

**ADELAIDE HILLS COUNCIL
MINUTES OF ORDINARY COUNCIL MEETING
TUESDAY 13 JUNE 2023
63 MT BARKER ROAD STIRLING**

In Attendance

Presiding Member: Cr Nathan Daniell

Members:

Councillor Kirrilee Boyd
Councillor Malcolm Herrmann
Councillor Lucy Huxter
Councillor Leith Mudge
Councillor Mark Osterstock
Councillor Louise Pascale
Councillor Melanie Selwood

In Attendance:

David Waters	A/Chief Executive Officer
Terry Crackett	Director Corporate Services
Peter Bice	Director Infrastructure & Operations
Natalie Armstrong	Director Development & Regulatory Services
Lachlan Miller	Executive Manager Governance & Performance
John McArthur	Manager Sustainability, Waste & Emergency Management
Mike Carey	Manager Financial Services
Melissa Bright	Manager Economic Development
Steven Watson	Governance & Risk Coordinator
Tara Moyes	Minute Secretary
Tom Portas	Systems Analyst

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. Apology

Mayor Jan-Claire Wisdom
Cr Kirsty Parkin

Mayor _____ 27 June 2023

**ADELAIDE HILLS COUNCIL
MINUTES OF ORDINARY COUNCIL MEETING
TUESDAY 13 JUNE 2023
63 MT BARKER ROAD STIRLING**

3.1 Leave of Absence

- Mayor Jan-Claire Wisdom 14 August – 24 September 2023, approved by Council 11 April 2023
- Cr Leith Mudge 17 June – 25 June 2023, approved by Council 26 April 2023

Moved Cr Mark Osterstock

S/- Cr Kirrilee Boyd

143/23

1. That a Leave of Absence from all duties of office be granted to:
 - a. Cr Chris Grant 13 June 2023
 - b. Cr Adrian Cheater 13 June to 16 June 2023
 - c. Cr Mark Osterstock from 14 June to 26 June 2023 and 28 June to 2 July 2023
 - d. Cr Pauline Gill 13 June – 13 July 2023
2. That any committee or panel membership currently held by Cr Chris Grant, Cr Adrian Cheater, Cr Mark Osterstock and Cr Pauline Gill be undertaken by the Deputy during the leave of absence.

Carried Unanimously

3.2 Absent

Nil

4. MINUTES OF PREVIOUS MEETINGS

4.1 Council Meeting – 23 May 2023

Moved Cr Leith Mudge

S/- Cr Malcolm Herrmann

144/23

That the minutes of the Ordinary Council meeting held on 23 May 2023 as supplied, be confirmed as an accurate record of the proceedings of that meeting.

Carried Unanimously

**ADELAIDE HILLS COUNCIL
MINUTES OF ORDINARY COUNCIL MEETING
TUESDAY 13 JUNE 2023
63 MT BARKER ROAD STIRLING**

5. DECLARATION OF CONFLICT OF INTEREST BY MEMBERS OF COUNCIL

5.1 General Conflict of Interest, Cr Louise Pascale Item 11.2, Traffic Issues Woodforde & Teringie

Under section 75B of the *Local Government Act 1999* Cr Louise Pascale disclosed a General (section 74) Conflict of Interest in Item 11.2, Traffic Issues Woodforde & Teringie, the nature of which is as follows:

- I am a resident of Woodforde

Cr Louise Pascale intends to participate in discussions and vote when the item is discussed.

6. PRESIDING MEMBER'S OPENING REMARKS

Nil

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

Patricia Hoelmer – Mylor Bonfire Night/ Fireworks
Padma Chaplin – Mylor Bonfire Night/ Fireworks

**ADELAIDE HILLS COUNCIL
MINUTES OF ORDINARY COUNCIL MEETING
TUESDAY 13 JUNE 2023
63 MT BARKER ROAD STIRLING**

9. PRESENTATIONS

9.1 Gawler River Floodplain Management Authority – David Hitchcock

Leave of the meeting was sought and granted to bring item 12.1 forward on the agenda.

12.1 Gawler River Floodplain Management Authority 2023 – 24 Annual Business Plan & Budget

Moved Cr Malcolm Herrmann

S/- Cr Louise

Pascale

145/23

Council resolves:

- 1. That the report be received and noted.**
- 2. To advise the Board of the Gawler River Floodplain Management Authority that it has reviewed its 2023-24 Annual Business Plan and approves the Adelaide Hills Council's contribution of \$27,356 as set out in the draft 2023-24 Budget.**

Carried Unanimously

10. QUESTIONS ON NOTICE

10.1 Community Event Signage – Cr Melanie Selwood

For some community events, Council provides signage that reads 'Community Event Ahead'. My questions to the administration are:

1. How many of these signs does the Council own?
2. How often are there not enough signs for the number of community events that are on?
3. How often are we not able to supply them?
4. Are the signs in a good condition, easy to install and self-supporting?
5. Is the Council considering purchasing more of these signs to ensure there are sufficient numbers of them for community groups to access?

Response, Manager Communication, Engagement & Events

1. How many of these signs does the Council own?

Council currently owns 18 signs. They are provided on a loan basis to community groups holding events where it is considered beneficial for traffic near the event to be aware of the likely presence of increased pedestrian activity or changed traffic

**ADELAIDE HILLS COUNCIL
MINUTES OF ORDINARY COUNCIL MEETING
TUESDAY 13 JUNE 2023
63 MT BARKER ROAD STIRLING**

conditions. They do not replace the need for proper professional traffic management.

- 2. How often are there not enough signs for the number of community events that are on?**
Council's ability to supply signs depends on the number of conflicting events on the same day/weekend. This varies, but typically only occurs a small number of times each year.

- 3. How often are we not able to supply them?**

It is rare that Council is unable to accommodate requests to borrow these signs. It would typically occur where very short notice is given, and Council is not able to organise delivery of the signs from either Heathfield or Gumeracha depots to the event organiser. On occasion, Council's Events Officer has met organisers at Heathfield for a pickup to help facilitate last minute supply requests, although this is not a preferred supply option due to the challenges of managing risks associated with members of the public on Council depot sites.

- 4. Are the signs in a good condition, easy to install and self-supporting?**

The signs are in various conditions as they will typically vary in age and suffer normal wear and tear in transit and handling. Regrettably, signs are often returned to Council dirty, broken or damaged. Although badly damaged signs are removed from circulation, Council does not warrant that signs will be provided to event organisers in as-new condition. Rather, the signs will typically exhibit normal wear and tear and can be expected to be in a condition typical of other temporary roadworks signage.

Council's staff have received complaints from one (1) event organiser regarding signs being provided dirty. The signs are provided to event organisers at no cost. It is considered reasonable that event organisers clean the signs as required both before and after use for their event, albeit Council's works staff will clean off particular dirty signs on return. Sign stocks are usually replenished toward the end of each financial year in readiness for the next (Spring-Summer) event season.

It is the event organiser's responsibility to install the signs themselves, for example on star pickets, but Council does provide self-supporting roadworks bollards for supporting signs if requested. Supporting frames are being purchased (see below) however it should be noted that in windy conditions, signs may still need additional support.

- 5. Is the Council considering purchasing more of these signs to ensure there are sufficient numbers of them for community groups to access?**

Staff have ordered 30 new signs to replace the existing 18, thus providing additional capacity to meet demand at times where multiple events are held on conflicting dates. The new signs meet the Department for Infrastructure and Transport's *Guidelines for Events on SA Roads* and have a fluoro yellow/green reflective background. 30 swing stands have also been ordered so the signs will be self-supporting.

**ADELAIDE HILLS COUNCIL
MINUTES OF ORDINARY COUNCIL MEETING
TUESDAY 13 JUNE 2023
63 MT BARKER ROAD STIRLING**

The cost per self-supporting sign is \$105 + GST. Any future increases to the signage suite may require additional budget allocation.

11. MOTIONS ON NOTICE

11.1 Establishing a Tree Strategy

**Moved Cr Nathan Daniell
S/- Cr Mark Osterstock**

146/23

1. That Council develop and implement a Tree Strategy.
2. The Tree Strategy should include actions which help Council positively impact on the environment, for example, actions may be established for the following:
 - a. Plantings to replace trees removed by Council to ensure a net-positive impact is achieved (i.e. more trees planted than removed);
 - b. Increasing the quality and quantity of tree canopy within Council townships and major tourist thoroughfares
 - c. Increased species diversity which complements nearby remnant vegetation;
 - d. Strategies to save existing trees, particularly regulated and significant trees;
 - e. A strategic and data driven tree planting program.
 - f. Consideration be given for endemic species to be a priority where appropriate.
3. That a Council workshop be held with elected members to seek their input into the preparation of the draft Tree Strategy.
4. That a draft Tree Strategy be put out to public consultation prior to the final version being endorsed by Council.

Carried Unanimously

**ADELAIDE HILLS COUNCIL
MINUTES OF ORDINARY COUNCIL MEETING
TUESDAY 13 JUNE 2023
63 MT BARKER ROAD STIRLING**

Cr Louise Pascale declared a General Conflict of Interest at Agenda Item 5 'Declaration of Interest by Members of the Council' in relation to Item 11.2.

Cr Louise Pascale intends to remain in the meeting and vote.

11.2 Traffic Issues Woodforde & Teringie

**Moved Cr Louise Pascale
S/- Cr Melanie Selwood**

147/23

I move that:

- 1. Mayor Wisdom writes to the Minister for Transport and Infrastructure, Hon Tom Koutsantonis MP, concerning traffic congestion at the intersection of Magill Road and Norton Summit Road and lack of public transport in Woodforde and Teringie areas. In the letter Council requests;**
 - the Department of Infrastructure and Transport explore the roundabout option as outlined in the Woodforde Land Development Part B: Traffic Management Plan of 2017 and detail its findings back to Council.**
 - That the Department revise its traffic modelling to include the additional traffic generated by the Morialta High School.**
 - prioritise an investigation in to extending bus routes down Glen Stuart Road, Woodforde and into Teringie and detail its findings back to Council.**
- 2. Council investigate implementing parking restrictions on Glen Stuart Road between Grant Street and Kintyre Road on the western side to limited parking of no standing zones between 8am to 4pm, Monday to Friday and 9am to 12pm on Saturdays.**
- 3. That Council write to Campbelltown City Council and request they investigate implementing parking restrictions on Glen Stuart Road between Olive Street and Koongarra Ave, and Koongarra Ave and Moules Road on the eastern side to limited parking of no standing zones between 8am to 4pm, Monday to Friday and 9am to 12pm on Saturdays.**

Carried Unanimously

Cr Louise Pascale voted 'for' the motion. The majority of persons who were entitled to vote at the meeting voted in favour of the motion.

**ADELAIDE HILLS COUNCIL
MINUTES OF ORDINARY COUNCIL MEETING
TUESDAY 13 JUNE 2023
63 MT BARKER ROAD STIRLING**

12. OFFICER REPORTS – DECISION ITEMS

12.1 GRFMA 2023-24 Annual Business Plan and Budget

This item was considered earlier in the meeting.

Leave of the meeting was sought and granted to bring Item 12.4 forward on the agenda.

12.4 Kerbside Bin System Option and Trial

Moved Cr Leith Mudge

S/- Cr Lucy Huxter

148/23

Council resolves:

- 1. That the report be received and noted.**
- 2. To endorse Option 1 and Option 3 contained in the Kerbside Bin System Options report and as summarised below as the options to proceed to a 12 month trial of changes to the kerbside bin system over 2023-24 and 2024-25.**

Option 1:

Rural properties provided with a Food Organics Garden Organics service

Fortnightly collection of comingled recycling and general waste for township and rural properties

Weekly collection of Food Organics Garden Organics for township and rural properties

Option 3:

Rural properties provided with a Food Organics Garden Organics service

Fortnightly collection of comingled recycling and general waste for township and rural properties

Weekly collection of Food Organics Garden Organics for township properties

Fortnightly collection of Food Organics Garden Organics for rural properties

**ADELAIDE HILLS COUNCIL
MINUTES OF ORDINARY COUNCIL MEETING
TUESDAY 13 JUNE 2023
63 MT BARKER ROAD STIRLING**

3. To reaffirm the allocation of \$120,000 in the 2023-24 budget and \$30,000 earmarked for the 2024-25 budget to undertake the trial, noting that this is above the usual waste management budget and that some of the usual waste management budget will be expended on the trial.
4. To authorise the Chief Executive Officer, or delegate, to finalise the details of the trial (including trial areas), enter into the necessary agreements and undertake the necessary actions to implement the trial over the 2023-2025 period within the abovementioned funding limits.

Carried Unanimously

12.2 2023 – 24 Draft Annual Business Plan and Rating Structure Change – Consultation Results

Moved Cr Mark Osterstock

S/- Cr Kirrilee Boyd

149/23

Council resolves:

1. That the report be received and noted.
2. To adopt the outcomes of the *draft Annual Business Plan 2023-24* public consultation undertaken from 12 May - 2 June 2023 as contained in the *Annual Business Plan 2022-23 Community Engagement Outcomes Report* in Appendix 1.
3. To adopt the outcomes of the *Proposed Rating Structure Change* public consultation undertaken from 12 May - 2 June 2023 as contained in the *Change in Rating Structure Proposal Communication Engagement Outcomes Report* in Appendix 3.
4. To endorse the following recommended changes to the draft Annual Business Plan 2023-24:
 - a. Adjustments to budget/financial figures to account for:
 - i. Alignment of Budget to the new post 30 June 2023 Electricity contracts requiring an increase in costs of \$57k
 - ii. Solid Waste Levy Budget adjustment: \$23k increase
 - iii. Waste Management User Charges increases for Additional Bins and Hard Waste: \$11k increase

Carried

**ADELAIDE HILLS COUNCIL
MINUTES OF ORDINARY COUNCIL MEETING
TUESDAY 13 JUNE 2023
63 MT BARKER ROAD STIRLING**

12.3 Adelaide Hills Tourism One Year Funding Agreement

A/Chief Executive Officer, David Waters reminded Council that he has a Conflict of Interest and that Council has previously determined that he can act in relation to Adelaide Hills Tourism under s120(1) of the *Local Government Act 1999*.

Moved Cr Kirrilee Boyd

S/- Cr Leith Mudge

150/23

Council resolves:

- 1. That the report be received and noted.**
- 2. That the one year funding agreement, as contained in Appendix 1 including a contribution of \$110,900, with the Adelaide Hills Tourism be approved and that the Chief Executive Officer be authorised to make any minor changes or variations to the Agreement before execution by both parties or during the life of the Agreement.**
- 3. That the Chief Executive Officer be authorised to execute the Agreement on behalf of Council.**

Carried

12.4 Kerbside Bin System Option and Trial

This item was considered earlier in the meeting.

12.5 Confidential Items Review

Moved Cr Mark Osterstock

S/- Cr Leith Mudge

151/23

DECISION 1

- 1. That the report be received and noted.**
- 2. That the items held as confidential in the Confidential Items Register (*Appendix 1*) be noted.**

Carried Unanimously

**ADELAIDE HILLS COUNCIL
MINUTES OF ORDINARY COUNCIL MEETING
TUESDAY 13 JUNE 2023
63 MT BARKER ROAD STIRLING**

Moved Cr Mark Osterstock
S/- Cr Leith Mudge

152/23

DECISION 2 – Resolution 171/22 – Ashton Landfill

3. Pursuant to Section 91(7) of the Local Government Act 1999, Council orders that the following document(s) (or part) shall be kept confidential, being document(s) (or part) relating to a matter dealt with by the Council on a confidential basis under Sections 90(2) and 90(3)(i) of the Act:

- The report, related attachments, minutes and other (presentation, documents or similar) of 28 June 2022, Item No. 18.3, Ashton Landfill, 171/22, unless previously released, remain confidential until this matter has concluded and that this order be reviewed every twelve (12) months.

On the grounds that the document(s) (or part) relates to information relating to actual litigation, or litigation that the council or council committee believes on reasonable grounds will take place, involving the council or an employee of the council the disclosure of which could reasonably be expected to prejudice the legal position of the council in relation to the matter.

4. Pursuant to section 91(9)(c) of the Local Government Act 1999, Council delegates the power to revoke the confidentiality order either partially or in full to the Chief Executive Officer.

Carried Unanimously

Moved Cr Malcolm Herrmann
S/- Cr Louise Pascale

153/23

DECISION 3 – Resolution 165/22 – Warren Road Birdwood Blackspot

5. Pursuant to Section 91(7) of the *Local Government Act 1999*, Council orders that the following document(s) (or part) shall be kept confidential, being document(s) (or part) relating to a matter dealt with by the Council on a confidential basis under Sections 90(2) and 90(3)(d) of the Act:

- The report, related attachments, minutes and other (presentation, documents or similar) of 28 June 2022, Item No. 18.1, Warren Road Birdwood Blackspot, 165/22, unless previously released, remain confidential until this matter has concluded and that this order be reviewed every twelve (12) months.

**ADELAIDE HILLS COUNCIL
MINUTES OF ORDINARY COUNCIL MEETING
TUESDAY 13 JUNE 2023
63 MT BARKER ROAD STIRLING**

On the grounds that the document(s) (or part) is commercial information of a confidential nature (not being a trade secret) the disclosure of which could reasonably be expected to prejudice the commercial position of the person who supplied the information.

6. Pursuant to section 91(9)(c) of the *Local Government Act 1999*, Council delegates the power to revoke the confidentiality order either partially or in full to the Chief Executive Officer.

Carried Unanimously

Moved Cr Mark Osterstock
S/- Cr Leith Mudge

154/23

DECISION 4 – Resolution 236/22 – Ministerial Exemption

7. Pursuant to Section 91(7) of the *Local Government Act 1999*, Council orders that the following document(s) (or part) shall be kept confidential, being document(s) (or part) relating to a matter dealt with by the Council on a confidential basis under Sections 90(2) and 90(3)(i) of the Act:
- The report, related attachments, minutes and other (presentation, documents or similar) of 23 August 2022, Item No. 18.5, Ministerial Exemption, 236/22, unless previously released, remain confidential until the matter is concluded and that this order be reviewed every twelve (12) months.

On the grounds that the document(s) (or part) relates to information relating to actual litigation, or litigation that the council or council committee believes on reasonable grounds will take place, involving the council or an employee of the council the disclosure of which could reasonably be expected to prejudice the legal position of the council in relation to the matter.

8. Pursuant to section 91(9)(c) of the *Local Government Act 1999*, Council delegates the power to revoke the confidentiality order either partially or in full to the Chief Executive Officer.

Carried Unanimously

**ADELAIDE HILLS COUNCIL
MINUTES OF ORDINARY COUNCIL MEETING
TUESDAY 13 JUNE 2023
63 MT BARKER ROAD STIRLING**

Moved Cr Mark Osterstock
S/- Cr Louise Pascale

155/23

DECISION 5 – Resolution 236/21 – Ashton Landfill

9. Pursuant to Section 91(7) of the Local Government Act 1999, Council orders that the following document(s) (or part) shall be kept confidential, being document(s) (or part) relating to a matter dealt with by the Council on a confidential basis under Sections 90(2) and 90(3)(i) of the Act:

- The report, related attachments, minutes and other (presentation, documents or similar) of 26 October 2021, Item No. 18.2, Ashton Landfill, 236/21, unless previously released, remain confidential until the matter is concluded and that this order be reviewed every twelve (12) months.

On the grounds that the document(s) (or part) relates to information relating to actual litigation, or litigation that the council or council committee believes on reasonable grounds will take place, involving the council or an employee of the council the disclosure of which could reasonably be expected to prejudice the legal position of the council in relation to the Ashton Landfill.

10. Pursuant to section 91(9)(c) of the Local Government Act 1999, Council delegates the power to revoke the confidentiality order either partially or in full to the Chief Executive Officer.

Carried Unanimously

Moved Cr Louise Pascale
S/- Cr Malcolm Herrmann

156/23

DECISION 6 – Resolution 238/21 – Electricity Procurement Legal Matter

11. Pursuant to Section 91(7) of the Local Government Act 1999, Council orders that the following document(s) (or part) shall be kept confidential, being document(s) (or part) relating to a matter dealt with by the Council on a confidential basis under Sections 90(2) and 90(3)(h) of the Act:

- The report, related attachments, minutes and other (presentation, documents or similar) of 26 October 2021, Item No. 18.1, Electricity Procurement Legal Matter, 238/21, unless previously released, remain confidential until the matter is concluded and that this order be reviewed every twelve (12) months.

On the grounds that the document(s) (or part) relates to is legal advice the disclosure of which could reasonably be expected to prejudice Council's position in future legal proceedings.

**ADELAIDE HILLS COUNCIL
MINUTES OF ORDINARY COUNCIL MEETING
TUESDAY 13 JUNE 2023
63 MT BARKER ROAD STIRLING**

12. Pursuant to section 91(9)(c) of the Local Government Act 1999, Council delegates the power to revoke the confidentiality order either partially or in full to the Chief Executive Officer.

Carried Unanimously

Moved Cr Leith Mudge
S/- Cr Lucy Huxter

157/23

DECISION 7 – Resolution 229/22 – East Waste Recycling Contract

13. Pursuant to Section 91(7) of the Local Government Act 1999, Council orders that the following document(s) (or part) shall be kept confidential, being document(s) (or part) relating to a matter dealt with by the Council on a confidential basis under Sections 90(2) and 90(3)(d) of the Act:

- The report, related attachments, minutes and other (presentation, documents or similar) of 23 August 2022, Item No. 18.3, East Waste Recycling Contract, 229/22, unless previously released, remain confidential until 23 August 2024 and that this order be reviewed every twelve (12) months.

On the grounds that the document(s) (or part) is commercial information of a confidential nature (not being a trade secret) the disclosure of which could reasonably be expected to prejudice the commercial position of the person who supplied the information.

14. Pursuant to section 91(9)(c) of the Local Government Act 1999, Council delegates the power to revoke the confidentiality order either partially or in full to the Chief Executive Officer.

Carried Unanimously

**ADELAIDE HILLS COUNCIL
MINUTES OF ORDINARY COUNCIL MEETING
TUESDAY 13 JUNE 2023
63 MT BARKER ROAD STIRLING**

Moved Cr Malcolm Herrmann
S/- Cr Leith Mudge

158/23

DECISION 8 – Resolution 234/22 – Revised East Waste 2022-23 Annual Plan & Budget

15. Pursuant to Section 91(7) of the Local Government Act 1999, Council orders that the following document(s) (or part) shall be kept confidential, being document(s) (or part) relating to a matter dealt with by the Council on a confidential basis under Sections 90(2) and 90(3)(d) of the Act:
- The report, related attachments, minutes and other (presentation, documents or similar) of 23 August 2022, Item No. 18.4, Revised East Waste 2022-23 Annual Plan & Budget, 234/22, unless previously released, remain confidential until 23 August 2024 and that this order be reviewed every twelve (12) months.

On the grounds that the document(s) (or part) is commercial information of a confidential nature (not being a trade secret) the disclosure of which could reasonably be expected to prejudice the commercial position of the person who supplied the information.

16. Pursuant to section 91(9)(c) of the Local Government Act 1999, Council delegates the power to revoke the confidentiality order either partially or in full to the Chief Executive Officer.

Carried Unanimously

**ADELAIDE HILLS COUNCIL
MINUTES OF ORDINARY COUNCIL MEETING
TUESDAY 13 JUNE 2023
63 MT BARKER ROAD STIRLING**

12.6 Delegations Review

Moved Cr Melanie Selwood
S/- Cr Louise Pascale

159/23

Council resolves:

1. That the report be received and noted
2. That, having considered a review of Council's Delegations as presented, the Council hereby revokes its previous delegations to the Chief Executive Officer of those powers and functions under the following Acts:

Instrument of Delegation
<i>Local Government Act 1999</i>

3. That, having considered a review of Council's Delegations as presented, in exercise of the power contained in Section 44 of the *Local Government Act 1999* the powers and functions under the following Acts and statutory instruments made thereunder contained in the proposed Instrument of Delegation attached to the Report dated 13 June 2023 and entitled as detailed in the table below are hereby delegated this 13th Day of June 2023 to the person occupying or acting in the office of Chief Executive Officer of the Council subject to the conditions and/or limitations, if any, specified herein or in the Schedule of Conditions in the proposed Instrument of Delegation.

Instrument of Delegation	Appendix Number
<i>Local Government Act 1999</i>	Appendix 1

Carried Unanimously

**ADELAIDE HILLS COUNCIL
MINUTES OF ORDINARY COUNCIL MEETING
TUESDAY 13 JUNE 2023
63 MT BARKER ROAD STIRLING**

12.7 Status Report – Council Resolutions Update

**Moved Cr Lucy Huxter
S/- Cr Leith Mudge**

160/23

Council resolves:

- 1. That the report be received and noted**
- 2. The following completed items be removed from the Action List:**

Meeting Date	Meeting	Res No.	Item Name	Previously Declared COI
14/02/2023	Ordinary Council	37/23	Substantive CEO Recruitment Remuneration & Independent Advice	14/02/2023
14/02/2023	Ordinary Council	38/23	Substantive CEO Recruitment Remuneration & Independent Advice Duration of Confidentiality	14/02/2023
9/05/2023	Ordinary Council	107/23	Petition - Sealing of Croft Road Lenswood	9/05/2023
9/05/2023	Ordinary Council	113/23	Draft Annual Business Plan for Consultation	9/05/2023
12/05/2023	Special Council	122/23	Appointment of Substantive CEO	12/05/2023
12/05/2023	Special Council	123/23	Appointment of Substantive CEO	12/05/2023
23/05/2023	Ordinary Council	127/23	12.1 Adelaide Hills Region Waste Management Authority Annual Business Plan & Budget	23/05/2023
23/05/2023	Ordinary Council	128/23	East Waste Annual Business Plan & Budget	23/05/2023

**ADELAIDE HILLS COUNCIL
MINUTES OF ORDINARY COUNCIL MEETING
TUESDAY 13 JUNE 2023
63 MT BARKER ROAD STIRLING**

23/05/2023	Ordinary Council	130/23	Budget Review 3	23/05/2023
23/05/2023	Ordinary Council	132/23	GRFMA Rescission of Resolution 14 February 2023	23/05/2023
23/05/2023	Ordinary Council	134/23	Boundary Change Committee meetings venue	23/05/2023

Carried Unanimously

13. OFFICER REPORTS - INFORMATION ITEMS

13.1 Kersbrook Cemetery – Natural Burial Ground Update

Moved Cr Malcolm Herrmann

S/- Cr Kirrilee Boyd

161/23

Council resolves that the report be received and noted.

Carried Unanimously

14. QUESTIONS WITHOUT NOTICE

Nil

15. MOTIONS WITHOUT NOTICE

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

**ADELAIDE HILLS COUNCIL
MINUTES OF ORDINARY COUNCIL MEETING
TUESDAY 13 JUNE 2023
63 MT BARKER ROAD STIRLING**

15.1 Condolence Motion – Mr Frank Baldasso of Gumeracha

Moved Cr Melanie Selwood

S/- Cr Malcolm Herrmann

162/23

That Council

- 1. Notes with sadness the passing of Frank Baldasso of Gumeracha**
- 2. Conveys our sincere condolences to the family and friends of Frank Baldasso**
- 3. Recognises the significant contribution of Frank Baldasso in:**
 - a. Establishing the much-loved Green Shed in Gumeracha which opened in 2006, providing fresh produce to the local community**
 - b. Producing organic and biodynamic apples and pears**
 - c. Providing some of the best winemakers with grapes from his property;**
- 4. Acknowledges the value the Green Shed held for the community**
- 5. Notes the closure of the Green Shed following Frank Baldasso's passing and**
- 6. Requests the Mayor to convey our condolences to the family of Frank Baldasso.**

Carried Unanimously

16. REPORTS

16.1 Council Member Function or Activity on the Business of Council

Cr Melanie Selwood

- 27 May, Reconciliation Week Family Evening, the Summit Community Centre
- 29 May, Citizenship Ceremony, Stirling

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

Nil

**ADELAIDE HILLS COUNCIL
MINUTES OF ORDINARY COUNCIL MEETING
TUESDAY 13 JUNE 2023
63 MT BARKER ROAD STIRLING**

16.3 CEO Report

David Waters, CEO, provided Council with a verbal update, including:

- Update on property in Lenswood area
- State budget handed down this week

17. REPORTS OF COMMITTEES**17.1 Council Assessment Panel**

Nil

17.2 Audit Committee

Nil

17.3 CEO Performance Review Panel

Nil

17.4 Boundary Change Committee – 30 May 2023

Moved Cr Mark Osterstock

S/- Cr Leith Mudge

163/23

That the minutes of the Boundary Change Committee meeting held on 30 May 2023 as distributed, be received and noted.

Carried Unanimously

Cr Louise Pascale declared a General Conflict of Interest in relation to Item 17.4.1 as she is a resident of Woodforde but will not get any material or financial gain. Cr Louise Pascale remained in the meeting and voted.

**ADELAIDE HILLS COUNCIL
MINUTES OF ORDINARY COUNCIL MEETING
TUESDAY 13 JUNE 2023
63 MT BARKER ROAD STIRLING**

17.4.1 Boundary Change Committee Recommendations to Council

Moved Cr Mark Osterstock

S/- Cr Leith Mudge

164/23

Council resolves:

1. That the report be received and noted.
2. That the CEO engage a suitably qualified person to forensically examine the Campbelltown City Council (CCC) boundary change proposal that was submitted to the Boundary Change Commission (and CCC's subsequent submissions), with a view to identifying the proposal's weaknesses (critical flaws), errors, omissions, and factual inaccuracies. That the examination also identifies areas of focus for Council to make its own case against the proposal, should the opportunity arise through a Stage 3 Inquiry.
3. That the CEO develop a communication and engagement strategy, which targets the affected communities of Woodforde and Rostrevor, the subject of the Boundary Change Proposal, with a view to building a powerful community narrative, including yet not limited to:
 - regularly informing these communities of the status of the proposal (in writing, social media, AHC website, Hills Voice newsletter, media)
 - reinforcing with the communities the outcomes of the two community surveys that have been previously conducted (AHC and CCC) rejecting the proposal
 - highlighting the advantages and benefits of remaining a part of the Adelaide Hills Council
 - informing the communities of the services available to them that the Adelaide Hills Council has to offer and provides (community services) direct consultation with significant key community stakeholders

Carried

Cr Louise Pascale voted "against" the motion. The majority of persons who were entitled to vote at the meeting voted in favour of the motion.

Cr Mark Osterstock called for a division. The Presiding Member set aside the ruling.

In the affirmative (6) Cr Malcolm Herrmann, Cr Kirrilee Boyd, Cr Lucy Huxter, Cr Leith Mudge, Cr Melanie Selwood and Cr Mark Osterstock.

In the negative (1) Cr Louise Pascale

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

**ADELAIDE HILLS COUNCIL
MINUTES OF ORDINARY COUNCIL MEETING
TUESDAY 13 JUNE 2023
63 MT BARKER ROAD STIRLING**

18. CONFIDENTIAL ITEMS

Cr Leith Mudge declared a Material Conflict of Interest in relation to Item 18.1 as his niece owns land adjacent to one of the subject parcels of land and previously purchased a portion of the land from the owner of that land.

8.11pm Cr Leith Mudge left the Chamber.

18.1 Sale of Land for Non Payment of Rates – Exclusion of the Public

Moved Cr Mark Osterstock
S/- Cr Malcolm Herrmann

165/23

Pursuant to section 90(2) of the *Local Government Act 1999* the Council orders that all members of the public, except:

- Acting Chief Executive Officer, David Waters
- Director Corporate Services, Terry Crackett
- Director Development & Regulatory Services, Natalie Armstrong
- Director Infrastructure & Operations, Peter Bice
- Executive Manager Governance & Performance, Lachlan Miller
- Governance & Risk Coordinator, Steven Watson
- System Analyst, Tom Portas
- Minute Secretary, Tara Moyes

be excluded from attendance at the meeting for Agenda Item 18.1: (Sale of Land for the Recovery of Unpaid Rates) in confidence.

The Council is satisfied that it is necessary that the public, except for 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)(i) of the *Local Government Act 1999 (SA)*, 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 or Council Committee believes on reasonable grounds that we take place, involving the Council or an employee of the Council, the disclosure of which could reasonably be expected to prejudice the legal processes required to progress the sale of land.

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

**ADELAIDE HILLS COUNCIL
MINUTES OF ORDINARY COUNCIL MEETING
TUESDAY 13 JUNE 2023
63 MT BARKER ROAD STIRLING**

18.1.1 Sale of Land for Non Payment of Rates – Confidential Item

Moved Cr Mark Osterstock
S/- Cr Malcolm Herrmann

166/23

Council resolves:

1. That the report be received and noted.
2. Authorises the Chief Executive Officer to proceed with the sale of land process by issuing Pre-Section 184 letters where relevant and Formal Notices pursuant to Section 184(1) – (4) of the *Local Government Act 1999 (SA)* for the eight (98) properties listed, with rates arrears greater than three (3) years and totalling \$111,831.65.

Assessment	Valuation Reference	Address	Amount Outstanding
A1557	VG 0312509017	62 Basket Range Road URAILDA	\$11,432.86
A9918	VG 3304664504	121-123 Old Mount Barker Road STIRLING	\$20,561.12
A15384	VG 4713662002	56 Mount View Road MOUNT TORRENS	\$22,284.47
A17086	VG 4711486105	47 Hurst Road PARACOMBE	\$14,864.20
A19605	VG 3304662509	125 Old Mount Barker Road STIRLING	\$10,602.38
A19606	VG 3304662250	127 Old Mount Barker Road STIRLING	\$11,811.05
A20517	VG 3303152611	20 Renown Avenue CRAFERS WEST	\$10,308.77
A20553	VG 3302399102	15 Fern Hill Road BRIDGEWATER	\$9,966.80

3. Authorises the Chief Executive Officer, pursuant to Sections 184 (5) – 184 (19) of the *Local Government Act 1999 (SA)*, to proceed with the sale of the eight (8) properties included in this report and described above, and to undertake any steps necessary to complete the sale(s).

Carried Unanimously

**ADELAIDE HILLS COUNCIL
MINUTES OF ORDINARY COUNCIL MEETING
TUESDAY 13 JUNE 2023
63 MT BARKER ROAD STIRLING**

18.1.2 Sale of Land for Non Payment of Rates – Duration of Confidentiality

Moved Cr Malcolm Herrmann
S/- Cr Lucy Huxter

167/23

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 18.1 in confidence under sections 90(2) and 90(3)(k) 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 either the negotiations for sale are completed or a settlement reached or until legal proceedings have concluded, but no longer than 12 months.
Related Attachments	Until either the negotiations for sale are completed or a settlement reached or until legal proceedings have concluded, but no longer than 12 months.
Minutes	Until either the negotiations for sale are completed or a settlement reached or until legal proceedings have concluded, but no longer than 12 months.
Other (presentation, documents, or similar)	Nil

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

**ADELAIDE HILLS COUNCIL
MINUTES OF ORDINARY COUNCIL MEETING
TUESDAY 13 JUNE 2023
63 MT BARKER ROAD STIRLING**

4. NEXT ORDINARY MEETING

The next ordinary meeting of the Adelaide Hills Council will be held on Tuesday 27 June 2023 from 6.30pm at 63 Mt Barker Road, Stirling.

Cr Leith Mudge returned to the Chamber at 8.20pm.

5. CLOSE MEETING

The meeting closed at 8.20pm.