surveyor General that the status quo remain, i.e. the suburb name change not be proceeded with.

One way to resolve the objections is to amend the proposal to exclude that portion of Woodforde (i.e. the Morialta Conservation Park) from the proposed new suburb. However, as noted above, the GNU have advised that they would not support a small suburb of Morialta, which was previously refused.

In light of the above points, staff are therefore recommending that Council not proceed with the preparation of a formal application to the GNU for the proposed name change.

#### **4. RECOMMENDATIONS**

**That Council not proceed with the formal submission of an application to the Geographic Names Unit for the proposed renaming and creation of the suburb of "Morialta".**

#### **5. ATTACHMENTS**

- (1) Locality Plan showing the affected area
- (2) Copy of the request from the Morialta Residents' Association dated 17 July 2009 including the letter from the Kaurna Warra Pintyandi
- (3) Copy of correspondence received from residents during the Community Consultation Process

**ADELAIDE HILLS COUNCIL  
ORDINARY COUNCIL MEETING  
Tuesday 25 July 2023  
AGENDA BUSINESS ITEM**

**Item:** 12.1

**Responsible Officer:** Lynne Griffiths  
Community and Cultural Development Officer  
Community Capacity

**Subject:** Proposed Date Change Citizenship and Award Ceremonies

**For:** Decision

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**SUMMARY**

At its 24 January 2023 meeting, Council resolved for the Chief Executive Officer to prepare a report to Council regarding a proposal to move citizenship ceremonies, award ceremonies and related events to a date other than 26 January from 2024 onwards. The resulting report is contained in **Appendix 1**.

This report delivers the outcome of consultation undertaken with the Adelaide Hills Reconciliation Working Group (AHRWG) and the three community groups who host award ceremonies and associated events on Council's behalf, and proposes options for consideration.

**RECOMMENDATION**

**Council resolves that the report be received and noted.**

---

**1. BACKGROUND**

On 26 January, Australia Day, each year Council delivers a citizenship ceremony and awards ceremony at Stirling. In addition community groups host award ceremonies at Uraidla, Gumeracha and Woodside on Council's behalf.

On the 16 December 2022 there was a change announced to the Australian Citizenship Code as follows:

*The Australian Government has announced an update to the Australian Citizenship Ceremonies Code, removing red tape to allow councils to hold Australia Day citizenship ceremonies on or around Australia's national day.*

*The Australian Citizenship Ceremonies Code sets out the requirements for conducting citizenship ceremonies in accordance with the Australian Citizenship Act 2007 (Cth). Prior to this update, councils were required to hold a citizenship ceremony on Australia Day; they will now be able to hold it on 26 January, or on the three days before and after.*

At its 24 January 2023 meeting, following consideration of a Motion on Notice from Cr Selwood, 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.**

<b>Carried Unanimously</b>
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In the Officer's response to the Motion on Notice, it was stated that:

*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 report to council would include the outcome of the above along with a number of options for Council to consider as well as an outline of broader community engagement options should Council wish to engage more broadly on the matter (including costs of same).*

At the meeting of 24 January 2023, during consideration of the matter, the Acting Chief Executive Officer was asked a number of questions around the potential scope of stakeholder and community engagement regarding this matter. In the interests of clarity, the Acting Chief Executive Officer referred to the above text provided in the officer's response and advised the Chamber that if a different level or scope of engagement was expected, then the Chamber should consider resolving accordingly.

On the basis that the Council's resolution did not provide further direction to the Administration, the scope of the work undertaken in furtherance of the resolution has been in line with the officer's response.

It is also worth noting that the scope of the work done to date is limited to citizenship and award ceremonies conducted by Council or on Council's behalf/supported by Council. The date on which Australia Day is celebrated is determined by the Federal Government. Regardless of any decision made by Council in respect to this matter, community groups may make their own decisions regarding whether or not to hold community celebrations on 26 January each year.

## 2. ANALYSIS

### ➤ Strategic Management Plan/Functional Strategy/Council Policy Alignment

#### *Strategic Plan 2020-24 – A brighter future*

Goal 5	A progressive organisation
Objective 05	We are accountable, informed and make decisions in the best interests of the whole community
Priority 05.2	Make evidence-based decisions and prudently assess the risks and opportunities to our community before taking action.

There is an opportunity to deliver leadership in relation to this issue based on due consideration of information to hand and community expectation in relation to 26 January.

Goal 2	Community wellbeing
Objective C5	Respect for Aboriginal culture and values
Priority C5.2	Celebrate and recognise Aboriginal culture and heritage through participation in and the delivery of programs and activities that engage our community in cultural experience and learning.

Council has a commitment to reconciliation. It is widely established that, for many in the Aboriginal and/or Torres Strait Islander community, 26 January represents a day of mourning and this can be a barrier to participating in citizenship and award ceremonies held on this date.

➤ **Legal Implications**

The *Australian Citizenship Ceremonies Code* (the “Code”) follows the Australian Citizenship Act 2007 (the “Citizenship Act”) and sets out the legal and other requirements for conducting citizenship ceremonies as well as the roles and responsibilities for those involved in citizenship ceremonies.

On 16 December 2022 a change to the Code was announced allowing councils to hold citizenship ceremonies on 26 January, or within 3 days before or after the 26 January.

Should Council not conduct a citizenship ceremony within this window, there is the possibility that it will be stripped of its ability to conduct citizenship ceremonies at all.

It should be noted that the Mayor officiates at citizenship ceremonies conducted by the Council 3 to 4 times per year.

➤ **Risk Management Implications**

Consultation to date has been limited to the Adelaide Hills Reconciliation Working Group and the three groups who undertake award ceremonies on Council’s behalf. Further community consultation risks providing a platform for racism and could be divisive and harmful for the Aboriginal and Torres Strait Islander community and others. Any further consultation would require a specialised approach to minimise this risk and could be costly, refer **Appendix 1 Proposed Date Change Citizenship and Award Ceremonies**.

A decision to not undertake further community consultation, or to engage a specialist contractor to undertake further consultation, will assist in mitigating the risk of providing a platform for racism.

Inherent Risk	Residual Risk	Target Risk
High 3B	Medium 3C	Low

Whilst those receiving citizenship and awards are motivated to attend, a change of date away from the public holiday on 26 January may impact on the level of community participation. Likewise this change may impact on the availability of volunteers and the capacity of groups to deliver these events.

Considering a date and time on a weekend or evening will assist in mitigating the risk of poor attendance and limited volunteer capacity.

Inherent Risk	Residual Risk	Target Risk
Medium 2C	Medium 2C	Low

➤ **Financial and Resource Implications**

In 2023 the cost associated with delivering a citizenship and awards ceremony and associated event at Stirling was in the region of \$3,000 plus waste management costs of \$800.

In addition Council provides sponsorship of \$1400 to each of the three groups delivering award ceremonies and associated events on Council’s behalf.

There is no additional cost associated with decisions arising from this report.

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

Whilst for many Australians January 26 is a day of celebration and national pride, it is widely recognised that this date is considered by many Aboriginal and Torres Strait Islander peoples, and many non-Aboriginal people, as a day of mourning. This is a barrier to some people participating in citizenship and award ceremonies, which, by nature, are planned as inclusive community events.

It is also the case that for some people receiving their citizenship on Australia's national day, January 26, is highly valued.

The groups who deliver award ceremonies and associated events on Council's behalf, and have done so for a number of years, have expressed concern regarding their capacity to attract both attendees and volunteers should the date change. Any change of date would need to consider the day and time most likely to optimise attendance. Feedback from group members also indicates that there is also the opportunity to consider strategies to add value to the events as community celebrations and to increase community promotion to attract interest.

➤ **Sustainability Implications**

A change of date may impact on the attendance at ceremonies, which may impact on the sustainability of these events. There is an opportunity to support groups to review these events, consider adding value as community events and to further promote these events to assist in building attendance.

➤ **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:* Workshop held 3 July 2023

*Advisory Groups:* Adelaide Hills Reconciliation Working Group

*External Agencies:* Australia Day Council of SA, Local Government Association

*Community:* Consultation was undertaken with the Adelaide Hills Reconciliation Working Group 2 March, East Torrens Historical Society 6 March, Lions Club of Torrens Valley 7 March and Lions Club of Onkaparinga 20 March. The outcome of this consultation is included in **Appendix 1 - Proposed Date Change Citizenship and Award Ceremonies**.

➤ **Additional Analysis**

The change to the Code is relatively recent (16 December 2022), and therefore it would be reasonable to expect that other councils may explore options for a date change in future. At their May 2023 meeting, the City of Unley resolved to change the date of their citizenship ceremony from January 2024 and City of Port Adelaide Enfield held their 2023 ceremony on 23 January.

Council currently provides \$1400 sponsorship to each of the three groups that hold Council sanctioned Australia Day community celebrations, which incorporate Council award ceremonies (where recipients are receiving them locally). Historically, citizenship ceremonies were also conducted at each of the community celebrations where people local to those areas were receiving citizenship, however in recent years (the last 6 or so) the citizenship ceremonies on Australia Day have been consolidated into a single event run by Council.

An annual donations review is scheduled for later in 2023 and, should the date of ceremonies and associated events change, the Administration will consider the sponsorship arrangements as part of this review.

The Lions Club of Onkaparinga has indicated that they are unlikely to deliver award ceremonies in future. Any change would impact the two groups of East Torrens Historical Society – Uraidla based ceremony/event and Lions Club of Torrens Valley – Gumeracha based ceremony/event.

While the Administration has not presented a recommendation of change at this time, this should not be interpreted as a recommendation that the status quo should remain. Rather, the Administration has sought to act under the direction of the resolution made by the Council on 24 January 2023 to report on the proposal. The Council has a number of options, which have implications as outlined in this report, and all of which may need further consideration depending on the decision made.

The Administration does, however, suggest that the Council start by considering the fundamental position of whether or not to conduct and support formal events on 26 January.

Depending on the decision made, there may be subsequent decisions to be made. For instance, if the Council resolves not to conduct and support events on 26 January, there will need to be decisions made on when to confer awards, conduct citizenship ceremonies, etc. Council will also need to decide whether or not to continue to fund community celebrations which may be held on other dates.

The Administration does, however, advise caution regarding any consideration to undertake broader public consultation on this matter, particularly at this time. The public debate around the upcoming Voice referendum is gathering pace and is likely to dominate public discourse around Aboriginal and Torres Strait Islander matters this year. Adding a local debate around 26 January to that may compound already heightened emotion, could confuse the issue of what people are considering at the referendum and may add to the hurt felt by the very people for whom the debate would be intended to support.



### **3. OPTIONS**

Council has the following options:

- I. To undertake professionally curated community consultation in relation to changing the date on which citizenship and civic award ceremonies are held to one other than the 26 of January.
- II. To continue to run citizenship ceremonies and support community groups to run civic award ceremonies and events on 26 January, i.e. retain the status quo.
- III. To not conduct citizenship ceremonies, confer awards or support events on 26 January, (acknowledging that a citizenship ceremony must still be conducted within 3 days either side) and look to alternative dates and opportunities for awards.

### **4. APPENDIX**

- (1) Proposed Date Change Citizenship and Award Ceremonies

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# **Appendix 1**

*Proposed Date Change Citizenship and  
Award Ceremonies*

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# Proposed Date Change Citizenship and Award Ceremonies

## Background

On the 16 December 2022 there was a change announced to the Australian Citizenship Code

*“The Australian Government has announced an update to the Australian Citizenship Ceremonies Code, removing red tape to allow councils to hold Australia Day citizenship ceremonies on or around Australia’s national day.*

*The Australian Citizenship Ceremonies Code sets out the requirements for conducting citizenship ceremonies in accordance with the Australian Citizenship Act 2007 (Cth). Prior to this update, councils were required to hold a citizenship ceremony on Australia Day; they will now be able to hold it on 26 January, or on the three days before and after “* [Greater Flexibility for Citizenship Ceremonies for 2023 \(homeaffairs.gov.au\)](https://www.homeaffairs.gov.au/citizenship/ceremonies)

At the Council meeting of 24 January 2023, a motion on notice was moved, and passed unanimously, to deliver a report regarding the proposal to move citizenship ceremonies, award ceremonies and related events to a date other than 26 January from 2024.

**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.**

<b>Carried Unanimously</b>
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The expectation from this meeting was that the administration undertakes 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 report to council would include the outcome of the above along with a number of options for Council to consider as well as an outline of broader community engagement options should Council wish to engage more broadly on the matter (including costs of same).

## Scope

Refers to:

Council run or Council supported citizenship ceremonies, award ceremonies and events that are usually held on Australia Day.

In 2023 the following Citizenship and Award ceremonies were held by or on behalf of Council.

Township	Time	Location	Details	Organiser
Woodside	8:00am – 9:30am	Outside Woodside Hall, 30 Onkaparinga Valley Road, Woodside	Free community breakfast including presentation of Australia Day awards (not planning to provide awards in the future)	Lions Club of Onkaparinga
Gumeracha	8:30am – 11:00am	Federation Park, 32 Albert Street, Gumeracha	Free community breakfast including presentation of Australia Day awards	The Lions Club of Torrens Valley
Uraidla	10:30am – 12:00pm	Uraidla Hotel Gardens, 1198 Greenhill Road, Uraidla	Free community event including presentation of Australia Day awards	East Torrens Historical Society
Stirling	10:30am – 12:30pm	Coventry Library Lawn, 63 Mount Barker Road, Stirling	Citizenship ceremony and Australia Day awards ceremony, free BBQ	Adelaide Hills Council

Council runs the Stirling event and provides the organisers of the other events with an annual donation of \$1,400. In addition to the annual donation, Council provides supporting services such as extra toilet cleaning, rubbish bins and signage.

To date this sponsorship has been for ceremonies and community events held on Australia Day.. Council would need to confirm if there is a change of date that this sponsorship would continue for ceremonies and events held on the new determined date.

## Local Government

Communication with the Local Government Association of SA, and feedback sought through a number of local government networks throughout March 2023, indicates that, given that this change is recent, no known South Australian Councils have introduced any changes to practice at that time.

It has since been noted that Port Adelaide Enfield Council held their Awards event on 23 January and Unley Council has voted in May to change the date of Citizenship and Award ceremonies to 25 February from 2024.

Of those Councils that responded:

City of Adelaide	No changes planned	Interested / considering change changing the day of the citizenship ceremony
Campbelltown	No changes planned	
Norwood Payneham St Peters	No changes planned	

Onkaparinga	Undertaking community consultation around events of AD	<i>Resolved 21 Feb</i> <i>That the council undertake community consultation that gauges community views on holding the following events on Australia Day:</i> <ul style="list-style-type: none"> <li>• <i>The Australia Day Bush Fair, including the 'Fireworks' display.</i></li> <li>• <i>Breakfasts at 3 or 4 locations namely: Happy Valley, Noarlunga and Willunga</i></li> <li>• <i>Citizenship Ceremony</i></li> <li>• <i>Presentation of Australia day Awards (Report May)</i></li> </ul>
Tea Tree Gully	No changes planned	
Prospect	Changes likely	Intention to hold future citizenship ceremonies on date other than 26 from next year
Mount Barker	No changes planned	

Reconciliation SA were contacted and are not aware of any Councils who are planning changes.

## Stakeholder Engagement

Targeted stakeholder engagement was undertaken with the Adelaide Hills Reconciliation Working Group and groups that undertake award ceremonies or other events on 26 January on Council's behalf being Lions Club of Torrens Valley, Lions Club of Onkaparinga and East Torrens Historical Society.

Council staff attended scheduled meetings of each group and conducted a group discussion. In addition, participants were offered an individual written survey recognizing that some people may feel less confident airing their views in a group setting. This survey was optional.

It is important to note that, of the x4 groups, only one group, the Adelaide Hills Reconciliation Working Group was known to include people who identify as Aboriginal.

The result of this engagement is outlined in ***Appendix 1 Citizenship and Award Ceremonies Consultation***

In Summary:

### Adelaide Hills Reconciliation Working Group

Feel that the date impacts significantly on Aboriginal people's ability to participate in award and citizenship ceremonies and would welcome a change of date. Support sharing accurate historical information regarding the date and truth-telling about the impact of this on Aboriginal people.

### East Torrens Historical Society

In general, this group did not support a change of date. This was not based on philosophical objections but rather practical matters. Concerned that a change of date will impact on their capacity to deliver the awards event and attract significant numbers of people to attend, or volunteers to support the event if it is not on a public holiday.

### Lions Club of Torrens Valley

This group supported the change of date. The group recognized that there is a changing community expectation in relation to the date and this is an opportunity to show leadership in this matter. Concern was expressed regarding the impact that this would have on attendance and would like to see more of a community celebration event.

### Lions Club of Onkaparinga

This group expressed strong opposition primarily for philosophical reasons. The group indicated that regardless of the outcome they would be unlikely to be participating in any future award ceremonies as they felt this was more a role of Council.

Across all groups many of those involved expressed the need for ceremonies to take place, if not on a public holiday, then when people are able to attend outside of working hours such as a weekend or evening.

The Australia Day Council of SA was also contacted, and their feedback is detailed below.

### Australia Day Council of South Australia

The ADCSA has a strong focus on Reconciliation and recognizes the significance and challenges of this date for many Aboriginal people.

#### Strategic Plan 2021-24

*Our Strategic Direction – Attitudes to Australia Day are changing. We are listening to all views about not just the day, but what Australia is now and will be in the future. We are part of that conversation and will work with others to help facilitate it.*

#### Objective 2: Place Reconciliation at the centre

ADCSA collaborates with Kaurna Elders through an Open Circle Discussion Group regarding appropriate content and programs such as the Smoking Ceremony, “Mourning in the Morning” attended by over 1000 people.

*“We thank our First Nations Peoples who have generously invited our SA community to join in and understand more fully First Nations perspectives on Australia Day” Jan Chorley CEO ADCSA Annual Review 2021 - 22*

The ADCSA recognizes that some Councils and other groups have changed or are considering changing the day on which they undertake citizenship and other ceremonies and events.

### Further Community Consultation

In considering the prospect of undertaking further community consultation it should be noted that there is a likelihood, based on consultation undertaken, that views will be polarized. There is a risk that this could prove divisive and provide a platform for racism. This is of particular concern given the upcoming Referendum on a Voice to Parliament.

It would be expected that views will vary across both Aboriginal and Torres Strait Islander and Non-Aboriginal community members. The number of people who identify as Aboriginal or Torres Strait Islander in Adelaide Hills Council is 281 being 0.7% of the population of 41,250 (census 2021). As a minority of the population this group is disadvantaged in having their view heard.

A petition was received by Council following the Motion on Notice with 66 signatories opposing the change:

*“we the undersigned residents of the Adelaide Hills 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.”*

This petition was unsolicited and those who participated were not presented with background information or clarity around the nature of the motion in the same way as those groups who were engaged with by Council staff.

This petition does indicate a strong viewpoint from one perspective, and it would be fair to consider that there will also be strong views from the perspective of those who support a change of date.

Advice sought on potential further community consultation suggests overarching sentiment research, carefully crafted questions, and survey, undertaking focus groups and other face to face engagement over a period of 4 months at an estimated cost of 25 – 30K.

## Options

Option	Implications
1. Undertake further community consultation.	<ul style="list-style-type: none"><li>• Risk of being divisive and providing a platform for racism.</li><li>• Advice indicates that this would be costly</li></ul>
2. Continue to run citizenship ceremonies and support community groups to run civic award ceremonies and events on 26 January. Make no change.	<ul style="list-style-type: none"><li>• The motion recognizes that 26 January is a day of mourning for many First Nations people. A decision to continue to undertake citizenship and award ceremonies on this date could have the unintended consequence of a community perception that Council supports the date of Australia Day remaining as 26 January.</li></ul>
3. Resolve to undertake citizenship ceremonies or support community groups to undertake civic award ceremonies and events on a date within three days before or after and excluding 26 January	<ul style="list-style-type: none"><li>• Council no longer provides \$1400 sponsorship to groups undertaking award ceremonies or activities on 26 January.</li><li>• Council provides \$1400 sponsorship to groups who undertake award ceremonies or activities within the 3 days before or after 26 January.</li><li>• Community groups may choose to hold activities on 26 January without Council support.</li></ul>

## Appendix 1 Citizenship and Award Ceremonies Consultation

### Consultation was undertaken with:

- Adelaide Hills Reconciliation Working Group
- East Torrens Historical Society
- Lions Club of Torrens Valley
- Lions Club of Onkaparinga

Results from conversations and optional individual survey are induced below.

### Stakeholder: Adelaide Hills Reconciliation Working Group

**Date:** 2 March 2023

**Format:** Group Discussion (x5 Community Reps, x2 staff, x2 Elected Members)

A member shared that when receiving an award, they saw this as an opportunity to share truth telling. When a friend was becoming a citizen, they chose not to attend because of the date and personally feeling conflicted.

It is important to communicate the facts about the date (Arthur Phillips Proclamation NSW). 1948 all Australians including Aboriginal and Torres Strait Islander peoples given Australian Citizenship, however this did not mean that they had the same rights. 1967 Referendum amend the Constitution to allow the Commonwealth to make laws for Aboriginal people and include them in the census. It is important to have accurate information, facts about the date and context, this date was chosen in 1994, it is relatively recent history.

The group recognised the importance of the day for people receiving their citizenship, however they may not understand what this date represents for Aboriginal peoples.

A Citizenship Ceremony is an act of inclusion, of accepting people into the community, however the date that it is held results in many Aboriginal people feeling excluded.

Have heard “it’s the past, get over it and move on” even from people who are otherwise supportive. There is a need for truth telling, for acknowledging the hurt of the past in order to move forward in reconciliation. This is a living experience for many, it is not in the past, it is intergenerational trauma.

Facts need to be understood for decisions to be made, this is not a “popularity contest” of right and wrong.

### Optional Individual Questionnaire (5 returned)

Question	Response number
I support moving the date	Yes x 5
Preferred date/time	Weekend x 3 Evening x 1 Daytime/ morning x 2
Comments	<ul style="list-style-type: none"><li>• The facts around the history need to be available for the public so that people are not ignorant but informed. Often the arguments are driven by emotions on both sides – facts are the only thing that will change mindsets.</li><li>• As an Aboriginal woman I see this day as a day of mourning and choose to stay home and reflect. More general public allies are choosing not to attend events on this day.</li><li>• I would opt for a day that feels more inclusive to our First Nations people. Australia Day is a day of inclusion not division.</li><li>• Changing the date would not impact me in any way.</li></ul>



## Stakeholder: East Torrens Historical Society

**Date:** 6 March 2023

**Format:** Group Discussion (x7 people)

East Torrens Historical Society (ETHS) have hosted an Australia Day event for 25 to 30 years at Marble Hill and now at Uraidla Hotel. These events have not included a citizenship ceremony for the last 5 to 7 years, now it is award ceremonies only.

If the date is moved, they predict that they would not get the same attendance. January 26 is a day of celebration, and it is about how you celebrate. They believe people value the 26th of January and think it's worth celebrating. National days around the world don't suit all people.

The event was formerly held at the Uraidla Showgrounds however the group struggled with the amount of physical workload in setting up. ETHS currently partner with the Uraidla Hotel to hold this event, which assists greatly with the workload. Attendance at this year's event was estimated at 70 to 80 people. Should the date be moved it would need to be when people can come such as a public holiday. Also need to consider the availability of the hotel.

There needs to be better promotion to encourage nominations for awards, the group would also like to see citizenship ceremonies held at Uraidla to add value to the event and attract more people to attend.

### Optional Individual Questionnaire (6 returned)

Question	Response number
I support moving the date	Yes x 1 No x 5
Due to philosophical reasons	No x 1
Because it would be difficult or inconvenient if not on a public holiday	Yes x 5
For other reasons	The awards ceremony and citizenship should be held on Australia Day whenever that date is deemed to be by the Federal Government. To do otherwise is divisive and confusing.
Preferred date/time	Weekend x 1 Daytime/ morning x 1
If Council was to decide to cease support for awards being provided on 26 January would you still like your group to celebrate Australia Day on Jan 26 without award presentations?	No x 1 Yes x 2
Comments	<ul style="list-style-type: none"><li>• If the federal government changes the date of Australia Day that's fine, the ETHS will happily comply. But until that happens it should not be up to Council to do their own thing, It would be confusing and utterly divisive.</li><li>• We would like to see citizenship event for people in our general area at Uraidla. The moving to Stirling reduced numbers attending and feel of the event.</li><li>• It would only work for us on a public holiday.</li></ul>

## Stakeholder: Lions Club of Torrens Valley

**Date:** 7 March 2023

**Format:** Group Discussion (x20 people)

The group may not choose to hold a community event or BBQ on 26 January in the future. They have noticed that the feeling of the community on this is changing. Shops are not promoting Australia Day in the same way anymore. Community expectation on this is changing.

Generally, the group supports the change of date and feel that it would be good to show leadership in this.

Does the award ceremony need to be linked to the citizenship ceremony that is required on or near Australia Day or could it be held on a date further away from this date? Would it be possible, for example, to hold the awards ceremony on Harmony Day or on the last Saturday in a particular month every year? The group liked the idea of this being an across region agreement on date, rather than each township deciding, therefore it is having a bigger impact.

Concern was raised regarding the ability to attract attendance if only a small number of people are receiving awards, it would need to be planned as a bigger community celebration. A township celebration.

If a citizenship ceremony was incorporated this would lift attendance. The group would like to see a citizenship ceremony return to Gumeracha.

### Optional Individual Questionnaire (7 returned)

Question	Response number
I support moving the date	Yes x 7
Preferred date/time	Weekend x 7 Daytime/ morning x 3
Comments	<ul style="list-style-type: none"><li>• Citizenship and awards to be held on the same day and called the Community Day</li><li>• A change in now required</li><li>• I believe we should move the whole event to include BBQ breakfast and ceremonies so that the community as a whole is able to celebrate with award winners and new citizens. I feel the celebration is important.</li><li>• I would prefer Australia Day and awards on the same day – not 26</li><li>• I believe the celebration of Australia Day should be on January 1 as 1/1/1901 was the day the country federated and was no longer separate colonies. I understand this is beyond the power of local government. Agree that the club could still preside over a celebration on another day (other than 26 Jan) to honor new citizens.</li><li>• We would like all celebrations to be on the same day.</li></ul>

## Stakeholder: Lions Club of Onkaparinga

Date: 20 March 2023

Format: Group Discussion (x20 people)

The group were “strongly opposed” to any change to their breakfast event and would not be involved with the awards ceremony if it changed. They would continue to offer a breakfast on the 26 as a gesture for their community, funded by their club.

The group expressed that Australia Day is the 26 of January and it’s asking too much to change it. There was discussion about history and colony establishment and the importance of that to the group. The group expressed that they are “not anti-Aboriginal” and have held events in Reconciliation Week. The group felt the proposal is “political” and “Lions don’t get involved in politics”.

The group believed that presenting the awards was more of a role for Council rather than them.

There were questions about how this motion came out and why they weren’t consulted as well as when it would be discussed by Council. Information about deputations was also requested.

### Optional Individual Questionnaire (13 returned)

Question	Response number
<b>I support moving the date</b>	No x 13
<i>For philosophical reasons</i>	x4 YES      x4 NO
<i>Because it would be difficult or inconvenient if not on a public holiday</i>	X4 YES
<i>Other reasons</i>	Our community gets together on the 26 and this is the most opportune date to include civic recognition. It’s become a political hot potato and as a Lions member we would not change 26 January celebrates the date that Australia shed British rule and not the indigenous claims of invasion Australia as a Nation was formed by the British on January 26
If Council was to decide to cease support for awards being provided on 26 January would you still like your group to celebrate Australia Day on Jan 26 without award presentations?	No x 2 YES x 7
<b>Preferred date/time</b>	Weekend x 1 Weekday x 1 Daytime/ morning x 1
<b>Comments</b>	<ul style="list-style-type: none"><li>• Leave it as it is we are all Australians</li><li>• Leave it as it is I am 86 and find this all unnecessary and sad, aren’t we all Australians regardless of race or colour</li><li>• I believe the 26 January was the date Australia became independent of the British not the date the island was invaded</li><li>• It will cause more of a divide in communities and Australians</li></ul>

**ADELAIDE HILLS COUNCIL  
ORDINARY COUNCIL MEETING  
Tuesday 25 JULY 2023  
AGENDA BUSINESS ITEM**

**Item:** 12.2

**Responsible Officer:** Karen Cummings  
Manager Property Services  
Corporate Services

**Subject:** Revocation of Community Land – Closed Roads off Lenger Road, Mount Torrens and off Nicholls Road, Norton Summit

**For:** Decision

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**SUMMARY**

The purpose of this report is to seek a resolution of Council to revoke the Community Land classification for the pieces of land, described as the following:

- Closed Road Allotment 10 in Filed Plan No. 257096 located off Lenger Road, Mount Torrens and contained in Certificate of Title Volume 6261 Folio 496 ("Land") (refer **Appendix 1**)
- Closed Road Pieces 1 and 2 in Filed Plan No. 257220 located off Nicholls Road, Norton Summit and contained in Certificate of Title Volume 6261 Folio 497 ("Land") (refer **Appendix 2**)

In a letter dated 9 January 2023, the Minister for Local Government approved that Council, if it wishes, can proceed to make the decision to revoke the Community Land classification for both these pieces of land (refer **Appendix 3**).

If Council chooses to revoke the closed road parcels from the community land classification as per the recommendation, a further report/s will be submitted to Council seeking its support to sell the closed roads as per Council's *Disposal of Assets Policy* to adjoining owners as indicated within this report.

**RECOMMENDATION**

**Council resolves:**

1. That the report be received and noted.
  2. That the Community Land classification over the land comprised in Certificate of Title Volume 6261 Folio 496 being for Allotment 10 in Filed Plan No. 257096 be revoked.
  3. That the Community Land classification over the land comprised in Certificate of Title Volume 6261 Folio 497 being for Pieces 1 and 2 in Filed Plan No. 257220 be revoked.
-

## 1. **BACKGROUND**

During 2021 Council was approached by two different ratepayers regarding their interest in purchasing separate pieces of Council (unmade) public roads that adjoin their respective properties.

### **Closed Road RP 2142 AA**

Council was approached by Mr Roger Kowald (owner of 114 Lenger Road, Mount Torrens) in April 2021 to purchase the land defined as “AA” in Road Plan No. 2142, a Closed Road located off Lenger Road, Mount Torrens (refer **Appendix 1**).

This piece of land was closed from being a road on 8 September 1859 and was proposed to be sold. As the sale did not proceed at this time, a Certificate of Title was not issued for this piece of land.

Mr Kowald’s existing property surrounds this piece of land and, in conjunction with this existing property, he currently uses it for cattle grazing.

### **Closed Road RP1573 A, B**

Council was approached by Mr Jianyang Feng in May 2021, to purchase the land defined as “A” and “B” in Road Plan No. 1573, which is a Closed Road located adjacent to his property at 105 Nicholls Road, Norton Summit (refer **Appendix 2**).

This piece of land was closed from being a road on 10 May 1928 and was proposed to be sold. As the sale did not proceed at this time, a Certificate of Title was not issued for this piece of land.

A previous owner to Mr Jianyang Feng, had approval to construct a shed in 1978 and it is believed in error that it was constructed on the piece of land known as “B”. The piece of land known as “A” is used as the entrance to the property at 105 Nicholls Road, Norton Summit.

All of these pieces of closed road land are maintained by the current owners as part of their respective properties.

The results from Council’s internal assessment determined that the parcels of closed road land were suitable for disposal. The disposals would remove risk to Council with regard to ongoing repairs, maintenance and insurance. The parcels do not provide any linkages to existing or proposed recreation trails and they have no existing biodiversity value.

As the pieces of the closed roads were not excluded from being Community Land upon the introduction of the *Local Government Act 1999* (the Act), the closed parcels are deemed Community Land as defined in the Act. Therefore the Community Land classification must be revoked before the land can possibly be disposed of.

Accordingly, at its meeting of 27 July 2021, Council resolved as follows:

**12.6 Revocation of Community Land Classification – Closed Roads R2142AA (off Lenger Road Mt Torrens) & R1573AB (off Nicholls Road Norton Summit)**

Cr Linda Green declared a Perceived Conflict of Interest as she knows Mr Roger Kowald who is identified in the report. Cr Green intends to remain in the meeting and vote.

**Moved Cr Malcolm Herrmann  
S/- Cr Kirsty Parkin**

**158/21**

**Council resolves:**

- 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 *Local Government Act 1999* 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 *Local Government Act 1999* 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.**

<b>Carried Unanimously</b>
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After this Council decision was resolved, the next step in the revocation of the Community Land Classification process was to undertake Public Consultation.

The Public Consultation commenced on 2 March 2022, for 21 days in accordance with Section 194 of the *Local Government Act 1999*.

Whilst Council did not receive any formal submissions in response to the consultation, a number of general enquiries were taken by Council staff and a further report was then submitted to Council.

At its meeting held on 28 June 2022, Council resolved as follows:

**12.4 Revocation of Community Land Classification – Closed Roads Mt Torrens & Norton Summit**

**Moved Cr Malcolm Herrmann**  
**S/- Cr Kirsty Parkin**

**157/22**

**Council resolves:**

- 1. That the report be received and noted**
- 2. 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*)**

<b>Carried</b>
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Certificate of Titles for these pieces of land were issued in November 2022, so they can be legally identified even if Council does not proceed to revoke the Community Land classification and dispose of the parcels. The subject pieces of land are described as follows:

- Allotment 10 in Filed Plan No. 257096 located off Lenger Road, Mount Torrens and contained in Certificate of Title Volume 6261 Folio 496 (refer ***Appendix 1***)
- Pieces 1 and 2 in Filed Plan No. 257220 located off Nicholls Road, Norton Summit and contained in Certificate of Title Volume 6261 Folio 497 (refer ***Appendix 2***)

Following the Council resolution on 28 June 2022, a letter was sent to the Minister for Planning and Local Government seeking approval to revoke the parcels of land from the Community Land classification.

A response from the Minister for Local Government was received via a letter dated 9 January 2023, giving permission for Council to make the decision to revoke the Community Land classification for the pieces of closed road land, if it wishes (refer ***Appendix 3***).

**2. ANALYSIS**

➤ **Strategic Management Plan/Functional Strategy/Council Policy Alignment**

Strategic Plan 2020-24 – A Brighter Future

Goal	A Progressive Organisation
Objective 05	We are accountable, informed, and make decisions in the best interests of the whole community
Priority 05.2	Make evidence-based decisions and prudently assess the risk and opportunities to our community before taking action.

➤ **Legal Implications**

These pieces of land are closed roads and while public roads are not classified as Community Land, if closed roads are not excluded from the classification of community land upon closure, they are deemed to be classified as Community Land. Accordingly, as these pieces of closed roads were never “excluded” from being classified as Community Land when closed, therefore were automatically deemed Community Land and are in the Community Land Register - Plan 14.

The revocation of land classified as community land under the *Local Government Act 1999* is required to be undertaken in accordance with the steps outlined in Section 194 of the Act. This report is the last step in the Community Land revocation process.

➤ **Risk Management Implications**

The sale of these closed roads will assist in mitigating the risk of :

*Closed Roads remaining in Council ownership leading to obligations to maintain the land and assume liability for the land.*

Inherent Risk	Residual Risk	Target Risk
Medium (1A)	Low (1E)	Low (1E)

➤ **Financial and Resource Implications**

If the revocation of the Community Land classification is revoked, the process to negotiate with adjoining land owners for disposal of the closed road land parcels will be undertaken by Council staff within existing resources and a valuation report and survey plans will be prepared. These costs will be borne by the purchasers of the land, together with an expectation that the land will be sold for market value.

If Council chooses to revoke the closed road parcels from the community land classification, a further report/s will be submitted to Council seeking its support to sell the closed roads as per Council's *Disposal of Assets Policy*.

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

Nil

➤ **Sustainability Implications**

Nil

➤ **Engagement/Consultation conducted in 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:* No Applicable



➤ **Additional Analysis**

Nil

**3. OPTIONS**

Council has the following options:

- I. Resolve to revoke the Community Land classification of the Land (Recommended).
- II. Resolve not to exclude the Community Land classification of the Land which will result in the inability to progress to dispose of the land to the adjacent owners (Not Recommended).

**4. APPENDICES**

- (1) Identification of Closed Road Land (Off Lenger Road, Mount Torrens) - Aerial Photo, CT6261/496 & Filed Plan 257096
- (2) Identification of Closed Road Land (Off Nicholls Road, Norton Summit) - Aerial Photo, CT6261/497 & Filed Plan 257220
- (3) Letter from Minister for Local Government dated 9 January 2023

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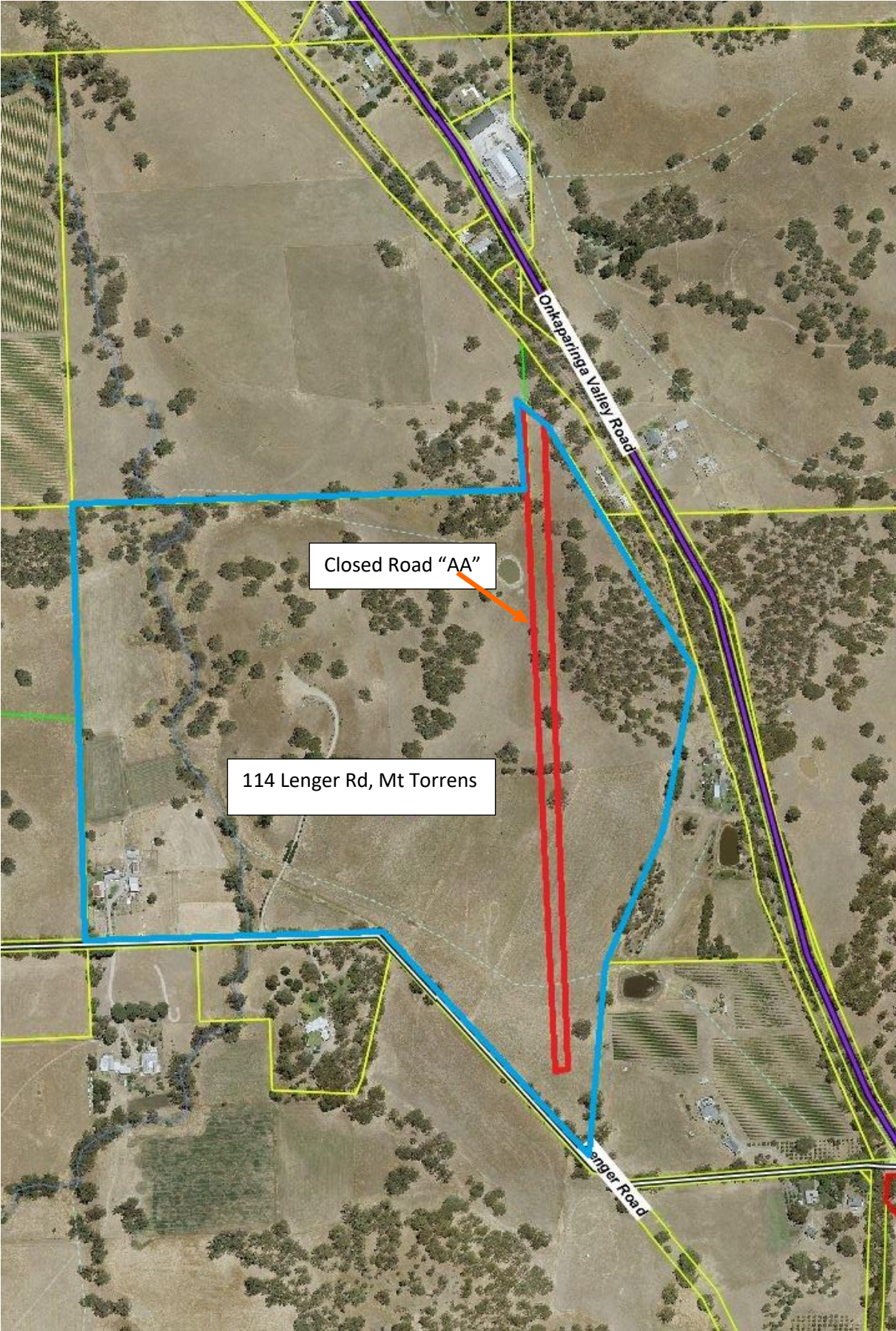
## **Appendix 1**

*Identification of Closed Road Land (off Lenger Rd,  
Mount Torrens) – Aerial Photograph,  
CT 6261/496 & Filed Plan 257096*

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**CLOSED ROAD – OFF LINGER ROAD, MOUNT TORRENS**

**(RP 2142 “AA”)**



REAL PROPERTY ACT, 1886



The Registrar-General certifies that this Title Register Search displays the records maintained in the Register Book and other notations at the time of searching.



## Certificate of Title - Volume 6261 Folio 496

### Parent Title(s)

**Creating Dealing(s)** VM 13593308

**Title Issued** 01/11/2021 **Edition** 1 **Edition Issued** 01/11/2021

### Estate Type

FEE SIMPLE

### Registered Proprietor

ADELAIDE HILLS COUNCIL  
OF PO BOX 44 WOODSIDE SA 5244

### Description of Land

ALLOTMENT 10 FILED PLAN 257096  
IN THE AREA NAMED MOUNT TORRENS  
HUNDRED OF ONKAPARINGA

### Easements

NIL

### Schedule of Dealings

NIL

### Notations

**Dealings Affecting Title** NIL

**Priority Notices** NIL

**Notations on Plan** NIL

**Registrar-General's Notes** NIL

**Administrative Interests** NIL

PURPOSE: REIDENTIFICATION OF LAND AND REDESIGNATION OF PARCELS		AREA NAME: MOUNT TORRENS		APPROVED: 12/10/2021		<div></div> <div>F257096</div> <div>SHEET 1 OF 2</div> <div>109916_text_01_v03_Version_3</div>			
MAP REF: 6628/36		COUNCIL: ADELAIDE HILLS COUNCIL		FILED: 12/10/2021					
LAST PLAN:		DEVELOPMENT NO:							
AGENT DETAILS: LANDS TITLES SA 101 GRENFELL STREET ADELAIDE SA 5000 PH: 84235000 FAX:		SURVEYORS CERTIFICATION:							
AGENT CODE: LTSA									
REFERENCE: BS LSSA									
SUBJECT TITLE DETAILS:									
PREFIX	VOLUME	FOLIO	OTHER	PARCEL	NUMBER	PLAN	NUMBER HUNDRED / IA / DIVISION	TOWN	REFERENCE NUMBER
		VM 13593308		CLOSED ROAD MARKED	A	R	2142 ONKAPARINGA		
OTHER TITLES AFFECTED:									
EASEMENT DETAILS:									
STATUS	LAND BURDENED	FORM	CATEGORY	IDENTIFIER	PURPOSE	IN FAVOUR OF		CREATION	
ANNOTATIONS: UNIQUE LAND PARCEL IDENTIFICATION PLAN									



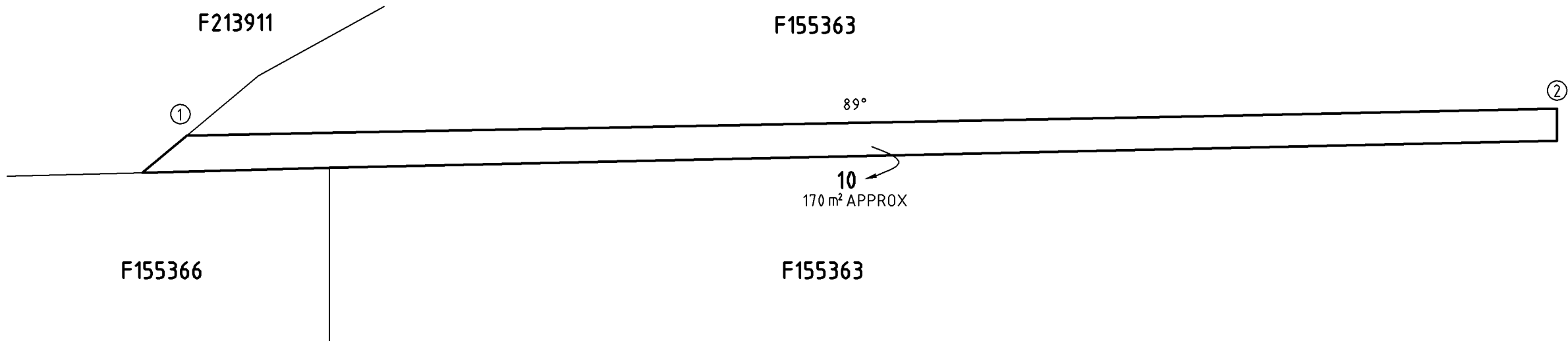
UNIQUE LAND PARCEL IDENTIFICATION PLAN

F257096

SHEET 2 OF 2

109916\_pland\_1\_V01\_Version\_3

BEARING DATUM: ① - ② 89°00'  
DERIVATION: 6628-36 SCALED



DEPARTMENT OF PLANNING, TRANSPORT  
AND INFRASTRUCTURE  
LAND SERVICES GROUP  
LANDS TITLES SA

101 GRENFELL ST. ADELAIDE SA 5000  
PH: 8423 5000

SCALE 0 50 100 150 Metres

---

## **Appendix 2**

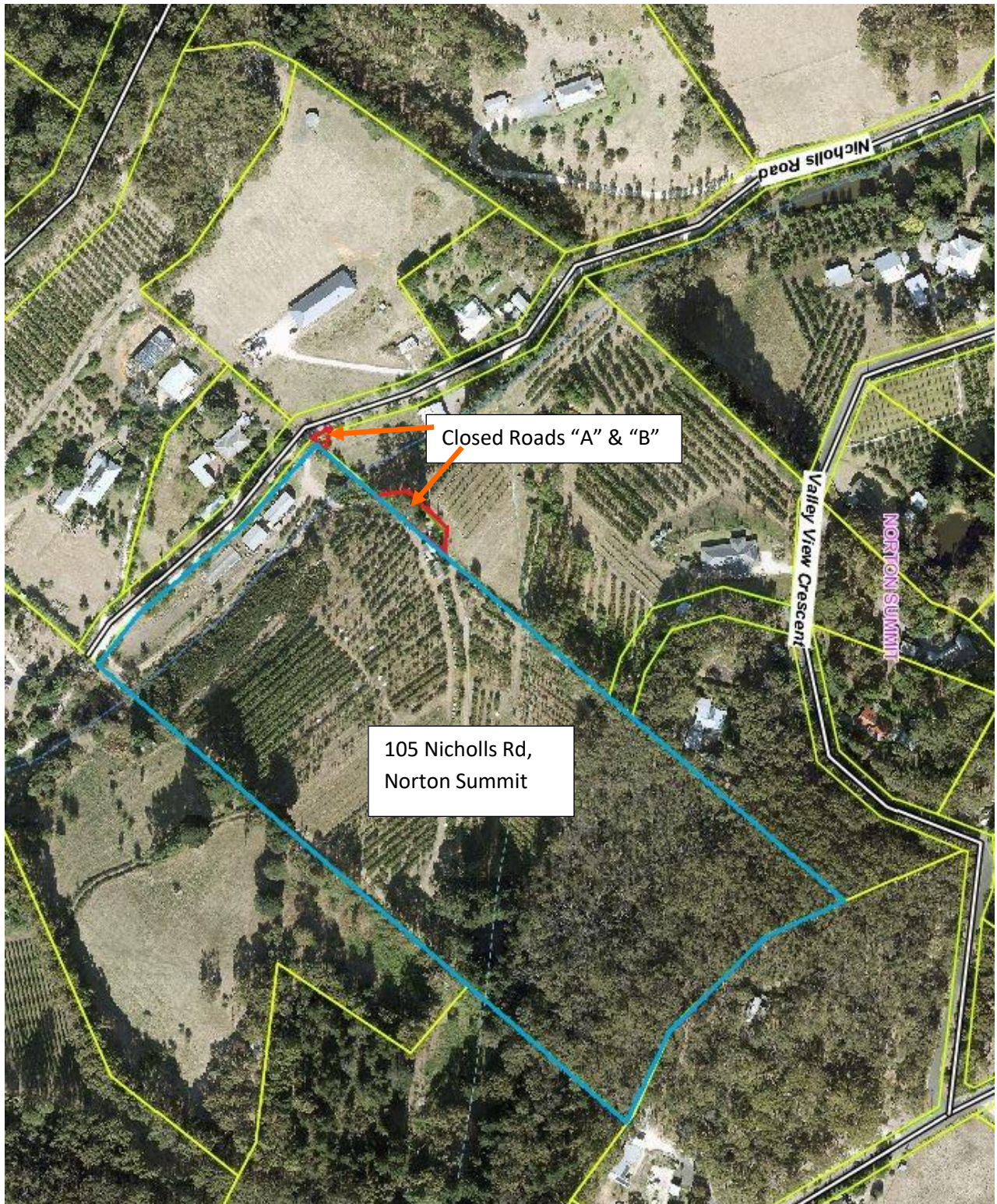
*Identification of Closed Road Land – (off Nicholls Road,  
Norton Summit) Aerial Photograph,  
CT 6261/497 & Filed Plan 257220*

---



**CLOSED ROAD – OFF NICHOLLS ROAD, NORTON SUMMIT**

**(RP 1573 – “A & B”**





REAL PROPERTY ACT, 1886



The Registrar-General certifies that this Title Register Search displays the records maintained in the Register Book and other notations at the time of searching.



## Certificate of Title - Volume 6261 Folio 497

### Parent Title(s)

**Creating Dealing(s)** VM 13593308

**Title Issued** 01/11/2021 **Edition** 1 **Edition Issued** 01/11/2021

## Estate Type

FEE SIMPLE

## Registered Proprietor

ADELAIDE HILLS COUNCIL  
OF PO BOX 44 WOODSIDE SA 5244

## Description of Land

ALLOTMENT COMPRISING PIECES 1 AND 2 FILED PLAN 257220  
IN THE AREA NAMED NORTON SUMMIT  
HUNDRED OF ADELAIDE

## Easements

NIL

## Schedule of Dealings

NIL

## Notations

**Dealings Affecting Title** NIL

**Priority Notices** NIL

**Notations on Plan** NIL

**Registrar-General's Notes** NIL

**Administrative Interests** NIL

PURPOSE: REIDENTIFICATION OF LAND AND REDESIGNATION OF PARCELS		AREA NAME: NORTON SUMMIT		APPROVED: 12/10/2021		<div></div> <div>F257220</div> <div>SHEET 1 OF 2</div> <div>110464_text_01_v03_Version_3</div>	
MAP REF: 6628/43/G		COUNCIL: ADELAIDE HILLS COUNCIL		FILED: 12/10/2021			
LAST PLAN:		DEVELOPMENT NO:					

AGENT DETAILS: LANDS TITLES SA 101 GRENFELL STREET ADELAIDE SA 5000 PH: 84235000 FAX:		SURVEYORS CERTIFICATION:					
AGENT CODE: LTSA							
REFERENCE: BS LSSA							

SUBJECT TITLE DETAILS:									
PREFIX	VOLUME	FOLIO	OTHER	PARCEL	NUMBER	PLAN	NUMBER HUNDRED / IA / DIVISION	TOWN	REFERENCE NUMBER
		VM 13593308		CLOSED ROAD MARKED	A & B	R	1573 ADELAIDE		
OTHER TITLES AFFECTED:									

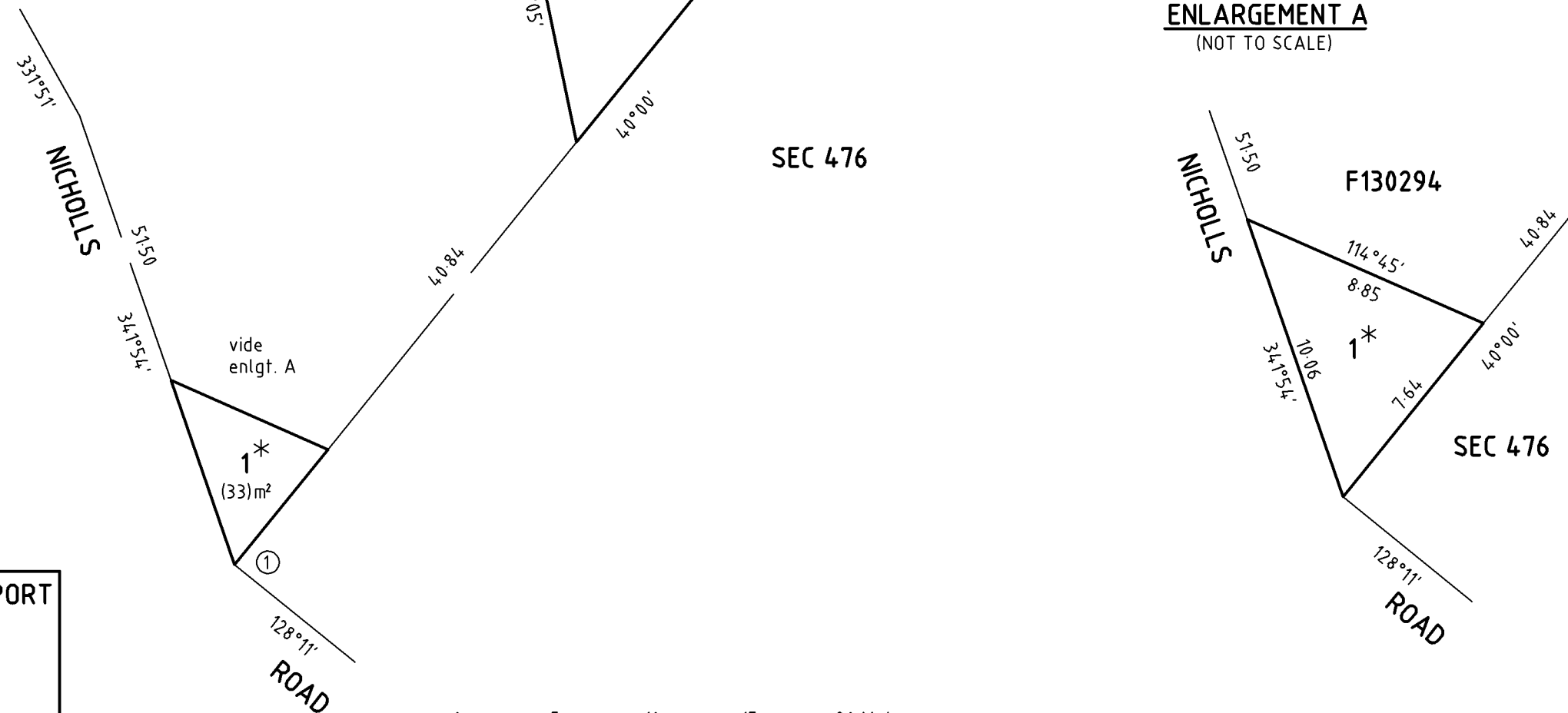
EASEMENT DETAILS:									
STATUS	LAND BURDENED	FORM	CATEGORY	IDENTIFIER	PURPOSE	IN FAVOUR OF			CREATION

ANNOTATIONS: UNIQUE LAND PARCEL IDENTIFICATION PLAN

SHEET 2 OF 2

BEARING DATUM: ①-② 40°00'  
DERIVATION: 6628-43-G SCALED

ONE ALLOTMENT COMPRISES	TOTAL AREA
1*AND 2*	457 m <sup>2</sup>



0                      5                      10                      15                      20 Metres

101 GRENFELL ST. ADELAIDE SA 5000  
PH: 8423 5000

---

## **Appendix 3**

*Letter from Minister for Local Government dated 9  
January 2023*

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Hon Geoff Brock MP

Government  
of South Australia

22MINLG-0267

Ms Kylie Caruso  
Roads Officer  
Adelaide Hills Council  
PO Box 44  
WOODSIDE SA 5244  
[kcaruso@ahc.sa.gov.au](mailto:kcaruso@ahc.sa.gov.au)

Dear Ms Caruso *Kylie*

Thank you for your correspondence dated 21 July 2022, seeking my approval of the Adelaide Hills Council's (the Council) proposal to revoke the classification of Allotment 10 contained in Filed Plan 257096 Certificate of Title Volume 6261 Folio 496 and Allotment comprising pieces 1 and 2 in Filed Plan 257220 Certificate of Title Volume 6261 Folio 497.

After carefully considering the effect of the revocation of the Subject Land on the area and the local community, I am of the opinion that—on balance—the revocation will be more positive than not in its effect. I approve the Council's proposal to revoke the classification as community land of Allotment 10 contained in Filed Plan 257096 Certificate of Title Volume 6261 Folio 496 and Allotment comprising pieces 1 and 2 in Filed Plan 257220 Certificate of Title Volume 6261 Folio 497.

If the Council wishes to proceed with the revocation it will need to pass a motion to revoke the community land classification pursuant to section 194(3)(b) of the *Local Government Act 1999*.

Thank you again for the Council's correspondence and I trust this information is of assistance.

Yours sincerely

Hon Geoff Brock MP  
**MINISTER FOR LOCAL GOVERNMENT**

*9/1* / 2023

**ADELAIDE HILLS COUNCIL  
ORDINARY COUNCIL MEETING  
Tuesday 25 July 2023  
AGENDA BUSINESS ITEM**

**Item:** 12.3

**Responsible Officer:** Greg Georgopoulos  
Chief Executive Officer  
Office of the Chief Executive

**Subject:** Approval to Act

**For:** Decision

---

**SUMMARY**

Section 120 of the *Local Government Act 1999* (the “Act”) sets out the provisions for the Chief Executive Officer and employees regarding the declaration and management of conflicts of interest in the conduct of their official duties.

In accordance with the provisions of s120, the newly appointed CEO, Mr Greg Georgopoulos is required to make the necessary declarations and seek approval from the Council to continue to act in relation to matters for which there are an interest.

The matters to be declared under s120 at this time relate to the development and approval of human resource policies for the employees of the organisations which will also have application to the CEO. The purpose of this report is to provide the appropriate declaration of interest to Council and to seek approval to continue to act in the course of official duties in relation to the declared matters.

**RECOMMENDATION**

**Council resolves**

1. That the report be received and noted.
  2. To acknowledge the disclosure of interests contained in this report and to authorise the Chief Executive Officer (designate), Mr Greg Georgopoulos, to act in the course of his official duties in relation to the following matters/entities:
    - a. Preparation and endorsement of the Council’s suite of Human Resource Policies including the Employee Behavioural Standards.
-

## 1. BACKGROUND

Council at its meeting held on the 13<sup>th</sup> June adopted its delegations under the Act. Within those delegations it included the provision for the CEO to consider whether it should adopt employee behavioural Standards and the preparation and adoption of those.

Under Sections 103 and 104 of the Act, the CEO is responsible for appointing, managing, suspending and dismissing employees of the Council. Subject to any relevant Act, award or industrial agreement, the remuneration and other conditions of service of such employees will be as determined by the CEO. The CEO also has statutory responsibilities to ensure safe and healthy working conditions and to protect employees from sexual harassment and unlawful discrimination (s.107).

To achieve compliance with the abovementioned sections of the Act, it is a requirement of the CEO to ensure that sound principles of human resource management are applied to employment in the administration of the Council. One mechanism to achieve this is to establish a suite of human resource policies that all employees are to adhere to.

Council has delegated the power to the Chief Executive Officer (CEO) to consider whether it should adopt employee behavioural standards (Section 120A(6)(b)) and in addition to prepare and adopt an employee behavioural standard policy pursuant to Section 120A(1) of the Local Government Act 1999 (the Act) . As this policy will also apply to the CEO, there is a conflict of interest matter that needs to be declared and managed in accordance with Section 120(1) of the Act .

As each human resource policy that is endorsed by the CEO will also apply to his / her position it is incumbent upon every public officer to identify, disclose and properly manage conflicts of interest.

## 2. ANALYSIS

### ➤ Strategic Management Plan/Functional Strategy/Council Policy Alignment

*Strategic Plan 2020-24 – A brighter future*

Goal 5 A Progressive Organisation

Objective O1 We have the right people with the right knowledge and skills in the right jobs and they are supported and developed.

Priority O1.4 Continue to support all staff through training, mentoring, coaching and development to enable the achievement of organisational and community goals.

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.

➤ **Legal Implications**

CEO Conflicts of Interest - By disclosing the conflict of interest to Council during a Council meeting, the CEO is meeting his obligations and can continue to act in the matter subject to Council approval.

Section 120 of the Act deals with the matter of conflict of interest in relation to Council Officers. Subsection (1) refers to the Chief executive Officers and provides the following:

**120—Conflict of interest**

- (1) The chief executive officer of a council who has an interest in a matter in relation to which he or she is required or authorised to act in the course of official duties—
  - (a) must disclose the interest to the council; and
  - (b) must not, unless the council otherwise determines during a council meeting that is open to the public, act in relation to the matter.

Subsection (5) sets out the terms of an interest for the purposes of the Act, as follows:

- (5) An employee has an interest in a matter if the employee, or a person with whom the employee is closely associated, would, if the employee acted in a particular manner in relation to the matter, receive or have a reasonable expectation of receiving a direct or indirect pecuniary benefit or a non-pecuniary benefit or suffer or have a reasonable expectation of suffering a direct or indirect pecuniary detriment or a non-pecuniary detriment.

Subsection (6) defines a person closely associated, as follows:

- (6) A person is closely associated with an employee of a council—
  - (a) if that person is a body corporate of which the employee is a director or a member of the governing body; or
  - (b) if that person is a proprietary company in which the employee is a shareholder; or
  - (ba) a family company of the employee (within the meaning of Schedule 3); or
  - (bb) a family trust of the employee (within the meaning of Schedule 3); or
  - (c) if that person is a beneficiary under a trust or an object of a discretionary trust of which the employee is a trustee; or
  - (d) if that person is a partner of the employee; or
  - (e) if that person is the employer or an employee of the employee; or
  - (f) if that person is a person with whom the employee has entered into, is seeking to enter into, or is otherwise involved in a negotiation or tendering process in connection with entering into, an agreement for the provision of professional or other services for which the employee would be entitled to receive a fee, commission or other reward; or
  - (g) if that person is a relative of the employee.



➤ **Risk Management Implications**

To ensure that conflicts of interest are disclosed and managed appropriately.

*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 (3E)	Low (3E)

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

➤ **Financial and Resource Implications**

Costs and resourcing associated with Council policies is within People and Culture Department budget and establishment.

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

The community would have a strong expectation that conflicts of interest in either Council Members or Officers are appropriately disclosed and managed.

➤ **Sustainability Implications**

Not applicable.

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

Nil

➤ **Additional Analysis**

The Acting CEO (designate) has provided the following information in relation to his interests:

- Nil at this stage.

**3. OPTIONS**

Council has the following options:

- To acknowledge and approve the CEO's conflict of interest in relation to the preparation and endorsement of employee related human resource management policies – RECOMMENDED.
- To rescind the delegation to the CEO to consider and prepare and adopt employee behavioural standards – NOT RECOMMENDED

**4. APPENDIX**

Nil

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## **Item 17 Minutes of Committees**

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**ADELAIDE HILLS COUNCIL  
CEO PERFORMANCE REVIEW PANEL COMMITTEE  
MINUTES OF MEETING  
THURSDAY 6 JULY 2023  
63 MT BARKER ROAD STIRLING**

---

In Attendance

**Presiding Member:** Cr Chris Grant

**Members:**

Ms Janet Miller	Independent Member
Cr Kirsty Parkin	

In Attendance:

David Waters	Chief Executive Officer
Lachlan Miller	Executive Manager Governance & Performance

**1. COMMENCEMENT**

The meeting commenced at 6.00pm.

**1.1. Acknowledgement of Country**

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.

**2. APOLOGIES/LEAVE OF ABSENCE**

**2.1 Apology**

Mayor Jan-Claire Wisdom  
Cr Nathan Daniell

**2.2 Leave of Absence**

Nil

**2.3 Absent**

Nil

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Presiding Member \_\_\_\_\_ 27 July 2023

**ADELAIDE HILLS COUNCIL  
CEO PERFORMANCE REVIEW PANEL COMMITTEE  
MINUTES OF MEETING  
THURSDAY 6 JULY 2023  
63 MT BARKER ROAD STIRLING**

---

**3. MINUTES OF PREVIOUS MEETINGS**

**3.1 CEO Performance Review Panel Meeting – 23 March 2023**

Moved Independent Member Janet Miller  
S/- Cr Chris Grant

PRP4/23

That the minutes of the CEO Performance Review Panel meeting held on 23 March 2023 as distributed, be confirmed as an accurate record of the proceedings of that meeting.

<b>Carried</b>
----------------

**4. PRESIDING MEMBER'S OPENING COMMENTS**

**5. DELEGATION OF AUTHORITY**

The CEO Performance Review Panel operates in accordance with the relevant sections of the *Local Government Act 1999*, and its Terms of Reference.

**6. DECLARATION OF CONFLICT OF INTEREST BY MEMBERS OF THE COMMITTEE**

Nil

**7. OFFICER REPORTS – DECISION ITEMS**

**7.1 Quarterly Performance Report**

Moved Cr Kirsty Parkin  
S/- Independent Member Janet Miller

PRP5/23

The CEO Performance Review Panel resolves:

1. That the report be received and noted.
2. To recommend to Council that the Acting CEO has achieved the following status in relation to the 2022-23 CEO Performance Targets:

Target 1: Fabrik Redevelopment – Project on track, performance target achieved.

Target 2: User Pays Bin Collection Study – Completed, with additional steps taken to progress alternative waste collection options.

Target 3: Savings Strategies – On track and subject to verification in the end of year financial reporting.

Target 4: Gumeracha Library Upgrade – Achieved.

**ADELAIDE HILLS COUNCIL  
CEO PERFORMANCE REVIEW PANEL COMMITTEE  
MINUTES OF MEETING  
THURSDAY 6 JULY 2023  
63 MT BARKER ROAD STIRLING**

---

**Target 5: New Dog & Cat Facility – Achieved, with further steps taken to explore the broader challenges of longer term animal impounding.**

**Target 6: Central Irrigation Facility – Achieved.**

**Target 7: Unformed Public Roads Review – On track for completion in July 2023, with presentation to Council Members to occur when workshop schedule allows.**

<b>Carried Unanimously</b>
----------------------------

## **7.2 Substantive CEO Employment**

**Moved Cr Kirsty Parkin**

**S/- Independent Member Janet Miller**

**PRP6/23**

**The CEO Performance Review Panel resolves:**

- 1. That the report be received and noted.**
- 2. To recommend to Council that the CEO Performance Review Panel has noted the Remuneration Tribunal of SA's '2023 Inaugural Review of Minimum and Maximum Remuneration for Local Government Chief Executive Officers' Report and Determination 4-2023 and does not recommend a TEC Package Review be undertaken at this time.**
- 3. To recommend to Council to approve the proposed CEO Probationary Period Performance Review Process as detailed in Item 7.2, CEO Performance Review Panel Agenda – 6 July 2023.**
- 4. To advise Council that the CEO Performance Review Panel intends to develop annual Key Performance Indicators in accordance with clause 17.4 of the CEO Employment Agreement.**
- 5. To recommend to Council that an appropriate budget is allocated to enable the engagement of an external consultant to assist the CEO Performance Review Panel with the development of Key Performance Indicators and the development and conduct of the Probation Review Survey as part of the CEO Probationary Period Performance Review Process.**

<b>Carried Unanimously</b>
----------------------------

**ADELAIDE HILLS COUNCIL  
CEO PERFORMANCE REVIEW PANEL COMMITTEE  
MINUTES OF MEETING  
THURSDAY 6 JULY 2023  
63 MT BARKER ROAD STIRLING**

---

**8. MOTIONS WITHOUT NOTICE**

Nil

**9. QUESTIONS WITHOUT NOTICE**

Nil

**10. CONFIDENTIAL ITEMS**

Nil

**11. NEXT MEETING**

The next ordinary meeting of the CEO Performance Review Panel will be held on Thursday 27 July 2023 from 6.00pm at 63 Mt Barker Road Stirling.

**12. CLOSE MEETING**

The meeting closed at 7.14pm.

**ADELAIDE HILLS COUNCIL  
MINUTES OF COUNCIL ASSESSMENT PANEL MEETING  
WEDNESDAY 12 JULY 2023  
63 MOUNT BARKER ROAD, STIRLING  
AND  
ZOOM VIRTUAL MEETING ROOM**

*[Please Note: These minutes are unconfirmed until 26 July 2023]*

---

**In Attendance**

**Presiding Member**

Geoff Parsons

**Members**

Ross Bateup

Paul Mickan

Myles Somers

Leith Mudge

**In Attendance**

Natalie Armstrong

James Booker

Doug Samardzija

Marie Molinaro

Nigel Scholz

Karen Savage

Director Development & Regulatory Services

Acting Manager Development Services

Acting Team Leader Statutory Planning

Acting Senior Statutory Planner

Project Co-ordinator Business Analyst, ICT

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. 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”.

**ADELAIDE HILLS COUNCIL  
MINUTES OF COUNCIL ASSESSMENT PANEL MEETING  
WEDNESDAY 12 JULY 2023  
63 MOUNT BARKER ROAD, STIRLING  
AND  
ZOOM VIRTUAL MEETING ROOM**

***[Please Note: These minutes are unconfirmed until 26 July 2023]***

**3. Apologies/Leave of Absence**

3.1 Apologies  
Nil

3.2 Leave of Absence  
Nil

**4. Previous Minutes**

4.1 Meeting held 14 June 2023

**The minutes were adopted by consensus of all members**

**(8)**

**That the minutes of the meeting held on 14 June 2023 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**

Leith Mudge advised that, in relation to Item 8.1, he has spent a number of years with the applicant, Ian Bailey, on Council and various Council Committees and they were both Councillors of the same ward until Ian Bailey's retirement in the 2022 Elections. Whilst he does not have a direct personal interest in this matter, he believes there may be a perceived conflict of interest and, as an Elected Member of the Council, he will not take place in the deliberation for this matter and will leave the room.

Leith Mudge further advised that, in relation to Item 8.2, as this is an application from a Council employee there could be a perceived conflict of interest. However, as he has not met the employee nor had any discussions on this matter, and there is no pecuniary interest, he will remain in the room for the deliberations and vote.



**ADELAIDE HILLS COUNCIL  
MINUTES OF COUNCIL ASSESSMENT PANEL MEETING  
WEDNESDAY 12 JULY 2023  
63 MOUNT BARKER ROAD, STIRLING  
AND  
ZOOM VIRTUAL MEETING ROOM**

***[Please Note: These minutes are unconfirmed until 26 July 2023]***

**7. Matters Lying on the Table/Matters Deferred**

7.1 Matters Lying on the Table  
Nil

7.2 Matters Deferred  
Nil

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

6:34pm Leith Mudge withdrew from the meeting due to his declared conflict of interest
---

**8.1 Development Application 23003710 by Ian Bailey for variation to Conditions 4 & 5 of Development Authorisation 473/958/02 to alter timing of vehicle movements and adjust hours of operation at 61 Sprigg Road, Crafers**

**8.1.1 Representations**  
N/A

The applicant, Ian Bailey, and his representative, Garth Heynen (Heynen Planning Consultants), were invited to answer questions from the Panel.

**8.1.2 Decision of Panel**

**The following was adopted by consensus of all members (9)**

**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 23003710 by Ian Bailey for variation to Conditions 4 & 5 of Development Authorisation 473/958/02 to alter timing of vehicle movements and adjust hours of operation at 61 Sprigg Road, Crafers is granted Development Approval subject to the following conditions:**

**ADELAIDE HILLS COUNCIL  
MINUTES OF COUNCIL ASSESSMENT PANEL MEETING  
WEDNESDAY 12 JULY 2023  
63 MOUNT BARKER ROAD, STIRLING  
AND  
ZOOM VIRTUAL MEETING ROOM**

*[Please Note: These minutes are unconfirmed until 26 July 2023]*

---

**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.
- 2) No vehicles associated with the commercial distribution of spring water shall:
  - a) Enter the subject land after 8:00pm or prior to 7:00am Monday to Friday; and/or
  - b) Exit the subject land prior to 5:00am Monday to Friday.
- 3) A maximum of five (5) vehicles per week associated with the commercial distribution of spring water shall exit the subject land between the hours of 5:00am and 7:00am excluding Saturday, Sunday & public holidays.
- 4) Before 7:00am vehicles associated with the commercial distribution of spring water shall only depart the land in a forward motion between the hours of 5:00am and 7:00am and only from the nominated truck departure location as shown on page 7 of the Noise Assessment Report by Echo, dated 23 May 2023.
- 5) With the exception of the following, the hours of operation of the business (including deliveries) shall be 7:00am to 6:00pm Monday to Friday during standard time (excluding public holidays) and 7:00am to 8:00pm Monday to Friday during daylight saving time (excluding public holidays):
  - a) Subject to conditions (3) and (4) imposed on this development authorisation, vehicles associated with the commercial distribution of spring water can exit the subject site from as early as 5:00am Monday to Friday; and
  - b) Vehicles associated with the commercial distribution of spring water can enter/return to the subject site up to 8:00pm Monday to Friday.
- 6) The packing and loading of any vehicle associated with the commercial distribution of spring water shall occur only between 7:00am and 6:00pm Monday to Friday (excluding public holidays) during standard time and between 7:00am and 8:00pm Monday to Friday (excluding public holidays) during daylight saving time.

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- 7) Except where varied by this authorisation, all other conditions, plans and details relating to Development Authorisation 473/958/02 continue to apply to this amended authorisation.

**ADVISORY NOTES**

**Planning Consent**

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.

6:53pm Leith Mudge returned to the meeting
--

- 8.2 **Development Application 23004929 by Dale Lloyd for dwelling additions (two storey) including deck and retaining walls at 15 Debneys Road, Norton Summit**

- 8.2.1 **Representations**  
Nil

- 8.2.2 **Decision of Panel**

**The following was adopted by consensus of all members** (10)

**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 23004929 by Dale Lloyd for dwelling additions (two storey) including deck and retaining walls at 15 Debneys Road, Norton Summit is granted Planning Consent subject to the following conditions:

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**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 (if any).
- 2) All roof run-off generated by the development hereby approved shall be directed to a rainwater tank with overflow directed to the creek. Scour protection is to be provided at the discharge point to prevent erosion to the satisfaction of Council within one month of the roof cladding being installed. All roof and hard surface runoff shall be managed to prevent trespass onto adjoining properties and into the effluent disposal area where an on-site waste control system exists.
- 3) External finishes shall be of materials and colours to match or complement those of the existing dwelling to the reasonable satisfaction of Council.
- 4) The balcony and upper level windows of the dwelling shall be fitted with fixed screening as shown on the northwest elevation of the NE & NW Elevations D08 dated March 2023 to a minimum height of 1.5 metres above the floor level. The screening shall be installed prior to occupation and be maintained in good condition at all times.

**Conditions imposed by South Australian Country Fire Service under Section 122 of the Act**

- 5) The 'Planning and Design Code' Hazards (Bushfire – High Risk) Overlay (Performance Outcome 3.2) details the mandatory requirements for extensions to buildings, outbuildings and other ancillary structures are sited and constructed using materials to minimise the threat of fire spread to residential and tourist accommodation (including boarding houses, hostels, dormitory style accommodation, student accommodation and workers' accommodation) in the event of bushfire:
  - Outbuildings and other ancillary structures shall be sited no closer than 6m from the habitable building, unless built to relevant building standards for associated structures in Bushfire Prone Area.

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**6) ACCESS TO HABITABLE BUILDING**

The 'Planning and Design Code' Hazards (Bushfire – High Risk) Overlay (Performance Outcome 6.2) details the mandatory requirements for 'Private' roads and driveways to facilitate safe and effective use, operation and evacuation for firefighting and emergency personnel and evacuation of residents, occupants and visitors where required. These requirements apply when the furthest point of the building is more than 60m from the nearest public road:

- A clear and unobstructed vehicle or pedestrian pathway shall be provided; no greater than 60 metres in length between the most distant part of the habitable building and the nearest part of the formed public access way.

**7) WATER SUPPLY & ACCESS (to dedicated water supply)**

Ministerial Building Standard MBS008 "Designated bushfire prone areas - additional requirements" 2020, as published under the Planning, Development and Infrastructure Act 2016, provides the technical details of the dedicated water supply for bushfire fighting for the bushfire zone. The dedicated bushfire fighting water supply shall also incorporate the installation of a pumping system, pipe work and fire-fighting hose(s) in accordance with MBS008.

Please note that where the water supply is an above-ground water tank, the tank (including any support structure) should be constructed of non-combustible material, such as concrete or metal.

The 'Planning and Design Code' Hazards (Bushfire – High Risk) Overlay (Performance Outcome 4.3) details the mandatory requirements for the site to provide a dedicated hardstand area in a location that allows fire fighting vehicles to safely access the dedicated water supply.

SA CFS has no objection to the proposed proposed locations for the dedicated water supply as detailed on drawing named PROPOSED SITE PLAN REV B dated at last revision APRIL 2023, where the dedicated water supply is split with pump and hose reels connected to the existing concrete tank and the fire authority outlet is connected to a minimum of 10,000 litres adjacent the access road, providing the outlet is positioned to comply with the following conditions:

- The water supply outlet shall be easily accessible and clearly identifiable from the access way and is no greater than 60m path of travel to the furthest point of the building, to enable fire services to reach all parts of

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the building with no more than two lengths of hose from the hardstand area.

- The dedicated water supply and its location should be identified with suitable signage (i.e., blue sign with white lettering "FIRE WATER").
  - Access to the dedicated water supply shall be of all-weather construction, with a minimum formed road surface width of 3 metres.
  - Provision shall be made adjacent the water supply for a nominally level hardstand area (capable of supporting fire-fighting vehicles with a gross vehicle mass (GVM) of 21 tonnes) that is a distance equal to or less than 6 metres from the water supply outlet.
  - SA CFS appliance's inlet is rear mounted, therefore the outlet/water storage shall be positioned so that the SA CFS appliance can easily connect to it rear facing.
  - A gravity fed water supply outlet may be remotely located from the above ground tank to provide adequate access.
  - All non-metal water supply pipes for bushfire fighting purposes (other than flexible connections and hoses for fire-fighting) shall be buried below ground to a minimum depth of 300mm with no non-metal parts above ground level.
  - All water supply pipes for draughting purposes shall be capable of withstanding the required pressure for draughting.
  - The minimum water supply required may be combined with domestic use, providing the outlet for domestic use is located above the dedicated fire water supply (in order for it to remain as a dedicated supply).
  - Where access to the habitable building is not required due to proximity to the public road, but the hardstand adjacent the outlet is located within the boundary of the allotment, the access to the outlet shall:
    1. Be connected to a formed, all-weather public road; and
    2. Have a gradient of not more than 16 degrees (1 in 3.5) at any point; and
    3. provide overhead clearance of not less than 4.0m horizontally and vertically between the driveway surface and overhanging branches or other obstructions, including building and/or structures.
- 8) MAINTAIN AN ASSET PROTECTION ZONE (APZ) - VEGETATION MANAGEMENT**  
The 'Planning and Design Code' Hazards (Bushfire – High Risk) Overlay (Performance Outcome 4.2) details the mandatory requirements to establish and maintain an asset protection zone. As such, landscaping shall include bushfire protection features that will prevent or inhibit the spread of bushfires and minimise the risk to life and/or damage to buildings and property and maintain a fuel reduced zone for safe movement of occupants and fire fighters.

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An APZ shall be implemented and maintained in line with the vegetation management conditions below:

- Vegetation management shall be established and maintained within 20 metres of the habitable building (or to the property boundaries – whichever comes first) as follows:
  1. The number of trees and understorey plants existing and to be established within the APZ shall be reduced and maintained such that when considered overall a maximum coverage of 30% is attained, and so that the leaf area of shrubs is not continuous. Careful selection of the vegetation will permit the 'clumping' of shrubs where desirable, for diversity, and privacy and yet achieve the 'overall maximum coverage of 30%'.
  2. Reduction of vegetation shall be in accordance with SA Native Vegetation Act 1991 and SA Native Vegetation Regulations 2017.
  3. Trees and shrubs shall not be planted closer to the building(s) than the distance equivalent to their mature height.
  4. Trees and shrubs must not overhang the roofline of the building, touch walls, windows or other elements of the building.
  5. Shrubs must not be planted under trees and must be separated by at least 1.5 times their mature height from the trees' lowest branches.
  6. Grasses within the zone shall be reduced to a maximum height of 10cm during the Fire Danger Season.
  7. No understorey vegetation shall be established within 2 metres of the habitable building (understorey is defined as plants and bushes up to 2 metres in height).
  8. Flammable objects such as plants, mulches and fences must not be located adjacent to vulnerable parts of the building such as windows, decks and eaves.
  9. The APZ shall be maintained to be free of accumulated dead vegetation.

#### ADVISORY NOTES

##### Planning Consent

- 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.

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- 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.
- 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) Should infrastructure be required on the Council verge (i.e., retaining walls) a Section 221 application will need to be submitted.

Advisory Notes imposed by South Australian Country Fire Service under Section 122 of the Act

**6) BUILDING CONSIDERATIONS**

Ministerial Building Standard MBS008 “Designated bushfire prone areas - additional requirements” 2020, as published under the Planning, Development and Infrastructure Act 2016 applies to this site.

Please refer to the National Construction Code (NCC), relevant standards and state provisions for construction requirements and performance provisions.

A site Bushfire Attack Level (BAL) assessment was conducted in accordance with the NCC and Australian Standard™3959 (AS3959) “Construction of Buildings in Bushfire Prone Areas”.

**Category of Bushfire Attack Level: BAL 29**

This BAL rating is conditional upon the establishment and maintenance of a 20 metre Asset Protection Zone, in accordance with the Asset Protection Zone – Vegetation Management condition of consent placed on the planning consent with the same application reference.



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This result is considered relevant at the date of assessment with respect to the details on PROPOSED SITE PLAN REV B, dated APRIL 2023 and shall not be considered as SA CFS endorsement of any subsequent development.

- 9. Development Assessment Applications – Development Act**  
Nil
- 10. Development Assessment Applications – Review of Decisions of Assessment Manager**  
Nil
- 11. ERD Court Appeals**  
An update and summary of the Supreme Court’s decision on a proposed Land Division in Crafers was provided to the Panel.
- 12. Policy Issues for Advice to Council**  
There was further discussion on potential future implications of the Supreme Court decision. Council staff are progressing discussions with PLUS (Planning and Land Use Services) to initiate a Code Amendment proposal to address the provisions of the Adelaide Hills Subzone.
- 13. Other Business**  
An update on the Mount Lofty Golf Resort Development Application was provided to the Panel. It is currently out on public notification and has been referred to Council to provide comment. A report will be provided to Council at its meeting on 8 August 2023, and presented as an information item to CAP at the meeting on 9 August 2023.
- 14. Order for Exclusion of the Public from the Meeting to debate Confidential Matters**  
Nil
- 15. Confidential Item**  
Nil

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- 16. Next Meeting**  
The next ordinary Council Assessment Panel meeting will be held on Wednesday 9 August 2023, with a Special meeting to be held on Wednesday 26 July 2023.
- 17. Close meeting**  
The meeting closed at 7.18pm.