



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 28 November 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.

A handwritten signature in black ink, appearing to read 'GG', is positioned above the name of the Chief Executive Officer.

Greg Georgopoulos
Chief Executive Officer



ORDINARY COUNCIL MEETING

AGENDA FOR MEETING
Tuesday 28 November 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

3.2. Leave of Absence
Cr Parkin is in attendance, bringing her leave of absence to an end.

3.3. Absent

4. MINUTES OF PREVIOUS MEETINGS

4.1. Council Meeting – 14 November 2023
That the minutes of the ordinary meeting held on Tuesday 14 November 2023, as supplied, be confirmed as an accurate record of the proceedings of that meeting.

4.2. Special Council Meeting – 21 November 2023
That the minutes of the special meeting held on Tuesday 21 November 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)

Nil

10. QUESTIONS ON NOTICE

Nil

11. ADJOURNED ITEM

11.1. Boundary Change Committee – Item 12.3 adjourned from 14 November 2023 Council Meeting (previously moved by Cr Malcolm Herrmann and Seconded by Cr Lucy Huxter as follows).

1. That the report be received and noted.
2. To retain the Boundary Change Committee for the term of the Council with the Terms of Reference, as contained in Appendix 1.
3. To appoint Cr Mark Osterstock to the position of Boundary Change Committee Presiding Member for a 24-month term to commence 30 November 2023 and conclude on 30 November 2025 (inclusive).

12. MOTIONS ON NOTICE

12.1. Recognition of Statement of Commitment (Cr Pascale)

I move that:

1. *That Adelaide Hills Council reaffirms its Statement of Commitment to help prevent violence against women and their children.*

2. *That we endorse the initiatives of the 16 Days of Activism being undertaken by the Adelaide Hills Council.*
3. *That we give thanks to the staff and working group for their work to implement the Our Watch Toolkit for the Prevention of Violence against Women and their children.*

12.2. Mine Operations Plan – White Rock Quarry (Cr Osterstock)

I move that:

1. *That the Chief Executive Officer, on behalf of Council, writes to Paul De Ionno, Acting Executive Director, Mineral Resources Division, Department for Energy and Mining:*
 - a. *Acknowledging receipt of his letter to Council dated 26 September 2023, Appendix A.*
 - b. *Seeking further clarification as to whether the Minister for Energy and Mining, the Honourable Tom Koutsantonis MP, or the State Government for that matter, notwithstanding the provisions of the Mining Act 1971, has any legislative power whatsoever (under any legislative instrument) 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(s).*
2. *That 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.*

12.3. 40km/h investigation for Rostrevor Roads (Cr Pascale)

I move that:

The CEO investigates lowering the speed limit on Wandilla Drive, Baroota Ave, Arcoona Avenue and Spring Gully Road in Rostrevor and provides a report to Council by 1st March 2024 on its outcomes.

13. ADMINISTRATION REPORTS – DECISION ITEMS

13.1. Deputy Mayor Appointment
Refer to Agenda

13.2. Stirling Pavilion Proposal

1. *That the report on the Stirling Pavilion Proposal be received and noted.*
2. *That Council proceeds with the process for considering landowner consent for the development of a pavilion at Stirling Oval and delegates authority to the Chief Executive Officer, or their delegate, to enter into a Framework Agreement document with the Stirling Pavilion Foundation Inc.*
3. *That the Framework document include, amongst other matters, the steps required to consider landowner consent for the development of a Pavilion on Stirling Oval, possible terms of any arrangements for the leasing or licensing of the Stirling Oval for the proposed development, statutory requirements that need to be followed, and any cost sharing arrangements.*

4. *That following the negotiation of a Framework document a report be submitted to Council that provides an update on the terms of the Framework document.*
5. *That a further report be submitted to Council that considers the Community Land implications including community consultation on any proposed changes to the Community Land Management Plan for Stirling Oval as required under Section 198 of the Local Government Act 1999.*
6. *That the further report in (5) above also considers the requirements of Section 202 of the Local Government Act 1999 regarding the alienation of Community Land by lease or license including but not limited to community consultation requirements.*

13.3. Proposed Road Closure – portion of Unmade Public Road adjacent 474b Springhead Road Mount Torrens

1. *That the report on Proposed Road Closure – portion of Unmade Public Road adjacent 474b Springhead Road, Mount Torrens be received and noted.*
2. *The land marked “B” in Preliminary Plan No. 22/0032 (known as the Road Land) be declared surplus to Council’s requirements.*
3. *That the Chief Executive, or his delegate, are authorised to negotiate with the owners of 474b Springhead Road, Mount Torrens for the sale and transfer of the piece marked “B” in Preliminary Plan No. 22/0032 for the sum of \$35,000 plus GST, together with all fees and charges associated with the road closure process.*
4. *Subject to agreement from the owners of 474b Springhead Road, Mount Torrens to purchase the Road Land for the sum of \$35,000 plus GST, to make a Road Process Order pursuant to the Roads (Opening & Closing) Act 1991 to close and merge the pieces of land identified as “B” in the Preliminary Plan No. 22/0032 attached to this report with Allotment 24 Deposited Plan 62438 comprised in Certificate of Title Volume 5911 Folio 128.*
5. *That upon the deposit of the Road Closure, the land will be excluded from the classification of Community Land and not be included in Council's Community Land Register.*
6. *That the Chief Executive Officer, and Mayor, be authorised to finalise and sign, and seal if necessary, all documentation to close and sell the above portion of closed road pursuant to this resolution.*

13.4. LMA Waiver Request – Unit 1 100a Main Street Lobethal

1. *That the report of the LMA Waiver request – Unit 1 100a Main Street Lobethal be received and noted.*
2. *That pursuant to clause 19 of the Land Management Agreement registered on Certificate of Title Volume 6140 Folio 330, known as Unit 7 100a Main Street Lobethal, Council agrees to the waiver of the land owner’s obligations in relation to clause 5 and allows the proposed dwelling lodged as part of Development Application 22022086 to be partially sited outside the Land Management Agreement building envelope, subject to the Council Assessment Manager or delegate granting Planning Consent to Development Application 22022086 for the two storey dwelling.*
3. *That the Chief Executive Officer be authorised to provide written communication of Council’s agreement to the waiver of Land Management Agreement obligations above to the land owner and applicant.*

13.5. Community and Recreation Facility Grants 2023-24

1. *That the report of the Community and Recreation Facility Grants 2023-24 be received and noted.*
2. *That Council approves the awarding of Community Recreation and Facility Grants for 2023-24 totalling \$147,231 as follows.*

Bridgewater Cricket Club	Cricket nets upgrade	\$17,580.00
Stirling Cricket Club	Cricket pitch cover	\$8,699.00
Riding For The Disabled SA	Resurfacing club arena	\$24,602.00
Human Projectile MTB Club	Community trail hub upgrades (decking and balustrades)	\$34,672.00
Woodside Bowling Club	Installation of shelters	\$7,360.00
Charleston Community Centre	Newman Park facility plan	\$11,000.00
Bridgewater Sports Social Club	Construct connection path from oval to courts	\$9,999.00
Mount Torrens Hall	Mount Torrens Soldiers' Memorial Hall facility plan	\$16,041.00
Oakbank Soldiers Memorial Hall Association	Electrical upgrade	\$9,910.00
Piccadilly Community Hall	Installation of air conditioner	\$7,368.00

13.6. Draft 2022-23 Annual Report

1. *That the report on the Draft 2022-23 Annual Report be received and noted.*
2. *The 2022-23 Annual Report, as contained in Appendix 1, be adopted.*
3. *That the Chief Executive Officer be authorised to make minor content, formatting or design changes necessary for publication purposes.*

13.7. South Australia's next 20-year State Infrastructure Strategy

1. *That the report on South Australia's next 20 Year State Infrastructure Strategy be received and noted.*
2. *That the submission contained in Appendix 1 be endorsed.*
3. *That the Chief Executive Officer, or delegate, be authorised to make minor editing changes and inclusions reflecting clarifications identified during the Council's consideration of the matter, prior to making the submission.*

13.8. Burning on Private Land

1. *That the report on Department for Environment and Water Burning on Private Lands Program be received and noted.*
2. *To endorse prescribed burns at the following ten sites across six Council Reserves under the DEW Burning on Private Lands Program:*
 - *Mylor Parklands (Stages 2, 3 & 4)*

- Heathfield Conservation Reserve (Stages 2 & 3)
 - Bradwood Park, Bradbury (Stages 1 & 2)
 - Uraidla Reserve - Greenhill Road, Carey Gully (Stage 1)
 - Red Hill Road Reserve, Bradbury (Stage 1)
 - Lenswood Centennial Park (Stage 1)
3. Include for consideration in the next Long Term Financial Plan review, provision for the post-burn maintenance of the sites from 2025-26 and beyond.

13.9. Community Development Grant Recommendations

1. That the report on Community Development Grant Recommendations be received and noted.
2. That Council approve the awarding of Community Development Grants totalling \$40,720.54 as follows:

Active Fitness & Lifestyle Group	Purchase new fitness equipment	\$2,500
Adelaide & Hills Koala Rescue	Purchase rescue equipment: warning triangles and carry bags	\$1,014.54
Australian Breastfeeding Association	Parent classes/workshops	\$1,005
Bund der Bayern Incorporated	German Cultural Event – venue hire	\$2,500
CAOS Racing Incorporated	Purchase new Pedal Prix Trike	\$2,500
Cudlee Creek Tennis Club	Tennis coaching clinics & mental health sessions	\$1,250
Gumeracha Community Association	Purchase new banners for street sign system	\$2,500
Gumeracha District Bowling Club	Purchase Club Pennant Shirts	\$2,500
Imagine Uraidla	Purchase Banner and brackets	\$2,500
Kersbrook Public Hall Incorporated	Purchase and installation of bicycle racks	\$2,500
Love Woodside Community Group	All weather path and small play stage – Woody Trails	\$2,400
National Trust of South Australia	Purchase of two bench seats	\$2,500
Nature Play South Australia	Family Nature Walks in the Hills	\$2,420
Oakbank Bowling Club	Purchase of chairs and tables	\$2,281
Onkaparinga Swimming Club Incorporated	Purchase four aquatic resistance training systems	\$2,500
Sturt Upper Reaches Landcare Group	Printing a fauna and habitat guide	\$2,500
The Returned & Services League (Gumeracha District) Sub Branch Incorporated	Vietnam Veterans Honour Board	\$500

United Nations Youth South Australia	United Nations Youth South Australia State Conference venue costs	\$2,500
Woodside Bowling Club	Purchase equipment – 10 sets OZY bowls	\$2,350

13.10. Adelaide Hills Council Submission to the Greater Adelaide Regional Plan Discussion Paper

1. *That the submission (as contained in Appendix 1) on the Greater Adelaide Regional Plan Discussion Paper, be endorsed and forwarded to the South Australian Planning Commission.*
2. *That the Chief Executive Officer be authorised to make any necessary minor amendments to finalise the submission, providing the changes do not affect the intent of the submission.*

13.11. 2023-24 Budget Review Q1

1. *That the report on the 2023/24 Budget review Q1 be received and noted.*
2. *To adopt the proposed budget adjustments presented in Budget Review 1 which result in:*
 - a. *A decrease in the Operating Surplus from \$1,082k to \$558k for the 2023-24 financial year.*
 - b. *Changes to the capital works, reducing capital income by \$480k and decreasing capital expenditure by \$2.996 million for the 2023-24 financial year resulting in a revised capital expenditure budget for 2023-24 of \$25.52 million.*
3. *To endorse the inclusion of the following projects for funding as part of the Phase 4 Local Roads and Community Infrastructure Program:*
 - a. *Knotts Hill Roads – \$87k*
 - b. *Tregarthen Road - \$50k*
 - c. *Blockers Road – \$30k*
 - d. *Wyes Road – \$30k*
 - e. *Marble Hill Road – \$150k*
 - f. *Fox Creek Road - \$200k*

14. ADMINISTRATION REPORTS – INFORMATION ITEMS

14.1. Auditors Completion Report 2022-23

15. CORRESPONDENCE FOR NOTING

15.1. Electoral Commission of SA - Adelaide Hills Casual Vacancies

15.2. Hon Clare Scriven MLC Letter

15.3. LGA Board Endorsed Nominees for Dog and Cat Management Board ~~nance~~

16. QUESTIONS WITHOUT NOTICE

17. MOTIONS WITHOUT NOTICE

18. REPORTS FROM COUNCIL MEMBERS, CEO AND COUNCIL EMPLOYEES

18.1. Council Member Function or Activity on the Business of Council

18.2. Reports of Members/Officers as Council Representatives on External Organisations

18.3. CEO Report

19. REPORTS OF COMMITTEES

19.1. Council Assessment Panel

Nil

19.2. Audit Committee – Monday 20 November 2023

That the minutes of the Audit Committee meeting held on Monday 20 November 2023 as supplied, be received and noted.

19.3. Special CEO Performance Review Panel – 2 November 2023

That the minutes of the Special CEOPRP meeting held on Friday 2 November 2023 as supplied, be received and noted.

19.4. Special CEO Performance Review Panel – 10 November 2023

That the minutes of the Special CEOPRP meeting held on Friday 10 November 2023 as supplied, be received and noted.

19.5. Boundary Change Committee

Nil

20. CONFIDENTIAL ITEMS

Nil

21. NEXT MEETING

Tuesday 19 December 2023, 6.30pm, 63 Mt Barker Road, Stirling

22. CLOSE MEETING

Council Meeting & Workshops 2023

DATE	TYPE	LOCATION	MINUTE TAKER
NOVEMBER 2023			
Mon 20 November	Audit Committee	Stirling	Jody Atkins
Tues 21 November	Workshop	Stirling	N/A
Tues 28 November	Council	Stirling	Kylie Hopkins
DECEMBER 2023			
Mon 4 December	Workshop	Woodside	N/A
Tues 12 December	Workshop	Stirling	Kylie Hopkins
Wed 13 December	CAP	Stirling	Karen Savage
Thur 14 December	CEOPRP	Stirling	Jody Atkins
Tues 19 December	Council	Stirling	Kylie Hopkins

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 | <input type="checkbox"/> | Audit Committee | <input type="checkbox"/> |
| Special Council | <input type="checkbox"/> | Boundary Change Committee | <input type="checkbox"/> |
| CEO Performance Review Panel | <input type="checkbox"/> | Other: _____ | <input type="checkbox"/> |

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

For full details, see Code of Practice for Meeting Procedures on 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 deputee has addressed Council (either in a deputation or public forum) on the subject matter or a similar subject matter.

8.3 PUBLIC FORUM

For full details, see Code of Practice for Meeting Procedures on 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.