

**ADELAIDE HILLS COUNCIL
MINUTES OF ORDINARY COUNCIL MEETING
TUESDAY 8 AUGUST 2023
63 MT BARKER ROAD STIRLING**

In Attendance

Presiding Member: Mayor Jan-Claire Wisdom

Members:

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

In Attendance:

Greg Georgopoulos	Chief Executive Officer
Terry Crackett	Director Corporate Services
Peter Bice	Director Infrastructure & Operations
David Waters	Director Community Capacity
Matthew Ahern	A/Director Development & Regulatory Services
Lachlan Miller	Executive Manager Governance & Performance
Deryn Atkinson	Manager Development Services
Jen Blake	Manager Communications Engagement & Events
Melissa Grimes	Consultant - Governance
Pam Williams	Minute Secretary

1. COMMENCEMENT

The meeting commenced at 6.31pm with Cr Malcolm Herrmann out of the Chamber.

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.

**ADELAIDE HILLS COUNCIL
MINUTES OF ORDINARY COUNCIL MEETING
TUESDAY 8 AUGUST 2023
63 MT BARKER ROAD STIRLING**

3. Apology

Cr Kirrilee Boyd
Cr Pauline Gill

3.1 Leave of Absence

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

3.2 Absent

Nil

4. MINUTES OF PREVIOUS MEETINGS**4.1 Council Meeting – 25 July 2023**

**Moved Cr Chris Grant
S/- Cr Louise Pascale**

208/23

**That the minutes of the Ordinary Council meeting held on 25 July 2023 as supplied,
be confirmed as an accurate record of the proceedings of that meeting.**

Carried Unanimously

6.33pm Cr Malcolm Herrmann entered to the Chamber.

5. DECLARATION OF CONFLICT OF INTEREST BY MEMBERS OF COUNCIL**5.1 General Conflict of Interest, Cr Leith Mudge Item 11.1 Proposed OTR Development Heathfield**

Under section 75B of the *Local Government Act 1999* Cr Leith Mudge disclosed a General (section 74) Conflict of Interest in Item 11.1 Proposed OTR Development Heathfield, the nature of which is as follows:

- This item relates to a decision of the Council Assessment Panel (CAP) of which I am a member. Under CAP's Code of Conduct I am not allowed to make public comment on CAP decisions outside of CAP meetings.

Cr Leith Mudge intends to leave the meeting when this item is discussed.

**ADELAIDE HILLS COUNCIL
MINUTES OF ORDINARY COUNCIL MEETING
TUESDAY 8 AUGUST 2023
63 MT BARKER ROAD STIRLING**

5.2 General Conflict of Interest, Cr Melanie Selwood Item 12.2 Road Closures Young Drivers Awareness Course

Under section 75B of the *Local Government Act 1999* Cr Melanie Selwood disclosed a General (section 74) Conflict of Interest in Item 12.2 Road Closures Young Drivers Awareness Course, the nature of which is as follows:

- I live in Charleston which is close to where the course will be conducted.

Cr Melanie Selwood intends to stay in the meeting when this item is discussed.

6. PRESIDING MEMBER'S OPENING REMARKS

Nil

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

Christopher Wyndham and Annie Wyndham, Stirling, Koala Rescue SA Inc re proposed Mt Lofty Golf Resort

Prue Otto, Stirling, Golflinks community re proposed Mt Lofty Golf Resort

9. PRESENTATIONS

Nil

**ADELAIDE HILLS COUNCIL
MINUTES OF ORDINARY COUNCIL MEETING
TUESDAY 8 AUGUST 2023
63 MT BARKER ROAD STIRLING**

10. QUESTIONS ON NOTICE

Nil

11. MOTIONS ON NOTICE

Cr Leith Mudge declared a General Conflict of Interest at Agenda Item 5 'Declaration of Interest by Members of the Council' in relation to item 11.1.

6.50pm Cr Leith Mudge left the Chamber.

11.1 Proposed OTR Development Heathfield

Moved Cr Mark Osterstock

S/- Cr Chris Grant

209/23

1. Council endorses the recent decision of the Council Assessment Panel (CAP) in relation to DA 21031284, Proposed OTR Development at Heathfield (the applicant) dated the 26th day of July 2023. (Appendix 1)
2. Council confirms, that in the event that the applicant for DA 21031284 appeals the CAP's refusal, and notwithstanding the Council's obligations under section 83(1)(h)(ii) of the Planning, Development and Infrastructure Act 2016, the Council is supportive of the CAP and its decision-making process in this matter.
3. Further, the Council extends its encouragement to the Assessment Manager, in her role in assisting and supporting the CAP, under section 87 of the PDI Act, and by extension, if necessary, in defending the CAP's refusal of the subject application to the fullest extent possible.

Carried Unanimously

6.55pm Cr Leith Mudge returned to the Chamber

**ADELAIDE HILLS COUNCIL
MINUTES OF ORDINARY COUNCIL MEETING
TUESDAY 8 AUGUST 2023
63 MT BARKER ROAD STIRLING**

12. OFFICER REPORTS – DECISION ITEMS

Cr Adrian Cheater declared a General Conflict of Interest in relation to item 12.1 as he is a member of the SA Country Fire Service which may have a role in assessing fire safety, and will stay in the Meeting.

12.1 Mt Lofty Golf Resort Stirling

Moved Cr Nathan Daniell
S/- Cr Chris Grant

210/23

Council resolves:

- 1. That the report be received and noted.**
- 2. To delegate to the CEO and Mayor to lodge a submission in response to the Development Report including a letter of response to the State Planning Commission/Department for Trade and Investment outlining the comments of Council and Council Assessment Panel, with a copy of the staff planning report (*Appendix 1*) in relation to the Mount Lofty Golf Resort by 16 August 2023, with the Council submission to highlight its and its communities concerns regarding the following in particular:**
 - a. Golflinks Road is not considered suitable as the main traffic entrance to the development site given the increased number of vehicles, size of vehicles, current sightlines and current road width which is limited by topography and native vegetation, as well as the risks to all persons in the event of evacuation for a fire or other reason and pedestrians/cyclists. Noting that the Council has commissioned an independent traffic study/assessment which will be provided to the State Planning Commission as soon as it is received.**

An Infrastructure Agreement is required to be negotiated between Mount Lofty Golf Estate Pty Ltd and the Adelaide Hills Council to finance any necessary upgrades of Golflinks Road and the intersection of Golflinks and Carey Gully Roads. The Infrastructure Agreement terms should be agreed prior to the final assessment of the development, and entered into, should the Minister for Planning grant Planning Consent to the development.
 - b. Loss of significant amount of native vegetation without inclusion of a revegetation plan that looks to increase native vegetation plantings on the site.**
 - c. Stormwater management of additional water into Cox Creek which is already above capacity during rain events.**

**ADELAIDE HILLS COUNCIL
MINUTES OF ORDINARY COUNCIL MEETING
TUESDAY 8 AUGUST 2023
63 MT BARKER ROAD STIRLING**

- d. **Wastewater disposal may not be viable in Council's CWMS system without significant upgrades to the infrastructure.**

An Infrastructure Agreement is required to be negotiated between Mount Lofty Golf Estate Pty Ltd and the Adelaide Hills Council to finance any necessary upgrade of the Council's Community Wastewater Management System infrastructure to accommodate the development. The Infrastructure Agreement terms should be agreed prior to the final assessment of the development, and entered into, should the Minister for Planning grant Planning Consent to the development.

- e. **Proposal to subdivide the land to separate out the golf course & club, accommodation building and Perfumery/function centre to enable lease arrangements.**
- f. **Existing gazettal notice registered on the title that prohibits land division to ensure protection of the open space.**
- g. **Visual amenity of the local residents with the scale of the buildings and separate pods, particular concerns about light spill at night.**
3. **To authorise the CEO to make any changes to the staff planning report (Appendix 1) as may be required prior to the date of lodgement.**
4. **To authorise the administration to engage with Mount Lofty Golf Estate Pty Ltd to negotiate the required Infrastructure Agreement(s) and**
5. **To authorise the CEO to send a written request to the Native Vegetation Council for funds paid as the Significant Environmental Benefit associated with the development to be spent on projects within the Adelaide Hills Council.**

Carried Unanimously

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

**ADELAIDE HILLS COUNCIL
MINUTES OF ORDINARY COUNCIL MEETING
TUESDAY 8 AUGUST 2023
63 MT BARKER ROAD STIRLING**

12.2 Road Closures Young Drivers Awareness Course 2023-24

Cr Melanie Selwood declared a General Conflict of Interest at Agenda Item 5 'Declaration of Interest by Members of the Council' in relation to item 12.2.

Moved Cr Malcolm Herrmann

S/- Cr Kirsty Parkin

211/23

Council resolves

- 1. That the report be received and noted.**
- 2. To, pursuant to Section 33(1) of the Road Traffic Act 1961 and Clause G of the Instrument of General Approval of the Minister dated 22 August 2013:**
 - a. Declare that the Driver Education Program that is to take place on Newman Road, Charleston is an event to which Section 33 of the Road Traffic Act 1961 applies.**
 - b. Make an order directing that a section of Newman Road, Charleston, between Five Lanes Road and Lewis Road, be closed to traffic for the period between 9.00am and 6.00pm on Wednesday 11 October 2023, and 9.00am and 6.00pm Wednesday 24 April 2024.**
 - c. Make an order directing that persons taking part in the event be exempt from the duty to observe the Australian Road Rules Rule 238 (Pedestrians travelling along a road).**
 - d. To make an order directing that all vehicles except emergency and participant vehicles and local residents living at the named section of Newman Road, be excluded from the closed section of road for the period of the closure.**

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.

**ADELAIDE HILLS COUNCIL
MINUTES OF ORDINARY COUNCIL MEETING
TUESDAY 8 AUGUST 2023
63 MT BARKER ROAD STIRLING**

12.3 CEO Appointment to Southern & Hills Local Government Association

Moved Cr Louise Pascale
S/- Cr Mark Osterstock

212/23

Council resolves:

1. That the report be received and noted.
2. With an effective date of 8 August 2023, to revoke the appointment of David Waters and appoint Greg Georgopoulos to the Board of Southern and Hills Local Government Association as the Council's employee or elected member nominee until the conclusion of the 2022 – 2026 Council term.

Carried Unanimously

12.4 Appointment to Adelaide Hills Reconciliation Working Group Method of Voting

This item was deferred to the 22 August Council meeting.

12.5 Status Report – Council Resolutions Update

Moved Cr Nathan Daniell
S/- Cr Lucy Huxter

213/23

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
4/08/2022	CEO Performance Review Panel	PRP16/22	CEO Performance & Remuneration Report – Confidential Item	Nil
14/02/2023	Ordinary Council	29/23	Policy Review Meeting Procedures	Nil
28/02/2023	Ordinary Council	40/23	MON Violence Against Women	Nil
28/02/2023	Ordinary Council	41/23	MON Hanson Construction Materials Ltd - White Rock Quarry	Nil

**ADELAIDE HILLS COUNCIL
MINUTES OF ORDINARY COUNCIL MEETING
TUESDAY 8 AUGUST 2023
63 MT BARKER ROAD STIRLING**

9/05/2023	Ordinary Council	109/23	Library Opening Hours	Nil
9/05/2023	Ordinary Council	114/23	Strategic Plan Engagement Strategy	Nil
15/05/2023	Audit Committee	AC20/23	Budget Review 3	Nil
23/05/2023	Ordinary Council	131/23	Delegations Review - Local Government Act	Nil
23/05/2023	Ordinary Council	137/23	18.1 Event Opportunity – Santos Tour Down Under 2024 - Confidential Item	Nil
23/05/2023	Ordinary Council	138/23	18.1 Event Opportunity – Santos Tour Down Under 2024 - duration of confidentiality	Nil
23/05/2023	Ordinary Council	141/23	Electricity Tenders Post 30 June 2023 – Confidential Item	Nil
23/05/2023	Ordinary Council	142/23	Electricity Tenders Post 30 June 2023 - Duration of Confidentiality	Nil
27/06/2023	Ordinary Council	172/23	Discretionary Rate Rebate	Nil
27/06/2023	Ordinary Council	174/23	2023-24 Fees & Charges for Adoption	Nil
11/07/2023	Ordinary Council	186/23	Statement of Commitment and Our Watch Prevention Toolkit Implementation Plan	Nil

Carried Unanimously

13. OFFICER REPORTS - INFORMATION ITEMS

Nil

14. QUESTIONS WITHOUT NOTICE

Cr Malcolm Herrmann – Incorrect reporting by Advertiser re resolution concerning 26 January & Civic Awards 25 July 2023

**ADELAIDE HILLS COUNCIL
MINUTES OF ORDINARY COUNCIL MEETING
TUESDAY 8 AUGUST 2023
63 MT BARKER ROAD STIRLING**

15. MOTIONS WITHOUT NOTICE

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

15.1 Corporate Carbon Management Plan

**Moved Cr Chris Grant
S/- Cr Nathan Daniell**

214/23

- 1. That AHC recognises that climate change is already having a negative impact on AHC communities and this will continue with increasing severity;**
- 2. That AHC recognises local government has a leadership role to play in reducing greenhouse gas emissions as a matter of urgency, as well as attempting to address the effects of climate change on our community, and;**
- 3. That staff hold workshops with elected members to explore options available to address both the causes and effects of climate change, including:**
 - a. How we can incorporate actions to address the causes and effects of climate change in our Strategic Plan;**
 - b. Present progress in implementing the recommended actions in the Corporate Carbon Management Plan in the time since that plan was adopted;**
 - c. Present planned actions and other feasible options, with timelines and cost benefit analyses, that can reduce the carbon footprint of the AHC and the AHC area;**
 - d. Present planned actions and other feasible options, with timelines and cost benefit analyses, that can reduce the impacts of climate change on our communities; and**
 - e. Discuss the best strategy to continue to progress AHC action on this urgent issue.**

Carried Unanimously

**ADELAIDE HILLS COUNCIL
MINUTES OF ORDINARY COUNCIL MEETING
TUESDAY 8 AUGUST 2023
63 MT BARKER ROAD STIRLING**

16. REPORTS

16.1 Council Member Function or Activity on the Business of Council

Cr Melanie Selwood

- 7 August, SALA at the Summit, Adelaide Hills Renewal Exhibition Opening

Cr Louise Pascale

- 3 June, represented the Mayor at Hill Environment Committee Quiet Achiever Awards
- 28 July, met with Member for Morialta John Gardner
- 29 July, met with Chris West of Koala Life at Cleland National Park

8.08pm Cr Adrian Cheater left the Chamber

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

Cr Malcolm Herrmann

- 27 July, Gawler River Flood Management Authority, Elizabeth
- 07 August, Gawler River Flood Management Authority Audit Committee, North Adelaide

16.3 CEO Report

Greg Georgopoulos, CEO, provided Council with a verbal update, including:

- Communication strategy
- Country Cabinet
- Strategic Plan

8.11pm Cr Adrian Cheater returned to the Chamber

**ADELAIDE HILLS COUNCIL
MINUTES OF ORDINARY COUNCIL MEETING
TUESDAY 8 AUGUST 2023
63 MT BARKER ROAD STIRLING**

17. REPORTS OF COMMITTEES

17.1 Special Council Assessment Panel – 26 July 2023

Moved Cr Leith Mudge
S/- Cr Nathan Daniell

215/23

That the minutes of the Special Council Assessment Panel meeting held on 26 July 2023 as distributed, be received and noted.

Carried Unanimously

17.2 Audit Committee

Nil

17.3 CEO Performance Review Panel – 27 July 2023

Moved Cr Chris Grant
S/- Cr Kirsty Parkin

216/23

That the minutes of the CEO Performance Review Panel meeting held on 27 July 2023 as distributed, be received and noted.

Carried Unanimously

17.4 Boundary Change Committee

Nil

**ADELAIDE HILLS COUNCIL
MINUTES OF ORDINARY COUNCIL MEETING
TUESDAY 8 AUGUST 2023
63 MT BARKER ROAD STIRLING**

18. CONFIDENTIAL ITEMS

18.1 Country Cabinet August 2023 – Exclusion of the Public

Moved Cr Mark Osterstock
S/- Cr Adrian Cheater

217/23

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

- Chief Executive Officer, Greg Georgopoulos
- Director Community Capacity, David Waters
- Director Corporate Services, Terry Crackett
- Director Infrastructure & Operations, Peter Bice
- Executive Manager Governance & Performance, Lachlan Miller
- A/Director Development & Regulatory Services, Matt Ahern
- Governance Support, Melissa Grimes
- IT Systems Analyst, Tom Portas
- Minute Secretary, Pam Williams

be excluded from attendance at the meeting for Agenda Item 18.1: Chief Executive Officer Country Cabinet presentation in confidence.

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

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

**ADELAIDE HILLS COUNCIL
MINUTES OF ORDINARY COUNCIL MEETING
TUESDAY 8 AUGUST 2023
63 MT BARKER ROAD STIRLING**

RELEASED 24 AUGUST 2023

18.1.1 Country Cabinet August 2023 – Confidential Item

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

218/23

8.14pm Council resolves, with leave of at least two thirds of the members present at the meeting, to suspend the operations of the formal meeting procedures for the purposes of discussing the report content.

Carried Unanimously

Mayor Jan-Claire Wisdom brought the period of suspension to an end at 8.45pm.

**Moved Cr Chris Grant
S/- Cr Malcolm Herrmann**

219/23

- 1. That the report be received and noted.**
- 2. That the key areas of focus be approved for presentation to the Country Cabinet on Thursday 23 August 2023, being:**
 - a. Upgrade and renewal of critical roads and stormwater infrastructure**
 - b. Progress next stages of the Amy Gillett Pathway from Mt Torrens to Mt Pleasant**
 - c. Redesign local public transport services and provide more frequent services and better connectivity for our community and visitors**
 - d. Recognise the uniqueness and significance of the Adelaide Hills through the development of a whole-of-government Regional Strategic Plan**
 - e. Fund a Masterplan to manage the sport, recreation, community and civic infrastructure in Woodside**
- 3. That the Chief Executive Officer be authorised to prepare a Presentation for submission to the Department of the Premier and Cabinet on 17 August.**

Carried Unanimously

**ADELAIDE HILLS COUNCIL
MINUTES OF ORDINARY COUNCIL MEETING
TUESDAY 8 AUGUST 2023
63 MT BARKER ROAD STIRLING**

18.1.2 Country Cabinet August 2023 – Duration of Confidentiality

Moved Cr Nathan Daniell
S/- Cr Chris Grant

220/23

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	24 August 2023 but not longer than 30 June 2024
Related Attachments	Nil
Minutes	24 August 2023 but not longer than 30 June 2024
Other	Nil

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

Carried Unanimously

19. NEXT ORDINARY MEETING

The next ordinary meeting of the Adelaide Hills Council will be held on Tuesday 22 August 2023 from 6.30pm at 63 Mt Barker Road, Stirling.

20. CLOSE MEETING

The meeting closed at 8.47pm.