

**ADELAIDE HILLS COUNCIL
MINUTES OF ORDINARY COUNCIL MEETING
TUESDAY 9 JULY 2024
63 MT BARKER ROAD STIRLING**

In Attendance

Presiding Member: Deputy Mayor Melanie Selwood

Members:

Councillor Kirrilee Boyd
Councillor Adrian Cheater
Councillor Nathan Daniell
Councillor Chris Grant
Councillor Malcolm Herrmann
Councillor Mark Osterstock
Councillor Kirsty Parkin
Councillor Louise Pascale

In Attendance:

Greg Georgopoulos	Chief Executive Officer
Gary Lewis	Director Corporate Services
Jess Charlton	A/Director Community and Development
David Waters	Director Environment and Infrastructure
Zoë Gill	Governance and Risk Officer
Rebekah Lyons	Minute Secretary
Tom Portas	Technical Support

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.

3. APOLOGIES/LEAVE OF ABSENCE

3.1 Apology

Mayor Jan-Claire Wisdom
Cr Pauline Gill

Mayor _____

23 July 2024

**ADELAIDE HILLS COUNCIL
MINUTES OF ORDINARY COUNCIL MEETING
TUESDAY 9 JULY 2024
63 MT BARKER ROAD STIRLING**

3.2 Leave of Absence

Cr Leith Mudge, 9 July 2024 to 11 July 2024, approved at Council 25 June 2024.
Cr Lucy Huxter, 8 July 2024 to 25 July 2024, approved at Council 25 June 2024.

Moved Cr Louise Pascale

S/- Cr Adrian Cheater **242/24**

- 1 That a Leave of Absence from all duties of office be granted to Cr Pauline Gill from 22 July 2024 to Friday 26 July 2024.**
- 2 That any committee or panel membership currently held by Cr Pauline Gill be undertaken by the Deputy during the leave of absence.**

Carried Unanimously

Moved Cr Nathan Daniell

S/- Cr Adrian Cheater **243/24**

- 1 That a Leave of Absence from all duties of office be granted to Cr Louise Pascale from 19 July 2024 to 23 July 2024.**
- 2 That any committee or panel membership currently held by Cr Louise Pascale be undertaken by the Deputy during the leave of absence.**

Carried Unanimously

Moved Cr Malcolm Herrmann

S/- Cr Chris Grant **243/24**

- 1 That a Leave of Absence from all duties of office be granted to Cr Mark Osterstock from 10 July 2024 to 22 July 2024.**
- 2 That any committee or panel membership currently held by Cr Mark Osterstock be undertaken by the Deputy during the leave of absence.**

Carried Unanimously

3.2.1 Revoked Leave of Absence

Moved Cr Nathan Daniell

S/- Cr Chris Grant **244/24**

- 1 That Cr Adrian Cheater's Leave of Absence from all duties of office from 15 July 2024 to 21 July 2024 be revoked.**

Carried Unanimously

**ADELAIDE HILLS COUNCIL
MINUTES OF ORDINARY COUNCIL MEETING
TUESDAY 9 JULY 2024
63 MT BARKER ROAD STIRLING**

3.3 Absent

Nil

4. MINUTES OF PREVIOUS MEETINGS

4.1 Council Meeting – 25 June 2024

Moved Cr Malcolm Herrmann
S/- Cr Chris Grant

245/24

Council resolves that the minutes of the Ordinary Council meeting held on 25 June 2024, as supplied, be confirmed as an accurate record of the proceedings of that meeting.

Carried Unanimously

4.2 Special Council Meeting – 1 July 2024

Moved Cr Chris Grant
S/- Cr Kirsty Parkin

246/24

Council resolves that the minutes of the Special Council meeting held on 1 July 2024, 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 Adrian Cheater – Item 12.2 External Training and Development

Under section 75C of the *Local Government Act 1999* Cr Adrian Cheater disclosed a Material (section 75) Conflict of Interest in Item 12.2.

6. PRESIDING MEMBER'S OPENING REMARKS

The Deputy Mayor reported that the motion initiated by Cr Louise Pascale and presented at the Australian Local Government Association National General Assembly, was carried. Deputy Mayor Selwood congratulated Cr Pascale and thanked the Administration for their efforts to support the initiative.

The Honourable Mention received by Adelaide Hills Council at the 2024 National Awards for Local Government in the 'Addressing Violence against Women and their Children' Category was also acknowledged by the Deputy Mayor, and she extended her congratulations to all involved.

**ADELAIDE HILLS COUNCIL
MINUTES OF ORDINARY COUNCIL MEETING
TUESDAY 9 JULY 2024
63 MT BARKER ROAD STIRLING**

In closing, Deputy Mayor Selwood mentioned that a seating change had been made in the Chamber and was done so at the discretion of the CEO.

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

Nil

9. PRESENTATIONS

Nil

10. QUESTIONS ON NOTICE

10.1 Expenditure Query – Cr Mark Osterstock

Q. What are the potential; remuneration savings in the executive team for the next four years, comparing the new three-director model with the previous executive structure?

A. The ongoing saving to Council's budget of the restructure of the executive leadership team is estimated to be in the order of \$952,266 - \$1,028,861 over 4 years.

10.2 Development Plan (Corner Jacaranda and Ridge Rd) – Cr Kirsty Parkin

Q. Are there any development approvals currently under consideration or recently approved either with Council or Planning SA at the property on the corner of Jacaranda and Ridge Rd Woodside through to John St?

A. There are no recent development approvals relating to this land (11 Ridge Road, Woodside). There are two approvals on record, a dwelling addition in 2003 and a veranda in 2005. However, recently Council's Civil Services Team negotiated with the owner of this property to install a stormwater detention basin and easement over this land to solve a

**ADELAIDE HILLS COUNCIL
MINUTES OF ORDINARY COUNCIL MEETING
TUESDAY 9 JULY 2024
63 MT BARKER ROAD STIRLING**

local stormwater issue. This was completed in 2023 and did not involve the removal of any trees.

Q. The number of trees felled at that location within the last 12 months and any reasons for this.

A. The number of trees felled at this location in the last 12 months is not known to Council. Being in the Productive Rural Landscape zone, the land is not located within the Regulated or Significant Tree Overlay. Thus, Council does not have enforcement powers relating to regulated or significant tree removal.

The Development Services Team recently received an anonymous complaint regarding tree removals at this site and this was forwarded to the Native Vegetation Council for investigation.

11. MOTIONS ON NOTICE

11.1 Proposed OTR Development Heathfield – Cr Mark Osterstock

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

247/24

I move that:

- 1. Council reaffirms its decisions [196/24 and 197/24] of the 11th day of June 2024 in relation to DA 21031284, Proposed OTR Development at Heathfield. Those decisions being as follows:**

**ADELAIDE HILLS COUNCIL
MINUTES OF ORDINARY COUNCIL MEETING
TUESDAY 9 JULY 2024
63 MT BARKER ROAD STIRLING**

Moved Cr Mark Osterstock
S/- Cr Chris Grant

196/24

I move that:

Decision 1

1. Council reaffirms its decision [209/23] of the 8th day of August 2023 in relation to DA 21031284, Proposed OTR Development at Heathfield. That decision being as follows:

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

Carried Unanimously

Mayor _____

25 June 2024

Decision 2

Moved Cr Mark Osterstock
S/- Cr Nathan Daniell

197/24

I move that:

1. Council notes that the applicant has submitted an appeal against the Council Assessment Panel (CAP) decision of the 26th day of July 2023 and that this appeal is currently before the Environment Resources and Development (ERD) Court.
2. Council maintains its opposition, in the strongest possible terms, to a large 24-hour retail fuel outlet and canopy, an automatic car wash and dog wash facility, for the reasoning as articulated in its detailed representation that was considered by the CAP at its meeting of the 26th day of July 2023 (Appendix 1).
3. Council, once again, extends its encouragement to the Assessment Manager, in her role in assisting and supporting the CAP, under Section 87 of the PDI Act, in defending the appeal.

Carried

Mayor _____

23 July 2024

**ADELAIDE HILLS COUNCIL
MINUTES OF ORDINARY COUNCIL MEETING
TUESDAY 9 JULY 2024
63 MT BARKER ROAD STIRLING**

2. Council notes that this matter has now been considered by the Council's [Independent] Assessment Panel [CAP] on two separate occasions, namely; the 26th day of July 2023 and the 19th day of June 2024.
3. Council further notes that on both these occasions the proposal has not been supported by the CAP.
4. Council requests that the Chief Executive Officer, on behalf of Council, and the local Heathfield community, noting the significant and widespread community opposition to the proposal for a 24-hour retail fuel outlet and associated facilities, writes to the applicant, PC Infrastructure Pty Ltd [ACN: 612 900 946] requesting that, in the public interest, the current appeal proceedings before the Environment Resources and Development Court be discontinued.

Carried Unanimously

11.2 Updated Housing Strategy – Cr Kirsty Parkin

Moved Cr Kirsty Parkin
S/- Cr Kirrilee Boyd

248/24

That the administration run an information and briefing session on developing a housing strategy before the end of October 2024.

Carried Unanimously

12. OFFICER REPORTS – DECISION ITEMS

12.1 Road Closure Approval – AusCycling Super Series 2024

Moved Cr Mark Osterstock
S/- Cr Adrian Cheater

249/24

Council resolves:

1. That the report be received and noted.
2. That Council provides consent for road closure orders in relation to the 2024 AusCycling Super Series event as follows:

Sunday 20 October 2024
Approximate closure 7:00am – 6:00pm

**ADELAIDE HILLS COUNCIL
MINUTES OF ORDINARY COUNCIL MEETING
TUESDAY 9 JULY 2024
63 MT BARKER ROAD STIRLING**

Mount Barker Road closed between Adelaide Hills Council boundary to South Eastern Freeway exit

- 3. That the Council confirms that the Chief Executive Officer may use existing powers under delegation to consider, and determine whether or not to provide consent to, any proposals for changes to the road closures in the lead up to the event, so long as the overall scope of the event road closures remains similar to the proposal described above.**
- 4. That Council provides approval for the Chief Executive Officer to use the delegation already provided to him to consider consent for road closures under Section 33(2) of the Road Traffic Act 1961 if the event is to be run in future years.**

Carried Unanimously

12.2 External Training and Development – Cr Adrian Cheater

Under section 75C of the *Local Government Act 1999* Cr Adrian Cheater disclosed a Material (section 75) Conflict of Interest in Item 12.2.

- I may gain a benefit or suffer a loss as a result of the decision.

The Presiding Member advised that Cr Adrian Cheater would remain in the Chamber to answer questions and would then leave for the debate and vote on the matter.

6:51pm Cr Adrian Cheater left the meeting room.

6:54pm Cr Mark Osterstock left the meeting room.

6:56pm Cr Mark Osterstock returned to the meeting room.

Moved Cr Nathan Daniell

S/- Cr Malcolm Herrmann

250/24

Council resolves:

- 1. That the report be received and noted.**
- 2. To not approve the payment of \$3000 for the EOG-7005 – Community Engagement training via the University of Adelaide for Cr Adrian Cheater.**
- 3. That the Council Member Training and Development Policy (the Policy) be revised to prohibit retrospective approval from being granted for training and development applications.**

Carried Unanimously

**ADELAIDE HILLS COUNCIL
MINUTES OF ORDINARY COUNCIL MEETING
TUESDAY 9 JULY 2024
63 MT BARKER ROAD STIRLING**

7:01pm Cr Adrian Cheater returned to the meeting room.

12.3 AHRMWA Strategic Plan

Moved Cr Nathan Daniell
S/- Cr Chris Grant

251/24

Council resolves:

- 1. That the report be received and noted.**
- 2. To approve the *Adelaide Hills Region Waste Management Authority Strategic Plan 2024-34*.**
- 3. That the CEO advises the Adelaide Hills Region Waste Management Authority Board that Council has reviewed and approved the *Adelaide Hills Region Waste Management Authority Strategic Plan 2024-34*.**

Carried Unanimously

13. OFFICER REPORTS - INFORMATION ITEMS

13.1 Adelaide Peri-Urban Project

Moved Cr Louise Pascale
S/- Cr Chris Grant

252/24

Council resolves that the report be received and noted.

Carried Unanimously

14. CORRESPONDENCE FOR INFORMATION

14.1 Letter to the Governor, Her Excellency Francis Adamson, on the passing of her mother.

Moved Cr Chris Grant
S/- Cr Nathan Daniell

253/24

Council resolves that the correspondence is received and noted.

Carried Unanimously

**ADELAIDE HILLS COUNCIL
MINUTES OF ORDINARY COUNCIL MEETING
TUESDAY 9 JULY 2024
63 MT BARKER ROAD STIRLING**

14.2 Letter to OAM recipient, Mr Ted Huber

Moved Cr Kirrilee Boyd
S/- Cr Mark Osterstock

254/24

Council resolves that the correspondence is received and noted.

Carried Unanimously

15. QUESTIONS WITHOUT NOTICE

Cr Malcolm Herrmann requested a progress update following Council's resolution in February 2024 regarding pursuing land sales for the non-payment of rates.

Cr Louise Pascale asked a question about legal fee expenditure.

16. MOTIONS WITHOUT NOTICE

Nil

17. REPORTS**17.1 Council Member Function or Activity on the Business of Council****Cr Louise Pascale**

- 26 June - Rostrevor College Advisory Council
- 3 July - Jill Molloy, Chief of Staff, Assistant Minister for Prevention of Family Violence, Justine Elliot, MP (Canberra) and Kate Coleman Adviser, Office of the Hon Amanda Rishworth MP, Minister for Social Services (Canberra)
- 4 July - Hon Kristie McBain, Minister for Local Government (Canberra), Monica Telesny Senior Policy Adviser ALGA – Domestic Violence and Prevention (Canberra), Mikaela Wangmann – Tourism Advisor to Senator the Hon Don Farrell (Canberra)

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

Nil

17.3 CEO Report

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

- Adelaide Hills Council Priority Projects and Initiatives and Preventing Domestic and Family Violence Prospectus documents were prepared for engagement with Ministers during the trip to Canberra for the Australian Local Government Association National General Assembly. The CEO advised that these documents will be provided to Elected Members for information and were predicated on the 2023 Country Cabinet publication.

**ADELAIDE HILLS COUNCIL
MINUTES OF ORDINARY COUNCIL MEETING
TUESDAY 9 JULY 2024
63 MT BARKER ROAD STIRLING**

- Recruitment of key senior roles across the organisation is underway and elected members will be kept informed of progress.
- The Amy Gillett Bikeway Project contract has been signed between Adelaide Hills Council and the Department for Infrastructure and Transport. A full program of works to be undertaken is under development in collaboration with the Department and elected members will be kept informed regarding progress.

18. REPORTS OF COMMITTEES

18.1 Council Assessment Panel

Moved Cr Nathan Daniell
S/- Cr Chris Grant

255/24

That the minutes of the CAP meeting held on 19 June 2024 as supplied, be received and noted.

Carried Unanimously

18.2 Audit Committee

Nil

18.3 CEO Performance Review Panel

Nil

18.4 Boundary Change Committee

Nil

19. CONFIDENTIAL ITEMS

Nil

20. NEXT ORDINARY MEETING

The next ordinary meeting of the Adelaide Hills Council will be held on Tuesday 23 July 2024 from 6.30pm at 63 Mt Barker Road, Stirling.

21. CLOSE MEETING

The meeting closed at 7:14pm.