

**ADELAIDE HILLS COUNCIL
MINUTES OF SPECIAL COUNCIL MEETING
MONDAY 1 July 2024
63 MT BARKER ROAD STIRLING**

In Attendance

Presiding Member: Mayor Jan-Claire Wisdom

Members:

Councillor Kirrilee Boyd
Councillor Nathan Daniell
Councillor Chris Grant
Councillor Malcolm Herrmann
Councillor Lucy Huxter
Councillor Leith Mudge
Councillor Mark Osterstock
Councillor Kirsty Parkin
Councillor Melanie Selwood

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
Zoe Gill	Governance and Risk Coordinator
Skye Ludzay	Minute Secretary
Deryn Atkinson	Manager Development Services
Jake McCulloch	Technical Support

1. COMMENCEMENT

The special meeting commenced at 6:33 pm.

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.

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3. APOLOGIES/LEAVE OF ABSENCE

3.1 Apology

Cr Adrian Cheater
Cr Louise Pascale
Cr Pauline Gill

3.2 Leave of Absence

Nil

3.3 Absent

4. DECLARATION OF CONFLICT OF INTEREST BY MEMBERS OF COUNCIL

4.1 Material Conflict of Interest, Cr Leith Mudge – Item 8.1 Correspondence from PC Infrastructure

Under section 75C of the *Local Government Act 1999* Cr Leith Mudge disclosed a Material (section 75) Conflict of Interest in Item 8.1.

5. PRESIDING MEMBER'S OPENING REMARKS

Nil

6. PUBLIC FORUM

Nil

7. BUSINESS OF THE MEETING

7.1 Annual Business Plan 2024-25 for Adoption

Moved Cr Osterstock
S/- Cr Grant

232/24

Council resolves:

1. That the report be received and noted

1.1 Pursuant to and in accordance with section 123(6) of the *Local Government Act 1999* (the "Act") and Regulation 6 of the *Local Government (Financial Management) Regulations 2011* and having considered all submissions and consultation feedback

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received, the Annual Business Plan (*Appendix 1*) as laid before Council for the financial year ending 30 June 2025, be adopted.

1.2 Pursuant to and in accordance with section 123(7) of the Act and regulation 7 of the *Local Government (Financial Management) Regulations 2011*, having considered the Budget in conjunction with, and determined the Budget to be consistent with, the Council's Annual Business Plan, the Budget for the financial year ending 30 June 2025, as laid before the Council at this meeting, be adopted.

1.3 Determination and Adoption of Valuations 2024-25

1.3.1 Rates assessed on rateable land in the Council will be based on the capital value of land for all rateable land.

1.3.2 Pursuant to section 167(2)(a) of the Act the most recent valuations of the Valuer General available to the Council of the capital value of land within the Council area, be adopted for rating purposes for the financial year ending 30 June 2025, totalling \$17,054,765,200.

1.4 Determination of Basis for Differential Rating

Having considered the general principles of rating contained in section 150 of the Act and the requirements of section 153(2) of the Act, and in order to raise the amount as per paragraph 1.2, pursuant to section 152(1)(c) of the Act the Council declares that general rates for the financial year ending 30 June 2025 will consist of two components:

1. one being based on the value of the land subject to the rate; and
2. the other being a fixed charge.

Pursuant to sections 153(1)(b) and 156(1)(c) of the Act the Council declares the following differential general rates for the financial year ending 30 June 2025 on rateable land within the Council area, based upon the capital value of the land and varying according to land use and locality categories in accordance with regulation 14 of the *Local Government (General) Regulations 2013*:

1.4.1 category (a) Residential, a rate of 0.1970 cents in the dollar.

1.4.2 category (b) Commercial - Shop, a rate of 0.2558 cents in the dollar.

1.4.3 category (c) Commercial - Office, a rate of 0.2709 cents in the dollar.

1.4.4 category (d) Commercial - Other, a rate of 0.2622 cents in the dollar.

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- 1.4.5 category (e) Industry - Light, a rate of 0.2600 cents in the dollar.
- 1.4.6 category (f) Industry - Other, a rate of 0.3074 cents in the dollar.
- 1.4.7 category (g) Primary Production, a rate of 0.1950 cents in the dollar.
- 1.4.8 category (h) Vacant land, that is located within a Neighbourhood Type Zone, as defined by the Planning and Design Code and given effect by the *Planning, Development and Infrastructure Act 2016*, a rate of 0.2642 cents in the dollar.
- 1.4.9 category (h) Vacant Land, that is not located in a Neighbourhood Type Zone, as defined by the Planning and Design Code and given effect by the *Planning, Development and Infrastructure Act 2016* a rate of 0.2168 cents in the dollar.
- 1.4.10 category (i) Other, a rate of 0.2006 cents in the dollar.

1.5 Declaration of General Rates – Annual Fixed Charge

Pursuant to section 152(1)(c)(ii) of the Act, the Council declares a fixed charge of \$830 in respect of all rateable land in the Council area for the financial year ending 30 June 2025.

1.6 Imposition of Regional Landscape Levy

In accordance with section 69 of the *Landscape South Australia Act 2019*, and section 154 of the Act, to reimburse the Council the amount contributed to the Hills and Fleurieu Regional Landscape Board, the Council declares the following separate rate based upon the capital value of rateable land for the financial year ending 30 June 2025:

- 1.6.1 0.01017 cents in the dollar on all rateable land in the Council area and in the area of Hills & Fleurieu Regional Landscape Levy.

1.7 Annual Service Charge

Pursuant to section 155 of the Act, for the financial year ending 30 June 2025 the Council imposes the following annual service charges based on the nature of the service and the level of usage:

- 1.7.1 In respect of all land to which the Council supplies or makes available the prescribed services known as:
 - the Woodside Community Wastewater Management System

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- the Woodside Extension Community Wastewater Management System
- the Birdwood and Mt Torrens Community Wastewater Management System
- the Kersbrook Township Community Wastewater Management System
- the Charleston Community Wastewater Management System
- the Verdun Community Wastewater Management System
- the Mt Lofty Ward Community Wastewater Management System

an annual service charge of \$826 in respect of land which is occupied and an annual service charge of \$415 in respect of land which is vacant.

1.8 Rate Cap and Rebates

1.8.1 Rate Cap (General Rates Maximum Increase for Principal Place of Residence)

That for the year ending 30 June 2025 pursuant to section 153(3) of the Act the Council will not fix a maximum increase in the general rate to be charged on any rateable land that constitutes the principal place of residence of a principal ratepayer.

1.8.2 Primary Production Rebate

Pursuant to section 166(1)(b) of the Act, Council continues to offer, for the year ending 30 June 2025, upon application, a discretionary Primary Production Rebate of 10% on the differential primary production general rate to those ratepayers in the business of primary production who do not have a notional capital value assessment of their property and who have applied for and been granted this rebate in any of the last three (3) rating years, namely 2021-22, 2022-23 and/or the 2023-24 rating year.

1.8.2 Special Discretionary Rebate

Council has determined, after considering the response from ESCOSA related to reviewing the rationale for the quantum of any maximum rate increase with consideration of the community's capacity to pay for higher increases and pursuant to section 166(1)(i)(ii) of the Act, to provide a special discretionary rebate for the purposes of fixing a maximum increase in general rates to be charged on all residential and primary production land use categories within its area to be applied by the Council either on its own initiative where Council considers that the ratepayer meets the eligibility criteria or by application from the ratepayer, in circumstances where:

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- the general rates payable for the financial year ending 30 June 2025 exceed the general rates paid in the previous financial year by 15% or more,

and where the increase in general rates is not because of:

- (i) new development, alteration or improvement made to the property since the 2023-24 valuation being those properties with a valuation change as a result of a Revisit Growth, Creation or Cancellation as defined by the Valuer-General unless the ratepayer is located within the Cudlee Creek bushfire scar as determined by Council; or
- (ii) a change to the land use of the property; or
- (iii) a change in ownership (unless a family transfer) of the rateable property

the amount of any cap being the difference between the amount of general rates in monetary terms (before any rebate was applied) to be imposed for the 2024-25 financial year and the amount of general rates in monetary terms (before any rebate was applied) for the 2023-24 financial year plus 15% of those rates.

1.9 Separate Rates

Declaration of Separate rate – Stirling Business Separate Rate

- 1.9.1 Pursuant to section 154 of the Act for the financial year ending 30 June 2025 in order to raise the amount of \$110,000 to carry out the activity of promoting and enhancing business viability, profitability, trade and commerce in that part of the Council area comprising rateable land within the precinct known as the Stirling “Suburban Mainstreet Zone” and businesses fronting both sides of Mt Barker Road east of the Stirling “Suburban Mainstreet Zone” to Pine Street, excluding land attributed a land use category (a) (residential) and government owned land, the Council declares a differential separate rate of 0.0780 cents in the dollar on all other land uses based on the capital value of the rateable land within that part of the Council area.
- 1.9.2 In exercise of the powers contained in section 158(1)(a) of the Act the minimum amount that is payable by way of the Stirling Business separate rate is \$305 (affecting all properties within the area to which the separate rate applies where the capital value is below \$391,025).
- 1.9.3 In exercise of the powers contained in section 158(1)(b) of the Act the amount that would otherwise be payable by way of rates in respect of the Stirling Business separate rate is altered by fixing the maximum amount of the separate rate payable at \$3,000 (affecting all properties

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within the area to which this separate rate applies where the capital value is in excess of \$3,846,154).

1.10 Payment of Rates

1.10.1 That pursuant to section 181 of the Act, the Council declares that all rates in respect of the financial year ending 30 June 2025 are payable by four equal (or approximately equal) quarterly instalments (unless otherwise agreed with the principal ratepayer), falling due during the months of September and December 2024 and March and June 2025.

1.10.2 In exercise of the powers contained in section 44 of the Act, the Council delegates to the Chief Executive Officer

- the power pursuant to section 181(2) of the Act to determine the day on which each instalment falls due in the months specified in part 1.10.1 of this resolution; and,
- the power pursuant to section 181(4)(b) of the Act, to enter into agreements with principal ratepayers relating to the payment of rates in any case of hardship or financial difficulty.

1.11 Adoption of Rating Policy

1.11.1 To adopt the Rating Policy, in Annexure D of the 2024-25 Annual Business Plan in Appendix 1 of this report, effective from 1 July 2024.

1.11.2 That the Chief Executive Officer, or his delegate, is authorised to make any formatting, nomenclature or other minor changes to the Policy prior to the effective date.

1.12 Borrowings

Council resolves to:

1.12.1 borrow the sum up to \$7.1m for the purpose of funding the 2024-25 Budget.

1.12.2 authorise the Chief Executive to negotiate and agree the interest rate and any terms and conditions of the above borrowing arrangements following the Treasury Policy as adopted by Council.

1.12.3 authorise the affixation of the common seal as necessary to give effect to Council's resolutions in this matter and that this be undertaken by the Mayor and the Chief Executive Officer.

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2. That the CEO is authorised to:

- a. make any formatting, nomenclature or other minor changes to the Annual Business Plan prior to being released for publication and
- b. determine the publishing timings, processes and related media promotion while ensuring consistency and compliance with the provisions of applicable legislation.

Carried

7.2 National General Assembly of Local Government 2024

7.2.1 Moved Cr Selwood

S/- Cr Daniell

233/24

Council resolves:

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

Carried Unanimously

7.2.2 Moved Cr Parkin

S/- Cr Mudge

234/23

Council resolves:

- 1. To endorse the proposed voting recommendations outlined in Appendix 2 of this report.**

Carried Unanimously

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7.2.3 Moved Cr Selwood

S/- Cr Herrmann

235/24

Council resolves:

1. To vote against proposed Motion 25 – Murray River Council NSW.

Carried Unanimously

7.2.4 Moved Cr Mudge

S/- Cr Grant

236/24

Council resolves:

1. To vote in support for proposed Motion 26 – Newcastle City Council NSW.

Carried Unanimously

7.2.5 Moved Cr Herrmann

S/- Cr Huxter

Council resolves:

1. To vote against proposed Motion 124 – Newcastle City Council NSW.

Motion Lost

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**Moved Cr Mudge
S/- Cr Boyd**

237/24

Council resolves:

- 1. To vote in support of proposed Motion 124 – Newcastle City Council NSW**

Carried

**7.2.6 Moved Cr Selwood
S/- Cr Boyd**

238/24

Council resolves:

- 1. To vote in support of proposed Motion 158 – Noosa Council QLD.**

Carried Unanimously

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8. CONFIDENTIAL ITEM

8.1 Correspondence from PC Infrastructure – Exclusion of the Public

Under section 75C of the *Local Government Act 1999* Cr Leith Mudge disclosed a Material (section 75) Conflict of Interest in Item 8.1.

- I am a member of the Council Assessment Panel (CAP) and am prevented by its Code of Conduct from being included in any matters that may come before CAP outside of panel meetings.

7:40pm Cr Leith Mudge left the meeting room.

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

239/24

Council resolves:

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 Environment & Infrastructure, David Waters
- Director Corporate Services, Gary Lewis
- Acting Director Community & Development, Jess Charlton
- Governance and Risk Coordinator, Zoë Gill
- Manager Development Services, Deryn Atkinson
- Minute Secretary, Skye Ludzay
- IT Support, Jake McCulloch
- Norman Waterhouse, Peter Psaltis

be excluded from attendance at the meeting for Agenda Item 8.1: (Correspondence from PC Infrastructure Pty Ltd) 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)(h) of the *Local Government Act 1999*, the information to be received, discussed or considered in relation to this Agenda Item is legal advice
- Section 90(3) (i) of the *Local Government Act 1999*, the information to be received, discussed or considered in relation to this Agenda Item is information relating to actual litigation or litigation that the council believes on reasonable grounds will take place.

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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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8.1.1 Correspondence from PC Infrastructure – Confidential Item

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8.1.2 Correspondence from PC Infrastructure – Duration of Confidentiality

Moved Cr Daniell
S/- Cr Selwood

241/24

Council resolves:

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 8.1 in confidence under sections 90(2) and 90(3(h) and (i) 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 Further Order
Related Attachments	Until Further Order
Minutes	Until Further Order
Other (presentation, documents, or similar)	Until Further Order

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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9. CLOSE MEETING

8:40pm Cr Leith Mudge returned to the meeting room.

The meeting closed at 8:40pm.