

**ADELAIDE HILLS COUNCIL
MINUTES OF ORDINARY COUNCIL MEETING
TUESDAY 13 August 2024
63 MT BARKER ROAD STIRLING**

In Attendance

Presiding Member: Mayor Jan-Claire Wisdom

Members:

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

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 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.

Mayor _____

27 August 2024

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6:31pm Cr Malcolm Herrmann joined the meeting.

3. APOLOGIES/LEAVE OF ABSENCE

3.1 Apology

Nil

3.2 Leave of Absence

Nil

3.3 Absent

Nil

4. MINUTES OF PREVIOUS MEETINGS

4.1 Council Meeting – 23 July 2024

Moved Cr Chris Grant
S/- Cr Leith Mudge

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Council resolves that the minutes of the Ordinary Council meeting held on 23 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 Cr Melanie Selwood, Item 7.1 - Community Bushfire Reference Group Terms of Reference

Under section 75C of the Local Government Act 1999 Cr Melanie Selwood disclosed a General (section 74) Conflict of Interest in Item 7.1.

5.2 Cr Pauline Gill, Item 8.1 – Petition Civic Awards and Citizenship Ceremonies on Australia Day

Under section 75C of the Local Government Act 1999 Cr Pauline Gill disclosed a General (section 74) Conflict of Interest in Item 8.1.

5.3 Cr Nathan Daniell, Item 11.1 – Boundary Change Committee Membership

Under section 75C of the Local Government Act 1999 Cr Nathan Daniell disclosed a General (section 74) Conflict of Interest in Item 11.1.

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5.4 Cr Melanie Selwood, Item 11.1 – Boundary Change Committee Membership

Under section 75B of the Local Government Act 1999 Cr Melanie Selwood disclosed a General (section 74) Conflict of Interest in Item 11.1.

5.5 Cr Louise Pascale, Item 11.1 – Boundary Change Committee Membership

Under section 75B of the Local Government Act 1999 Cr Louise Pascale disclosed a General (section 74) Conflict of Interest in Item 11.1.

5.6 Mayor Jan-Claire Wisdom, Item 11.1 – Boundary Change Committee Membership

Under section 75B of the Local Government Act 1999 Mayor Jan-Claire Wisdom disclosed a General (section 74) Conflict of Interest in Item 11.1.

5.7 Cr Malcolm Herrmann, Item 12.3 – Upper Hermitage CFS Site Lease Proposal

Under section 75B and 75C of the Local Government Act 1999 Cr Malcolm Herrmann disclosed a General and Material Conflict of Interest (75A(3)) in Item 12.3.

5.8 Cr Chris Grant, Item 12.3 – Upper Hermitage CFS Site Lease Proposal

Under section 75B and 75C of the Local Government Act 1999 Cr Chris Grant disclosed a General and Material (section 75A(3)) Conflict of Interest in Item 12.3.

5.9 Cr Adrian Cheater, Item 12.3 – Upper Hermitage CFS Site Lease Proposal

Under section 75B and 75C of the Local Government Act 1999 Cr Adrian Cheater disclosed a General and Material (section 75A(3)) Conflict of Interest in Item 12.3.

5.10 Cr Malcolm Herrmann, Item 14 – Correspondence for Noting

Under section 75B of the Local Government Act 1999 Cr Malcolm Herrmann disclosed a General (section 74) Conflict of Interest in Item 14.

5.11 Cr Louise Pascale, Item 15 – Questions without Notice

Under section 75B of the Local Government Act 1999 Cr Louise Pascale disclosed a General (section 74) Conflict of Interest in Item 15.

6. PRESIDING MEMBER'S OPENING REMARKS

The Mayor congratulated participants of the South Australian Living Artists Festival (SALA), as well as members of the wider community who attended the Festival in support of local artists.

7. QUESTIONS ADJOURNED/LYING ON THE TABLE

7.1 Questions Adjourned

7.1.1 Community Bushfire Reference Group

Item withdrawn

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7.2 Questions Lying on the Table

Nil

8. PETITIONS/DEPUTATIONS/PUBLIC FORUM

8.1 Petitions

8.1.1 Civic Awards and Citizenship Ceremonies on Australia Day

Under section 75B of the *Local Government Act 1999* Cr Pauline Gill disclosed a General (section 74) Conflict of Interest in Item 8.1

- As per s74 of the Local Government Act, I have a General Conflict of Interest as a signatory on the petition being tabled. I am not gaining a benefit or a detriment by signing the petition being tabled, though there may be an apprehension of bias. I believe I am able to maintain an open mind on the matter and have consulted with the community to gain an understanding of the community's thoughts, to enable me to make an informed decision.

Cr Pauline Gill advised the meeting that her private interest would not result in her acting in a manner contrary to her public duty and that she will remain in the meeting when the item is discussed and participate in the debate and vote on the matter.

Moved Cr Lucy Huxter

S/- Cr Chris Grant

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Council resolves:

1. **That the petition signed by 1044 signatories requesting that due to the lack of public consultation on the important issue of retaining Australia Day community events supported by the Adelaide Hills Council, we the undersigned residents of Adelaide Hills Council, petition the Adelaide Hills Council to: Celebrate Australia Day on 26th January and continue the long-standing tradition of presenting Adelaide Hills Council civic awards and hosting citizenship ceremonies on that day be received and noted.**
2. **That the CEO advise the principal signatory of the Council's noting of the petition and of any resolutions relating to the matter.**

Carried Unanimously

8.2 Deputations

Nil

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8.3 Public Forum

Through the Presiding Member, leave of the meeting was sought and granted to extend the Public Forum to 20 minutes with a time allocation of 3 minutes per person.

John Tate of Birdwood – Referring to the letter from the Lions Club of Torrens Valley to the CEO regarding Civic Awards and events being moved away from Australia Day.

Edna Tate of Birdwood – Support for Civic Awards and events on Australia Day.

Maree Toholke of Birdwood - Support for Civic Awards and events on Australia Day.

Cathryn Nitschke of Balhannah - Support for Civic Awards and events on Australia Day.

Keith Bennett of Mount Torrens – Support for Civic Awards and events on Australia Day.

Tim Gregg of Stirling – Lions Club of Onkaparinga support for Civic Awards and events on Australia Day.

Through the Presiding Member, leave of the meeting was sought and granted to bring Item 16 forward to this point of the meeting.

ITEM 16 - MOTIONS WITHOUT NOTICE

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

Moved Cr Malcolm Herrmann
S/- Cr Pauline Gill

That the CEO provides a report to Council by 22 October 2024, in response to the petition with 1044 signatures at Item 8.1.1 and the letter dated 2 July 2024 from Lions Club of Torrens Valley at Item 14.

VARIATION

Through the Presiding Member, with the consent of the Mover and Seconder, leave of the meeting was sought and granted to vary the motion as follows:

That the CEO provides a report to Council by 22 October 2024, options in response to the petition with 1044 signatures at Item 8.1.1 and the letter dated 2 July 2024 from Lions Club of Torrens Valley at Item 14.

VARIATION

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Through the Presiding Member, with the consent of the Mover and Seconder, leave of the meeting was sought and granted to vary the motion as follows:

That the CEO provides a report to Council by 22 October 2024, identifying options in response to the petition with 1044 signatures at Item 8.1.1 and the letter dated 2 July 2024 from Lions Club of Torrens Valley at Item 14.

AMENDMENT

Moved Cr Kirsty Parkin
S/- Cr Mark Osterstock

That the CEO provides a report to Council by the end of October 2024, to canvas the views of the residents and rate payers of the Adelaide Hills Council on official and community events held on Australia Day.

VARIATION

Through the Presiding Member, with the consent of the Mover and Seconder, leave of the meeting was sought and granted to vary the amendment as follows:

That the CEO provides a report to Council by the end of October 2024, identifying options including ways to canvas the views of the residents and rate payers of the Adelaide Hills Council on official and community events held on Australia Day in response to the petition with 1044 signatures at Item 8.1.1 and the letter dated 2 July 2024 from Lions Club of Torrens Valley at Item 14.

The amendment was put and carried

Moved Cr Malcolm Herrmann
S/- Cr Pauline Gill

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That the CEO provides a report to Council by the end of October 2024, identifying options including ways to canvas the views of the residents and rate payers of the Adelaide Hills Council on official and community events held on Australia Day in response to the petition with 1044 signatures at Item 8.1.1 and the letter dated 2 July 2024 from Lions Club of Torrens Valley at Item 14.

CARRIED

DIVISION

Cr Pauline Gill called for a division.

The Presiding Member set aside the ruling.

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In the affirmative (7)

Councillors Herrmann, Boyd, Gill, Parkin, Cheater, Huxter, Daniell, Osterstock

In the negative (4)

Councillors Selwood, Grant, Mudge, Pascale

On the basis of the results of the division, the Presiding Member declared the motion **Carried.**

7:55pm through the Presiding Member, leave of the meeting was sought and granted to adjourn the meeting for a short break.

8:07pm the meeting resumed.

9. PRESENTATIONS

Nil

10. QUESTIONS ON NOTICE

Nil

11. MOTIONS ON NOTICE

11.1 Boundary Change Committee Membership – Cr Mark Osterstock

Under section 75B of the *Local Government Act 1999* Cr Louise Pascale disclosed a General (section 74) Conflict of Interest in Item 11.1.

- I live in Woodforde; a suburb impacted

Cr Pascale advised the meeting that her private interest would not result in her acting in a manner contrary to her public duty and that she will remain in the meeting when the item is discussed and participate in the debate and vote on the matter.

Under section 75B of the *Local Government Act 1999* Cr Melanie Selwood disclosed a General (section 74) Conflict of Interest in Item 11.1.

- The decision would result in my removal from the committee.

Cr Selwood advised the meeting that her private interest would not result in her acting in a manner contrary to her public duty and that she will remain in the meeting when the item is discussed and participate in the debate.

Under section 75B of the *Local Government Act 1999* Mayor Wisdom disclosed a General (section 74) Conflict of Interest in Item 11.1.

- There may be an application of bias as I own a property in an affected suburb.

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The Mayor advised the meeting that her private interest would not result in her acting in a manner contrary to her public duty and that she will remain in the meeting when the item is discussed and participate in the debate and vote on the matter.

Under section 75B of the *Local Government Act 1999* Cr Nathan Daniell disclosed a General (section 74) Conflict of Interest in Item 11.1.

- I would be appointed to the Boundary Change Committee if the motion passes.

8:09pm Cr Daniell left the meeting room.

**Moved Cr Mark Osterstock
S/- Cr Melanie Selwood**

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That notwithstanding the Boundary Change Committee Terms of Reference [Appendix 1], effective forthwith, Council appoints Councillor Nathan Daniell to the committee, in place of the Deputy Mayor Melanie Selwood for the period up to and including 30 November 2025.

8:32pm Cr Louise Pascale left the meeting room.

Carried Cr Selwood voted in favour of the item

DIVISION

Cr Pauline Gill called for a division.

The Presiding Member set aside the ruling.

In the affirmative (7)

Councillors Herrmann, Boyd, Selwood, Cheater, Grant, Mudge, Osterstock

In the negative (3)

Councillors Gill, Parkin, Huxter

On the basis of the results of the division, the Presiding Member declared the motion **Carried.**

8:34pm Crs Pascale and Daniell returned to the meeting room.

8:34pm Cr Melanie Selwood left the meeting room.

12. OFFICER REPORTS – DECISION ITEMS

Nil

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12.1 December and January Meeting Schedule

Moved Cr Adrian Cheater
S/- Cr Leith Mudge

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Council resolves:

1. That the report be received and noted.
2. That Council notes its decision at the 12 March 2024 Council Meeting to resolve to follow the below schedule:

Day	Meeting Type	Location	Time
First Monday of the Month	Workshop	Nairne Road, Woodside	6.30pm
Second Tuesday of the Month	Ordinary Council Meeting	63 Mount Barker Road, Stirling	6.30pm
Third Tuesday of the Month	Professional Development (or Workshop where necessary)	63 Mount Barker Road, Stirling	6.30pm
Fourth Tuesday of the Month	Ordinary Council Meeting	63 Mount Barker Road, Stirling	6.30pm

3. Resolves that commencing from 14 August 2024 and concluding at the end of the current Council term for the months of December and January, to follow the below schedule:

December			
Day	Meeting Type	Location	Time
First Monday of the Month	Workshop	Nairne Road, Woodside	6.30pm
Second Tuesday of the Month	Ordinary Council Meeting	63 Mount Barker Road, Stirling	6.30pm
January			
Day	Meeting Type	Location	Time
Fourth Tuesday of the Month	Ordinary Council Meeting	63 Mount Barker Road, Stirling	6.30pm

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4. That the Chief Executive Officer has the delegated authority in exceptional circumstances, including but not limited to, catastrophic fire danger days and other emergency situations, after consultation with the Mayor, to move the time and place of these Ordinary Meetings and Workshop.

Carried

8:35pm Cr Melanie Selwood returned to the meeting room.

12.2 Adelaide Hills Region Waste Management Authority Audit and Risk Committee – Membership and Terms of Reference

Moved Cr Lucy Huxter

S/- Cr Pauline Gill

280/24

Council resolves:

1. That the report be received and noted.
2. That Council reappoint Rebecca Wilson as an independent member of the AHRWMA Audit and Risk Committee for a further term of two years, expiring 8 August 2026.
3. That Council reappoint Alex Oulianoff as a member of the AHRWMA Audit and Risk Committee for a further term of three years, expiring 21 September 2027.
4. Notes the changes to the AHRWMA Audit and Risk Committee’s Terms of Reference.
5. That the Chief Executive Officer advises AHRWMA of Council’s decision prior to the AHRWMA Audit and Risk Committee’s next meeting scheduled for 10 September 2024.

Carried Unanimously

12.3 Upper Hermitage CFS Site – Lease Proposal

Under section 75B and 75C of the Local Government Act 1999 Cr Malcolm Herrmann disclosed a General and Material Conflict of Interest (75A(3)) in Item 12.3.

- I am the Presiding Member of the Birdwood CFS Brigade.

Under section 75B and 75C of the Local Government Act 1999 Cr Adrian Cheater disclosed a General and Material Conflict of Interest (75A(3)) in Item 12.3.

- I am a member of the CFS.

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Under section 75B and 75C of the Local Government Act 1999 Cr Chris Grant disclosed a General and Material Conflict of Interest (75A(3)) in Item 12.3.

- I am a member of the CFS and this decision will cause the CFS to gain a benefit or suffer a detriment.

8.41pm Crs Herrmann, Cheater and Grant left the meeting room.

Moved Cr Pauline Gill

S/- Cr Kirsty Parkin

281/24

Council resolves:

1. That the report be received and noted.
2. That Council approves commencement of public consultation on the proposed twenty-one (21) year lease with the CFS for an amount of \$1 per year, if demanded, with a further option to renew for an additional 21 years at the Upper Hermitage CFS site situated at 300 Range Road North, Upper Hermitage. The land is contained within Certificate of Title Volume 5854 Folio 841.
3. That this report forms part of the Community Consultation report.
4. That following community consultation in accordance with Council's Community Consultation Policy:
 - a. That if there are substantive community objections to the proposed Lease, a further report will be submitted to Council providing information on the outcomes of the consultation and proposed process to deal with the proposal moving forward.
 - b. That if there are no substantive community objections, Council approves the signing of the twenty-one (21) year Lease.
5. That in the event that 4(b) applies, the Mayor and/or Chief Executive Officer or his delegate be authorised to sign all documents necessary, including affixation of the common seal if necessary, to give effect to this resolution.

Carried Unanimously

8:46pm Crs Herrman, Cheater and Grant returned to the meeting room.

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12.4 Draft Native Vegetation Protection and Conservation Policy

Moved Cr Nathan Daniell

S/- Cr Kirsty Boyd

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Council resolves:

1. That the report be received and noted.
2. To approve the release of the *Draft Native Vegetation Protection and Conservation Policy* for public consultation, as contained in Appendix 1.
3. That the CEO be authorised to:
 - a. Make any formatting, nomenclature or other minor changes to the draft prior to being released for public consultation and;
 - b. Determine the consultation timings, media and processes while ensuring consistency and compliance with the provisions of Council's Public Consultation Policy
4. That a report detailing the outcomes of the consultation and a revised draft Policy be brought back to the Council for consideration and adoption as soon as practicable after consultation closes.

Carried Unanimously

13. OFFICER REPORTS - INFORMATION ITEMS

Nil

14. CORRESPONDENCE FOR INFORMATION

14.1 Australia Day Celebrations – Lions Club of Torrens Valley Inc.

Under section 75B of the *Local Government Act 1999* Cr Malcolm Herrmann disclosed a General (section 74) Conflict of Interest in Item 14.1.

- I am a member (not office holder) of the Lions Club of Torrens Valley.

Cr Herrmann advised the meeting that his private interest would not result in him acting in a manner contrary to his public duty and that he will remain in the meeting when the item is discussed and participate in the debate and vote on the matter.

Moved Cr Gil

S/- Cr Cheater

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Council resolves that the correspondence is received and noted.

Carried Unanimously

14.2 Letter of Response to the Mayor from Her Excellency the Honourable Frances Adamson AC, Governor of South Australia

**Moved Cr Malcolm Herrmann
S/- Cr Adrian Cheater**

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Council resolves that the correspondence is received and noted.

Carried Unanimously

15. QUESTIONS WITHOUT NOTICE

Under section 75B of the *Local Government Act 1999* Cr Louise Pascale disclosed a General (section 74) Conflict of Interest in Item 15.

- I live in Woodforde; a suburb impacted by a potential boundary change.

Cr Pascale advised the meeting that her private interest would not result in her acting in a manner contrary to her public duty and that she will remain in the meeting when the item is discussed and participate in the debate and vote on the matter.

Cr Louise Pascale asked a question regarding the location of future Boundary Change Committee meetings and asked a follow up question regarding the intention for the committee to present to the Woodforde Residents Association Committee.

Cr Louise Pascale asked a question about the status of actions arising from the community forum held on 30 April 2024 at the Norton Summit Community Centre and asked a follow up question regarding when the community will receive the responses.

Cr Louise Pascale requested an update on the findings from the study of footpaths on Heather Ave, Woodforde.

Cr Chris Grant requested an update regarding the official planned opening of Fabrik, Lobethal.

16. MOTIONS WITHOUT NOTICE

This item was considered earlier in the meeting.

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

- Monday 29 July, Dr Nikki Vincent, Victoria's Commissioner for Public Sector Gender Equality Commissioner (ex-South Australian Equal Opportunity Commissioner) via Teams
- Wednesday 31 July, Woodforde Residents Association and Morialta Residents Association Joint Meeting
- Friday 2 August, SALA Opening, Norton Summit Community Centre

Cr Chris Grant

- Friday 2 August, Green Web meeting, Woorabinda
- Tuesday 6 August, Woodside Commerce Association AGM, Balhannah

Cr Melanie Selwood

- Friday 2 August, SALA Adelaide Hills Biodiversity Art Exhibition Opening at the Summit Community Centre

17.2 Reports of Members as Council/Committee Representatives on External Organisations**Cr Malcolm Herrmann**

- Tuesday 6 August, GRFMA Committee Meeting

17.3 CEO Report

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

- A meeting of all staff held on 1 August at the Aldgate Village Well, which included the launch of the Adelaide Hills Council Values Project and a consultation session regarding Council's next strategic plan. In relation to the Values Project, the CEO reported that staff were invited to participate in a survey and that Perks People Solutions will engage staff who nominate as 'champions' in a two day workshop to be held in September and October commence formulating the values. It was noted that elected members would have the opportunity to participate in the survey and that one place will be available for a councillor to join the champions group.
- The CEO reported that recruitment for the Manager People and Culture was progressing well.

18. REPORTS OF COMMITTEES**18.1 Council Assessment Panel**

Nil

18.2 Audit Committee

Nil

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18.3 CEO Performance Review Panel

Nil

18.4 Boundary Change Committee

Nil

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19. CONFIDENTIAL ITEMS

19.1 Financial Management – Exclusion of the Public

Moved Cr Adrian Cheater

S/- Cr Louise Pascale

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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
- Minute Secretary, Rebekah Lyons
- IT Support, Tom Portas

be excluded from attendance at the meeting for Agenda Item 19.2: (Financial Management) 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)(g) of the *Local Government Act 1999*, the information to be received, discussed or considered in relation to this Agenda Item is in relation to matters that must be considered in confidence in order to ensure that the council does not breach any law, order or direction of a court or tribunal constituted by law, any duty of confidence, or other legal obligation or duty;

Section 90(3)(h) of the *Local Government Act 1999*, the information to be received, discussed or considered in relation to this Agenda Item relates to legal advice.

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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19.1.1 Financial Management – Confidential Item

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9:41pm Cr Malcolm Herrman left the meeting room and did not return.

19.1.2 Financial Management – Duration of Confidentiality

Moved Cr Leith Mudge

S/- Cr Adrian Cheater

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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 19.1 in confidence under sections 90(2) and 90(3)(g) and (h) 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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20. NEXT ORDINARY MEETING

The next ordinary meeting of the Adelaide Hills Council will be held on Tuesday 27 August 2024 from 6.30pm at 63 Mt Barker Road, Stirling.

21. CLOSE MEETING

The meeting closed at 9:41pm