



ORDINARY COUNCIL MEETING

NOTICE OF MEETING

To: Mayor Jan-Claire Wisdom

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|-----------------------------|
| 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 9 July 2024
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 written over a horizontal line.

Greg Georgopoulos
Chief Executive Officer



ORDINARY COUNCIL MEETING

AGENDA FOR MEETING
Tuesday 9 July 2024
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

3.2. Leave of Absence

3.2.1. Cr Leith Mudge, 9 July 2024 to 11 July 2024, approved at Council 25 June 2024.

3.2.2. Cr Lucy Huxter, 8 July 2024 to 25 July 2024, approved at Council 25 June 2024.

3.3. Absent

4. MINUTES OF PREVIOUS MEETINGS

Council Meeting – 25 June 2024

That the minutes of the ordinary meeting held on 25 June 2024 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
- 8.2. Deputations
- 8.3. Public Forum

9. PRESENTATIONS (by exception)

Nil

10. QUESTIONS ON NOTICE

- 10.1. Expenditure Query – Cr Mark Osterstock
- 10.2. Development Queries Woodside – Cr Kirsty Parkin

11. MOTIONS ON NOTICE

- 11.1. Proposed OTR Development Heathfield – Cr Mark Osterstock

- 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:*

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)(b)(iii) 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

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

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.*

11.2. Housing Strategy – Cr Kirsty Parkin

1. *The Adelaide Hills Council commence the development of a Housing Strategy that aims to balance growth and change across the district, with consideration to distinctive township, neighbourhood and countryside character and the environmental cost and benefits of new housing.*
2. *The initial phase of this strategy development prioritises community engagement delving into the distinctive features and characteristics that make each village within our region special and unique to our community.*
3. *A visioning process forms a key part of this engagement process and explores residents' desires for their living environment, including aspects such as architecture, public spaces, community facilities, and cultural heritage, envisioning what residents want their homes, townships, neighbourhoods and countryside to look and feel like.*
4. *A Community Reference Group be established to contribute ideas and feedback based on lived experience and local knowledge of housing needs. The group will ensure character preservation and environmental measures are integrated into the Strategy development process. To support the Group collaboration with relevant stakeholders and experts in climate action, environmental conservation, and character preservation will be necessary.*

5. *The community engagement process be inclusive and participatory, ensuring that all residents have the opportunity to contribute their perspectives, ideas, and aspirations for their homes and neighbourhoods, and be undertaken with the understanding that the different villages within the Adelaide Hills may have different aspirations for the amenity of their towns and surrounding landscape*
6. *The Adelaide Hills Council allocate sufficient resources and support to facilitate meaningful community engagement activities, including but not limited to workshops, surveys, and community gatherings, to capture a diverse range of voices and perspectives.*
7. *Concurrent with the engagement process, an audit should be undertaken to determine what housing is currently available for older residents in the AHC. Alongside housing audits focusing on general community needs and available housing options for all residents.*
8. *The strategy considers environmental measures to safeguard the natural assets of the Adelaide Hills region such as tree canopy cover, landscape and farmland*
9. *Given the climate emergency declared by the Adelaide Hills Council, the Strategy incorporate measures to address climate change mitigation and adaptation, enhancing resilience and promoting environmentally sustainable development practices.*
10. *Regular updates on the progress of the Housing Strategy development, including updates on the integration of climate emergency, environmental, and heritage considerations, be communicated to the public through accessible channels such as council meetings, newsletters, social media, and community forums.*
11. *Prior to completion, the draft Housing Strategy be subjected to widespread community consultation and feedback to ensure that it aligns with the council's climate emergency declaration, as well as environmental and character preservation goals, and reflects the aspirations and priorities of Adelaide Hills residents.*

12. ADMINISTRATION REPORTS – DECISION ITEMS

12.1. Road Closure Approval – AusCycling Super Series 2024

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*

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.*

12.2. External Training and Development – Cr Adrian Cheater

1. *That the report be received and noted.*
2. *To approve the payment of \$3000 for the EOG-7005 – Community Engagement training via the University of Adelaide for Cr Adrian Cheater.*

OR

3. *To not approve the payment of \$3000 for the EOG-7005 – Community Engagement training via the University of Adelaide for Cr Adrian Cheater.*

12.3. AHRMWA Strategic Plan

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.*

13. ADMINISTRATION REPORTS – INFORMATION ITEMS

13.1. Adelaide Peri-Urban Project

1. *That the report be received and noted.*

14. CORRESPONDENCE FOR NOTING

- 14.1. Letter to the Governor, Her Excellency Francis Adamson, on the passing of her mother
- 14.2. Letter to Mr Ted Huber – Congratulations on being named a Member of the Order of Australia

15. QUESTIONS WITHOUT NOTICE

16. MOTIONS WITHOUT NOTICE

17. REPORTS

- 17.1. Council Member Function or Activity on the Business of Council
- 17.2. Reports of Members/Officers as Council Representatives on External Organisations
- 17.3. CEO Report brooch

18. REPORTS OF COMMITTEES

- 18.1. *Council Assessment Panel – 19 June 2024*
That the minutes of the CAP meeting held on 19 June 2024 as supplied, be received and noted.
- 18.2. *Audit Committee*
Nil
- 18.3. *CEO Performance Review Panel*
Nil
- 18.4. *Boundary Change Committee*
Nil

19. CONFIDENTIAL ITEMS

Nil

20. NEXT MEETING

Tuesday 23 July 2024, 6.30pm, 63 Mt Barker Road, Stirling

21. CLOSE MEETING

Council Meeting & Workshops 2024

| JULY 2024 | | | |
|------------------------------------|---|----------|----------------------|
| Mon 1 July | Workshop | Woodside | N/A |
| Tues 9 July | Ordinary Council | Stirling | Rebekah Lyons |
| Wed 10 July | CAP | Stirling | Karen Savage |
| Tues 16 July | Professional Development Mid-term mandatory training | Stirling | N/A |
| Tues 23 July | Ordinary Council | Stirling | Rebekah Lyons |
| Wed 24 July | CEO PRP | Stirling | Kelley Jones Lawyers |
| AUGUST 2024 | | | |
| Mon 5 August | Workshop | Woodside | N/A |
| Tues 13 August | Ordinary Council | Stirling | Rebekah Lyons |
| Wed 14 August | CAP | Stirling | Karen Savage |
| Mon 19 August | Audit Committee | Stirling | Skye Ludzay |
| Tues 20 August | Professional Development | Stirling | N/A |
| Tues 27 August | Ordinary Council | Stirling | Rebekah Lyons |
| SEPTEMBER 2024 | | | |
| Mon 2 September | Workshop | Woodside | N/A |
| Tuesday 10 September | Ordinary Council | Stirling | Rebekah Lyons |
| Wed 11 September | CAP | Stirling | Karen Savage |
| Tues 17 September | Professional Development Mid-term mandatory training | Stirling | N/A |
| Thurs 19 September | CEO PRP | Stirling | Kelley Jones Lawyers |
| Tues 24 September | Ordinary Council | Stirling | Rebekah Lyons |
| OCTOBER 2024 | | | |
| Tues 1 October (Public Holiday) | Workshop | Woodside | N/A |
| Tuesday 8 October | Ordinary Council | Stirling | Rebekah Lyons |
| Wed 9 October | CAP | Stirling | Karen Savage |
| Mon 14 October | Audit Committee | Stirling | Skye Ludzay |
| Tues 15 October | Professional Development Mid-term mandatory training | Stirling | N/A |
| Tues 22 October | Ordinary Council | Stirling | Rebekah Lyons |
| NOVEMBER 2024 | | | |
| Mon 4 November | Workshop | Woodside | N/A |
| Tues 12 November | Ordinary Council | Stirling | Rebekah Lyons |
| Wed 13 November | CAP | Stirling | Karen Savage |
| Mon 18 November | Audit Committee | Stirling | Jody Atkins |
| Tues 19 November | Professional Development | Stirling | N/A |
| Tues 26 November | Ordinary Council | Stirling | Rebekah Lyons |
| DECEMBER 2024 | | | |
| Mon 2 December | Workshop | Woodside | N/A |
| Wed 11 December | CAP | Stirling | Karen Savage |
| Tues 17 December | Ordinary Council | Stirling | Rebekah Lyons |
| Wed 18 December | CEO PRP | Stirling | Kelley Jones Lawyers |

Meetings are subject to change, please check agendas for times and venues. All meetings (except Council Member Professional Development) are open to the public

Council Member Attendance 2024

Information or Briefing Sessions

| Meeting Date | Mayor Jan-Claire Wisdom | Cr Kirrilee Boyd | Cr Adrian Cheater | Cr Nathan Daniell | Cr Leith Mudge | Cr Louise Pascale | Cr Mark Osterstock | Cr Kirsty Parkin | Cr Pauline Gill | Cr Chris Grant | Cr Malcolm Herrmann | Cr Lucy Huxter | Cr Melanie Selwood |
|-----------------|-------------------------|------------------|-------------------|-------------------|----------------|-------------------|--------------------|------------------|-----------------|----------------|---------------------|----------------|--------------------|
| 19.03.2024 (PD) | LOA | F | F | F | F | F | AP | F | F | F | F | F | F |
| 23.03.2024 (WS) | LOA | P | F | F | F | F | P | P | F | F | F | AP | F |
| 02.04.2024 (WS) | LOA | AP | F | F | F | F | F | P | A | F | F | P | P |
| 09.04.2024 (WS) | LOA | F | F | F | F | LOA | F | F | A | F | F | LOA | F |
| 16.04.24 (WS) | LOA | F | P | F | AP | LOA | LOA | LOA | F | F | F | F | F |
| 06.05.2024 (WS) | LOA | F | F | F | F | F | A | F | LOA | F | F | F | F |
| 21.05.2024 (WS) | F | F | F | F | F | P | LOA | F | LOA | F | F | AP | F |
| 3.06.2024 (WS) | AP | AP | F | F | F | F | AP | F | F | F | F | AP | F |
| 18.06.2024 (PD) | F | F | F | F | F | F | F | AP | F | F | F | AP | F |
| 01.07.24 (WS) | AP | F | AP | F | F | AP | AP | F | AP | F | P | P | F |

Council Member Attendance 2024

Council Meetings (including Special Council Meetings)

| Meeting Date | Mayor Jan-Claire Wisdom | Cr Kirrilee Boyd | Cr Adrian Cheater | Cr Nathan Daniell | Cr Leith Mudge | Cr Louise Pascale | Cr Mark Osterstock | Cr Kirsty Parkin | Cr Pauline Gill | Cr Chris Grant | Cr Malcolm Herrmann | Cr Lucy Huxter | Cr Melanie Selwood |
|--------------|-------------------------|------------------|-------------------|-------------------|----------------|-------------------|--------------------|------------------|-----------------|----------------|---------------------|----------------|--------------------|
| 26.03.2024 | LOA | AP | F | F | F | P | LOA | F | F | AP | F | AP | F |
| 9.04.2024 | LOA | F | F | F | F | LOA | F | F | P | F | F | LOA | F |
| 23.04.2024 | LOA | F | F | F | F | LOA | F | F | AP | F | F | F | F |
| 14.05.2024 | LOA | F | F | F | F | F | LOA | AP | LOA | F | F | F | F |
| 28.05.2024 | F | F | F | F | F | AP | F | LOA | LOA | F | F | F | F |
| 11.06.2024 | F | F | F | F | F | F | F | LOA | F | F | F | AP | F |
| 17.06.2024 | F | F | F | F | F | F | AP | F | F | F | F | F | F |
| 25.06.2024 | F | AP | F | F | F | F | F | F | AP | F | F | F | F |
| 01.07.2024 | F | F | AP | F | F | AP | F | F | AP | F | F | F | F |

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 depute 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.