

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

In Attendance

Presiding Member: Mayor Jan-Claire Wisdom

Members:

Councillor Kirrilee Boyd
Councillor Adrian Cheater
Councillor Pauline Gill
Councillor Chris Grant
Councillor Malcolm Herrmann
Councillor Lucy Huxter
Councillor Leith Mudge
Councillor Mark Osterstock
Councillor Kirsty Parkin
Councillor Melanie Selwood

In Attendance:

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

1. COMMENCEMENT

The meeting commenced at 6.30pm.

2. OPENING STATEMENT

Council acknowledges that we meet on the traditional lands and waters of the Peramangk and Kurna people. They are Custodians of this ancient and beautiful land and so we pay our respects to Elders past, present and emerging. We will care for this country together by ensuring the decisions we make will be guided by the principle that we should never decrease our children's ability to live on this land.

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3. Apology

Cr Louise Pascale
Cr Nathan Daniell

3.1 Leave of Absence

Nil

3.2 Absent

Nil

4. MINUTES OF PREVIOUS MEETINGS**4.1 Council Meeting – 28 February 2023**

Moved Cr Chris Grant
S/- Cr Leith Mudge

50/23

That the minutes of the Ordinary Council meeting held on 28 February 2023 as supplied, be confirmed as an accurate record of the proceedings of that meeting.

Carried Unanimously

5. DECLARATION OF CONFLICT OF INTEREST BY MEMBERS OF COUNCIL**5.1 Material Conflict of Interest, Cr Malcolm Herrmann - Item 12.1 CWMS Asset Management Plan**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

6. PRESIDING MEMBER'S OPENING REMARKS

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

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

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

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7. QUESTIONS ADJOURNED/LYING ON THE TABLE

7.1 Questions Adjourned

Nil

7.2 Questions Lying on the Table

Nil

8. PETITIONS/DEPUTATIONS/PUBLIC FORUM

8.1 Petitions

Nil

8.2 Deputations

8.2.1 Douglas Gillott – Road Closures

8.2.2 Oliver Ciaravolo – Tree Safety & Bins

8.3 Public Forum

Nil

9. PRESENTATIONS

Nil

10. QUESTIONS ON NOTICE

Nil

11. MOTIONS ON NOTICE

Nil

12. OFFICER REPORTS – DECISION ITEMS

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

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

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12.1 CWMS Asset Management Plan

Moved Cr Leith Mudge
S/- Cr Pauline Gill

51/23

Council resolves:

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

Carried Unanimously

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

12.2 Heritage Agreements

Moved Cr Malcolm Herrmann
S/- Cr Chris Grant

52/23

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

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

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

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

Carried Unanimously

12.3 Nomination to Dog & Cat Management Board

Moved Cr Mark Osterstock

S/- Cr Pauline Gill

53/23

Council resolves:

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

Carried Unanimously

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7.26pm The Council meeting adjourned

7.27pm The Council meeting resumed

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

7.28pm Cr Mark Osterstock left the Chamber.

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

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

12.3.1 Nomination to Dog & Cat Management Board

Moved Cr Chris Grant

S/- Cr Lucy Huxter

54/23

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

Carried

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

7.29pm Cr Mark Osterstock returned to the Chamber.

12.4 Confidential Items Review

Moved Cr Leith Mudge

S/- Cr Pauline Gill

55/23

DECISION 1

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

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

3. Pursuant to Section 91(7) of the *Local Government Act 1999*, Council orders that the following document(s) (or part) shall be kept confidential, being document(s) (or part) relating to a matter dealt with by the Council on a confidential basis under Sections 90(2) and 90(3)(a), (h), and (i) of the Act:

- The Report of 26 April 2022, Item No. 11.1, Property Lobethal Road, Lenswood, 87/22 remain confidential until 14 March 2024 and that this order be reviewed every twelve (12) months.

On the grounds that the document(s) (or part) relates to information to be received, discussed or considered in relation to this Agenda Item is information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of a person; and information to be received, discussed or considered in relation to this Agenda Item is information the disclosure of which would waive privilege to legal advice received by the Council; and information to be received, discussed or considered in relation to this Agenda Item is information relating to actual litigation, or litigation that the council believes on reasonable grounds will take place, involving the council.

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

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

5. Pursuant to Section 91(7) of the *Local Government Act 1999*, Council orders that the following document(s) (or part) shall be kept confidential, being document(s) (or part) relating to a matter dealt with by the Council on a confidential basis under Sections 90(2) and 90(3)(d) of the Act:

- The Report of 25 May 2021, Item No. 18.1.1, Multi Year Road Rally Proposal, 105/21 remain confidential until 14 March 2024 and that this order be reviewed every twelve (12) months.

On the grounds that the document(s) (or part) relates to commercial information of a confidential nature (not being a trade secret) the disclosure of which— (i) could reasonably be expected to prejudice the commercial position of the person who supplied the information, or to confer a commercial advantage on a third party; and (ii) would, on balance, be contrary to the public interest.

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

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DECISION 4 – Resolution 20/21 – CWMS Review

7. Pursuant to Section 91(7) of the Local Government Act 1999, Council orders that the following document(s) (or part) shall be kept confidential, being document(s) (or part) relating to a matter dealt with by the Council on a confidential basis under Sections 90(2) and 90(3)(d) of the Act:

- The Report of 27 January 2021, Item No. 18.2, CWMS Review, 20/21 remain confidential until 14 March 2024 and that this order be reviewed every twelve (12) months.

On the grounds that the document(s) (or part) relates to commercial information of a confidential nature (not being a trade secret) the disclosure of which— (i) could reasonably be expected to prejudice the commercial position of the person who supplied the information, or to confer a commercial advantage on a third party; and (ii) would, on balance, be contrary to the public interest.

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

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

9. Pursuant to Section 91(7) of the Local Government Act 1999, Council orders that the following document(s) (or part) shall be kept confidential, being document(s) (or part) relating to a matter dealt with by the Council on a confidential basis under Sections 90(2) and 90(3)(b) of the Act:

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

On the grounds that the document(s) (or part) relates to information the disclosure of which could reasonably be expected to confer a commercial advantage on a person with whom the council is conducting, or proposing to conduct, business, or to prejudice the commercial position of the council and would, on balance, be contrary to the public interest.

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

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DECISION 6 - Resolution No 85/14 – AHRWMA

11. Pursuant to Section 91(7) of the Local Government Act 1999, Council orders that the following document(s) (or part) shall be kept confidential, being document(s) (or part) relating to a matter dealt with by the Council on a confidential basis under Sections 90(2) and 90(3)(i) of the Act:

- The Report of 22 April 2014, Item No. 18.2.1, AHRWMA, 85/14 remain confidential until the matter is determined and that this order be reviewed every twelve (12) months.

On the grounds that the document(s) (or part) relates to information relating to actual litigation, or litigation that the council or council committee believes on reasonable grounds will take place, involving the council or an employee of the council

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

Carried Unanimously

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

12.5 Advisory Groups

Moved Cr Mark Osterstock
S/- Cr Kirrilee Boyd

56/23

Council resolves:

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

Carried

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12.6 Status Report – Council Resolutions Update

Moved Cr Malcolm Herrmann
S/- Cr Leith Mudge

57/23

Council resolves:

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

Meeting Date	Meeting	Res No.	Item Name	Previously Declared COI
26/04/2022	Ordinary Council	93/22	Options for Randell's Workmen's Cottages Gumeracha	Nil
20/12/2022	Ordinary Council	309/22	Appointment of External Auditor	Nil
20/12/2022	Ordinary Council	310/22	Appointment of External Auditor - Duration of Confidentiality	Nil
14/02/2023	Ordinary Council	27/23	Uniting Church request to transfer ownership of Woodside & Inverbrackie Cemeteries	Nil
14/02/2023	Ordinary Council	31/23	Audit Committee Independent Member Recruitment	Nil
28/02/2023	Ordinary Council	42/23	Budget Review 2	Nil
28/02/2023	Ordinary Council	44/23	Economic Development Plan Mid Term Review	Nil

Carried Unanimously

13. OFFICER REPORTS - INFORMATION ITEMS

Nil

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14. QUESTIONS WITHOUT NOTICE

Cr Mark Osterstock – pruning of tree limbs

15. MOTIONS WITHOUT NOTICE

Nil

16. REPORTS**16.1 Council Member Function or Activity on the Business of Council****Cr Melanie Selwood**

- 10 March, International Women’s Day Breakfast

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

Nil

16.3 CEO Report

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

- Meeting with Member for Bragg, Jack Batty

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

Nil

17.2 Audit Committee

Nil

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

Moved Cr Malcolm Herrmann

S/- Cr Melanie Selwood

58/23

Council resolves:

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

Carried Unanimously

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17.3 CEO Performance Review Panel

Nil

17.4 Boundary Change Committee

Nil

18. CONFIDENTIAL ITEMS

Nil

19. NEXT ORDINARY MEETING

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

20. CLOSE MEETING

The meeting closed at 7.56pm.