

**ADELAIDE HILLS COUNCIL
MINUTES OF ORDINARY COUNCIL MEETING
WEDNESDAY 26 APRIL 2023
63 MT BARKER ROAD STIRLING**

In Attendance

Presiding Member: Mayor Jan-Claire Wisdom

Members:

Councillor Adrian Cheater
Councillor Nathan Daniell (7.14pm)
Councillor Chris Grant
Councillor Malcolm Herrmann
Councillor Lucy Huxter
Councillor Leith Mudge
Councillor Mark Osterstock
Councillor Louise Pascale
Councillor Melanie Selwood

In Attendance:

David Waters	Chief Executive Officer
Peter Bice	Director Infrastructure & Operations
Natalie Armstrong	Director Development & Regulatory Services
Rebecca Shepherd	A/Director Community Capacity
Lachlan Miller	Executive Manager Governance & Performance
Mike Carey	Manager Financial Services
Kira-marie Laverty	Corporate Planning & Performance Coordinator
Pam Williams	Minute Secretary

1. COMMENCEMENT

The meeting commenced at 6.31pm.

2. OPENING STATEMENT

Council acknowledges that we meet on the traditional lands and waters of the Peramangk and 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 Pauline Gill
Cr Kirrilee Boyd
Cr Kirsty Parkin

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3.1 Leave of Absence

- Mayor Jan-Claire Wisdom 14 August – 24 September 2023, approved by Council 11 April 2023

**Moved Cr Mark Osterstock
S/- Cr Chris Grant**

88/23

- 1 That a Leave of Absence from all duties of office be granted to Cr Leith Mudge from 17 June to 25 June 2023.**
- 2 That a Leave of Absence from all duties of office be granted to Cr Kirrilee Boyd from 26 April to 2 May 2023.**
- 3 That a Leave of Absence from all duties of office be granted to Cr Pauline Gill from 6 May to 28 May 2023.**
- 4 That any committee or panel membership currently held by Cr Leith Mudge, Cr Kirrilee Boyd and Cr Pauline Gill be undertaken by the Deputy during the leave of absence.**

Carried Unanimously

3.2 Absent

Nil

4. MINUTES OF PREVIOUS MEETINGS

4.1 Council Meeting – 11 April 2023

**Moved Cr Lucy Huxter
S/- Cr Malcolm Herrmann**

89/23

That the minutes of the Ordinary Council meeting held on 11 April 2023 as supplied, be confirmed as an accurate record of the proceedings of that meeting.

Carried Unanimously

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5. DECLARATION OF CONFLICT OF INTEREST BY MEMBERS OF COUNCIL

5.1 General Conflict of Interest, Cr Louise Pascale - Item 11.1, MON Western Border Suburbs of Council

Under section 75B of the *Local Government Act 1999* Cr Louise Pascale disclosed a General (section 74) Conflict of Interest in Item 11.1, MON Western Border Suburbs of Council, the nature of which is as follows:

- Lives in the suburb of Woodforde

Cr Louise Pascale intends to remain in the Chamber and vote when this item is discussed.

5.2 General Conflict of Interest, Cr Melanie Selwood - Item 18.1, Amy Gillett Bikeway Stage 4 Agreement

Under section 75B of the *Local Government Act 1999* Cr Melanie Selwood disclosed a General (section 74) Conflict of Interest in Item 18.1, Amy Gillett Bikeway Stage 4 Agreement, the nature of which is as follows:

- Has signed a contract for a property that adjoins an existing section of the Amy Gillett Bikeway

Cr Melanie Selwood intends to remain in the Chamber and vote when this item is discussed.

6. PRESIDING MEMBER'S OPENING REMARKS

Mayor Jan-Claire Wisdom welcomed everyone to the Council Meeting. Mayor Wisdom commented on the outstanding attendance at the many ANZAC Day services held throughout the Adelaide Hills Council district. She also advised Council of the thank you letter, certificate and memento from Renmark Paringa Council to thank Council for the valuable staff assistance during the recent River Murray flooding.

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

Nil

8.3 Public Forum

Sarah Pollard, Hello Mt Torrens, undergrounding power in Townsend Street Mt Torrens

9. PRESENTATIONS

Nil

10. QUESTIONS ON NOTICE

10.1 Coronation of King Charles III

Cr Malcolm Herrmann - Can the Acting CEO identify ways in which the Council can celebrate the coronation of King Charles III on 6 May 2023?

Response

Staff have undertaken cursory research into what other Councils may be doing to mark the coronation. To date, no clear themes, patterns or ideas are emerging. It is likely to be a low-key event in Australia with no formal role played by Councils or Australian governments. Indeed, the formal aspects were more around the ascension and proclamations which occurred upon the death of Queen Elizabeth II.

The Administration has recently obtained an official portrait of the King to be displayed at formal ceremonial occasions such as citizenship ceremonies. It is proposed that this portrait be displayed at the Council Meeting on 9 May 2023 (just days following the coronation) and suggested that Council move an appropriate motion to recognise the coronation of the sovereign.

Any community groups proposing to hold events to mark the occasion will be supported in the usual manner by Council.

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11. MOTIONS ON NOTICE

11.1 Western Border Suburbs of Council

Moved Cr Louise Pascale
S/- Cr Mark Osterstock

91/23

I move that:

1. That the Adelaide Hills Council undertake a safety audit with footpath study for Heather Ave connecting Kintyre Road and Morialta Road, Woodforde, with the outcome informing future capital works budget proposals.
2. That the Adelaide Hills Council audit the suburb signage for Woodforde, Rostrevor and Teringie and the CEO report to Council costs and logistics for increasing signage along the western border of Adelaide Hills Council.
3. That Adelaide Hills Council invite Managing Director Damon Nagel from Kite Property to present to Council the planning and design of Hamilton Hill at a Councillors Workshop held at the Norton Summit Community Centre prior to the Regional Planning briefing Workshop.
4. That the Chief Executive Officer form an internal working group to explore opportunities to establish and support connections between the residents of the newly developed part (Hamilton Hill) and established part of Woodforde by July 2023 and report back to Council in a workshop on the outcome.

Carried Unanimously

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

12. OFFICER REPORTS – DECISION ITEMS

7.14pm Cr Nathan Daniell attended the meeting

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12.1 Long Term Financial Plan for Adoption

Moved Cr Leith Mudge
S/- Cr Chris Grant

92/23

Council resolves:

1. That the report be received and noted.
2. To adopt the 2023-24 Long Term Financial Plan, as contained in Appendix 1 to this report, in accordance with *Section 122 of the Local Government Act 1999*.
3. That the CEO be authorised to make any formatting, nomenclature or other minor changes to the Plan prior to being published.

Carried Unanimously

12.2 PLEC and Main Street Projects

Moved Cr Malcolm Herrmann
S/- Cr Melanie Selwood

93/23

Council resolves that:

1. The report be received and noted.
2. Strategic Prioritisation criteria for Main Street upgrades and activation to support placemaking outcomes be workshopped with Council Members to guide implementation priorities moving forward.
3. Council staff submit an application for undergrounding of power lines for Lobethal Stage 3 for construction following 2024-25, as well as requesting Mount Torrens and Woodside Stages to be considered for future rounds.
4. The refurbishment of the southern side of Aldgate Main Street and the roundabout at the intersection of Mount Barker Road and Strathalbyn Road, be undertaken in 2023-24 in a style consistent with paving and landscaping on the northern side, with funding obtained from Local Roads and Community Infrastructure Program Phase 4 supplemented by operational budgets where appropriate.

Carried Unanimously

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12.3 Development of a Behavioural Support Policy

Moved Cr Mark Osterstock
S/- Cr Leith Mudge

94/23

Council resolves:

1. That the report be received and noted.
2. To determine not to develop a Behavioural Support Policy at this point in time.
3. To request the Chief Executive Officer to prepare a report on the operation of the Behavioural Management Framework, specifically as it relates to the Adelaide Hills Council, for its April 2024 meeting.
4. That the Chief Executive Officer (or another person delegated by them) may make public comment and/or statements to the media on behalf of the Council relating to the policy of Council, its position on particular issues, and operational matters.

Carried Unanimously

12.4 Status Report – Council Resolutions Update

Moved Cr Chris Grant
S/- Cr Adrian Cheater

95/23

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
14/02/2023	Ordinary Council	35/23	MWN Amy Gillett Bikeway completion Mt Torrens to Birdwood	Nil
28/02/2023	Ordinary Council	43/23	Draft 2023-24 LTFP for consultation	Nil
14/03/2023	Ordinary Council	56/23	Advisory Groups	Nil

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14/03/2023	Ordinary Council	58/23	Audit Committee Recommendations to Council	Nil
28/03/2023	Ordinary Council	71/23	Congratulations - Lobethal Cricket Club	Nil
28/03/2023	Ordinary Council	62/23	Petition - Flooding Junction Road Balhannah	Nil
11/04/2023	Ordinary Council	75/23	Sealed footpath Tolmer Road to Gale Street Woodside	Nil
11/04/2023	Ordinary Council	83/23	CEOPRP - Recommendations to Council 23 March 2023	Nil
11/04/2023	Ordinary Council	85/23	Audit Committee Independent Member Appointment - Confidential	Nil
11/04/2023	Ordinary Council	87/23	Audit Committee Independent Member Appointment - Duration of Confidentiality	Nil

Carried Unanimously

13. OFFICER REPORTS - INFORMATION ITEMS

13.1 Service Review Biannual Report – Civil Services

Moved Cr Malcolm Herrmann
S/- Cr Leith Mudge

96/23

Council resolves that the report be received and noted.

Carried Unanimously

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14. QUESTIONS WITHOUT NOTICE

Cr Louise Pascale – replacement trees

15. MOTIONS WITHOUT NOTICE

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

15.1 Condolence Motion for Antonio Loiacono

Moved Cr Malcolm Herrmann
S/- Cr Melanie Selwood

97/23

That

1. Council expresses its sincere condolences to the family of the late Antonio Loiacono.
2. Acknowledges the support for the family from members of the Birdwood Football and Netball Club and the Gumeracha Football Club.

Carried Unanimously

15.2 Coronation of King Charles III

Moved Cr Malcolm Herrmann
S/- Cr Leith Mudge

98/23

That, from existing tree planting resources and with support from local community groups, the A/CEO arranges for the planting of a suitable native tree in Federation Park Gumeracha to commemorate the coronation of King Charles III.

Carried

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16. REPORTS

16.1 Council Member Function or Activity on the Business of Council

Mayor Jan-Claire Wisdom

- 28 March, meeting with Ashton Hurn Member for Schubert, Stirling
- 30 March, filming for Volunteer Week video, Stirling
- 31 March, meeting with Minister Koutsantonis, Adelaide
- 04 April, meeting with Josh Teague Member for Heysen, Stirling
- 13 April, meeting Senator Andrew McLachlan, Stirling
- 13 April, meeting CEO selection panel, Stirling
- 19 April, CEO candidate interviews, Adelaide
- 21 April, LGA meeting procedures workshop, Adelaide
- 22 April, opening of art exhibition, Lenswood
- 24 April, meeting with Jeff Tate re SHLGA strategic plan via Teams
- 25 April, ANZAC Day ceremony, Stirling
- 25 April, ANZAC Day ceremony, Forest Range
- 26 April, CEO candidate interviews, Adelaide

Cr Louise Pascale

- 16 April, Teringie residents street corner meeting with Hon John Gardner, Member for Morialta

Cr Melanie Selwood

- 25 April, Lobethal ANZAC Dawn Service
- 25 April, Forest Range/Lenswood ANZAC Ceremony

Cr Leith Mudge

- 15 April, Street corner meeting with John Gardner MP, Teringie
- 24 April, ANZAC Service, Upper Sturt Soldiers Memorial Hall, Upper Sturt
- 25 April, ANZAC Day Dawn Service, Mylor War Memorial, Mylor

Cr Malcolm Herrmann

- 25 April, ANZAC Day Services, Gumeracha and Birdwood

Cr Adrian Cheater

- 20 – 21 April, Premiers Climate Change Conference

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

Cr Leith Mudge

- 14 April, LGA Ordinary General Meeting, Adelaide Convention Centre, Adelaide

16.3 CEO Report

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

- Future of Stirling Private Hospital
- CPI figures
- Yabby trap bans from 1 July 2023

17. REPORTS OF COMMITTEES

17.1 Council Assessment Panel – 12 April 2023

Moved Cr Leith Mudge

S/- Cr Adrian Cheater

99/23

That the minutes of the Council Assessment Panel meeting held on 12 April 2023 as distributed, be received and noted.

Carried Unanimously

17.2 Audit Committee – 17 April 2023

Moved Cr Melanie Selwood

S/- Cr Malcolm Herrmann

100/23

That the minutes of the Audit Committee meeting held on 17 April 2023 as distributed, be received and noted.

Carried Unanimously

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17.2.1 Audit Committee Recommendations to Council from 17 April 2023 meeting

Moved Cr Malcolm Herrmann

S/- Cr Melanie Selwood

101/23

Council resolves:

1. That the report be received and noted.
2. In relation to Appendix 1 of this report:
 - a. To approve the *2022-23 External Audit Plan* by BDO Audit Pty Ltd.
 - b. To note the *2022-23 Financial Statement Audit – Engagement Letter* and the *2022-23 Internal Financial Control Audit – Engagement*.
3. In relation to Appendix 2 of this report, to receive and note the Q3 2022-23 Quarterly Council Performance Report.

Carried Unanimously

17.3 CEO Performance Review Panel

Nil

17.4 Boundary Change Committee

Nil

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18. CONFIDENTIAL ITEMS

18.1 Amy Gillett Bikeway – Stage 4 Agreement – Exclusion of the Public

Moved Cr Chris Grant

S/- Cr Leith Mudge

102/23

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

- Acting Chief Executive Officer, David Waters
- Acting Director Community Capacity, Rebecca Shepherd
- Director Development & Regulatory Services, Natalie Armstrong
- Director Infrastructure & Operations, Peter Bice
- Executive Manager Governance & Performance, Lachlan Miller
- Project Coordinator Business Analyst, Nigel Scholz
- ICT Support Officer, Mike O'Donnell
- Minute Secretary, Pam Williams

be excluded from attendance at the meeting for Agenda Item 18.1: (Amy Gillett Bikeway - Stage 4 Agreement) in confidence.

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

- (j) Section 90(3)(j) of the *Local Government Act 1999*, the information to be received, discussed, or considered in relation to this Agenda Item is information the disclosure of which –
- (i) would divulge information provided on a confidential basis by or to a Minister of the Crown, or another public authority or official (not being an employee of the council, or a person engaged by the council); and
 - (ii) would, on balance, be contrary to the public interest.

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

Carried Unanimously

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Released 26 August 2024

18.1.1 Amy Gillett Bikeway – Stage 4 Agreement – Confidential Item

8.52pm Cr Pascale left the Chamber

Moved Cr Malcolm Herrmann

S/- Cr Mark Osterstock

103/23

Council resolves:

- 1. That the report be received and noted.**
- 2. To commit to provide up to \$500,000, if necessary, toward the cost of Stage 4 of the Amy Gillett Bikeway (Mt Torrens to Birdwood), on the proviso that the Council's contribution is spread over a number of years, preferably not less than 4, via an arrangement with the State Government, on an interest free basis.**
- 3. To note that Stage 4 of the Bikeway may be constructed to an unsealed (compacted road base/rubble/gravel) standard, with the ability for the State Government to seal its asset (bitumen/asphalt) in the future.**
- 4. To authorise the Chief Executive Officer or his delegate to:**
 - a. finalise arrangements concerning the Council's financial contribution;**
 - b. negotiate aspects of the design and construction of the Bikeway;**
 - c. enter into a "Deed of Agreement" with the Federal Department of Infrastructure, Transport, Regional Development and Communications, on behalf of the Council, subject to the State Government committing to deliver the project;**
 - d. enter into any other agreements or contracts required to finalise the matter, at no additional cost to Council, now, or in the future.**
- 5. If required for the purpose of executing any agreement associated with this matter, to authorise the Mayor and Chief Executive Officer to affix the Council's common seal.**

Carried Unanimously

Cr Melanie Selwood voted "for" the motion. The majority of persons who were entitled to vote at the meeting voted in favour of the motion.

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18.1.2 Amy Gillett Bikeway – Stage 4 Agreement – Duration of Confidentiality

Moved Cr Nathan Daniell

S/- Cr Leith Mudge

104/23

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

Item	Duration of Confidentiality NB: Item to be reviewed every 12 months if not released
Report	Until execution of necessary funding deeds and a public announcement of the project by the State Government (whichever is the later), but no later than 26 April 2024.
Related Attachments	Nil
Minutes	Until execution of necessary funding deeds and a public announcement of the project by the State Government (whichever is the later), but no later than 26 April 2024.
Other (presentation, documents, or similar)	Nil

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

Carried Unanimously

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19. NEXT ORDINARY MEETING

The next ordinary meeting of the Adelaide Hills Council will be held on Tuesday 9 May 2023 from 6.30pm at 63 Mt Barker Road, Stirling.

20. CLOSE MEETING

The meeting closed at 8.55pm.