

**ADELAIDE HILLS COUNCIL
MINUTES OF ORDINARY COUNCIL MEETING
TUESDAY 11 February 2025
63 MT BARKER ROAD STIRLING**

In Attendance

Presiding Member: Mayor Jan-Claire Wisdom

Members:

Councillor Nathan Daniell
Councillor Chris Grant
Councillor Malcolm Herrmann
Councillor Lucy Huxter
Councillor Leith Mudge
Councillor Mark Osterstock
Councillor Kirsty Parkin
Councillor Louise Pascale

In Attendance:

Greg Georgopoulos	Chief Executive Officer
Gary Lewis	Director Corporate Services
Jess Charlton	Director Community and Development
David Waters	Director Environment and Infrastructure
Michael Kellely	Governance Support Kellely Jones Lawyers
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 Country of the Peramangk and Kurna people. We pay our respects to Ancestors and Elders past and present as the Custodians of this ancient and beautiful land. Together we will care for this place for the generations to come and in this context the decisions we make should be guided by the principle that nothing we do should decrease our children's ability to live on this land.

3. APOLOGIES/LEAVE OF ABSENCE

3.1 Apology

Cr Kirrilee Boyd
Cr Pauline Gill
Cr Adrian Cheater

Mayor _____

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3.2 Leave of Absence

Cr Melanie Selwood, 9 February 2025 – 14 February 2025, approved at Council 28 January 2025.

Moved Cr Nathan Daniell

S/- Cr Kirsty Parkin

43/25

- 1 That a Leave of Absence from all duties of office be granted to Cr Adrian Cheater from 11 February 2025 to 17 February 2025.**
- 2 That any committee or panel membership currently held by Cr Adrian Cheater be undertaken by the Deputy during the leave of absence.**

Carried Unanimously

3.3 Absent

Nil

4. MINUTES OF PREVIOUS MEETINGS

4.1 Council Meeting – 28 January 2025

Moved Cr Malcolm Herrmann

S/- Cr Leith Mudge

44/25

Council resolves that the minutes of the Ordinary Council meeting held on 28 January 2025 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

Nil

6. PRESIDING MEMBER'S OPENING REMARKS

The Mayor thanked Cr Malcolm Herrmann for chairing the meeting in her absence on 28 January. Following the announcement that Mr David Waters, Director Environment and Infrastructure had tendered his resignation, the Mayor gave a vote of thanks to Mr Waters for his commitment to Council and the community during his 14 years of service.

7. QUESTIONS ADJOURNED/LYING ON THE TABLE

7.1 Questions Adjourned

Nil

Mayor _____

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7.2 Questions Lying on the Table

Nil

8. PETITIONS/DEPUTATIONS/PUBLIC FORUM

8.1 Petitions

8.1.1 Proposed names for Adelaide Hills Council wards

Moved Cr Malcolm Herrmann

S/- Cr Kirsty Parkin

45/25

- 1. Council resolves that the petitions signed by 413 signatories requesting that in regard to the Representation Review, that Council assigns the names of the wards as follows:**

- **North Ward – to be named Torrens Ward**
- **Central Ward - to be named Onkaparinga Ward**
- **South Ward - to be named Cox Ward**

be received and noted.

Carried Unanimously

8.1.2 Speed limit on Silver Lake Road, Mylor

Moved Cr Leith Mudge

S/- Cr Kirsty Parkin

46/25

Council resolves:

- 1. That the petition signed by 43 signatories requesting to reduce the speed limit on Silver Lake Road from 80kph to 60 kph to improve the safety for residents and pedestrians due to increased road traffic be received and noted.**
- 2. That the Chief Executive Officer commission a review of the current speed limit along Silver Lake Road, Mylor, by an appropriately qualified external practitioner, at the Council's cost.**
- 3. Should the review suggest a lower speed limit to that which exists at present, an application be made to the Department for Infrastructure and Transport for consideration, noting that the Department for Infrastructure and Transport is responsible for determining speed limits on South Australian roads.**

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- 4. 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

8.3 Public Forum

Nil

9. PRESENTATIONS

Nil

10. QUESTIONS ON NOTICE

Nil

11. MOTIONS ON NOTICE

Nil

12. OFFICER REPORTS – DECISION ITEMS

12.1 Ashton/Norton Summit CFS Site Lease Proposal

Moved Cr Louise Pascale
S/- Cr Leith Mudge

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, with a further option to renew for an additional twenty-one (21) years at the Ashton/Norton Summit CFS site situated at 5 Colonial Drive, Norton Summit SA 5136. The Land is contained within Certificate of Title Volume 5624 Folio 6.
3. That this report forms part of the Community Consultation report.

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4. That the following community consultation is in accordance with Council's Community Consultation Policy:
 - a. That if there is 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.

VARIATION

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

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, **at a rental of \$1 per annum if demanded** with a further option to renew for an additional twenty-one (21) years at the Ashton/Norton Summit CFS site situated at 5 Colonial Drive, Norton Summit SA 5136. The Land is contained within Certificate of Title Volume 5624 Folio 6.
3. That this report forms part of the Community Consultation report.
4. That the following community consultation is in accordance with Council's Community Consultation Policy:
 - a. That if there is 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.

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Carried Unanimously

MOTION AS VARIED

Moved Cr Louise Pascale
S/- Cr Leith Mudge

47/25

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, at a rental of \$1 per annum if demanded with a further option to renew for an additional twenty-one (21) years at the Ashton/Norton Summit CFS site situated at 5 Colonial Drive, Norton Summit SA 5136. The Land is contained within Certificate of Title Volume 5624 Folio 6.
3. That this report forms part of the Community Consultation report.
4. That the following community consultation is in accordance with Council's Community Consultation Policy:
 - a. That if there is 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

12.2 Woodside CFS Site Lease Proposal

Moved Cr Malcolm Herrmann
S/- Cr Chris Grant

48/25

Council resolves:

1. That the report be received and noted.

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2. That Council approves commencement of public consultation on the proposed twenty-one (21) year lease with the CFS, at a rental of \$1 per annum if demanded with a further option to renew for an additional twenty-one (21) years at the Woodside CFS site situated at 8 Nairne Road, Woodside SA 5244. The land is described as the portion of the land contained within the Certificate of Title Volume 5624 Folio 6.
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 of necessary, to give effect to this resolution.

Carried Unanimously

12.3 Confidential Items Review

Moved Cr Nathan Daniell
S/- Cr Leith Mudge

49/25

DECISION 1

Council resolves:

1. To receive and note the report titled "Confidential Items Review" (Agenda item 12.3, 11 February 2025 Council Meeting).
2. To note the items held as confidential in the Confidential Items Register (*Appendix 1* of Agenda item 12.3, 11 February 2025 Council Meeting).

Carried Unanimously

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DECISION 2 – Resolution 52/24 – Recovery of Unpaid Rates

Moved Cr Louise Pascale

S/- Cr Mark Osterstock

50/25

Council resolves:

1. 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 and minutes of 27 February 2024, Item No. 19.1, Recovery of Unpaid Rates, 52/24 unless previously released, remain confidential until further order 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;

2. 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

DECISION 3 – Resolution 74/24 – CEO PRP Minutes – 8 February 2024

Moved Cr Louise Pascale

S/- Cr Lucy Huxter

51/25

Council resolves to defer Decision 3 to the Ordinary Council meeting of 25 February 2025 in order for the CEO to provide the Chamber with our policy and process on how we may text redact elements of the minutes which disclose the affairs of any person (living or dead) or information which is commercial in confidence so that the items may be released to the public.

Carried

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DECISION 4 – Resolution 86/22 – Property Lobethal Road - Lenswood

Moved Cr Lucy Huxter
S/- Cr Mark Osterstock

52/25

Council resolves:

1. 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)(a) of the Act:

- The report and related attachments of 26 April 2022, Item No. 11.1.2, Property Lobethal Road - Lenswood, 86/22 unless previously released, remain confidential until further order and that this order be reviewed every twelve (12) months.

On the grounds that the document(s) (or part) relates to:

- Section 90(3)(a) of the *Local Government Act 1999*, the information to be received, discussed or considered in relation to this Agenda Item is information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of a person;
 - 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 information the disclosure of which would waive privilege to legal advice received by the Council; and
 - 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, involving the council.
2. 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

DECISION 5 – Resolution 105/21 – Multi-Year Road Rally Proposal

Moved Cr Mark Osterstock
S/- Cr Leith Mudge

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Council resolves:

1. 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 and related attachments of 25 May 2021, Item No. 11.1.2, Multi-Year Road Rally Proposal, 105/21 unless previously released, remain confidential until further order and that this order be reviewed every twelve (12) months.

On the grounds that the document(s) (or part) relates to commercial information of a confidential nature (not being a trade secret) the disclosure of which— (i) could reasonably be expected to prejudice the commercial position of the person who supplied the information, or to confer a commercial advantage on a third party; and (ii) would, on balance, be contrary to the public interest;

2. 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.

Motion lost The Mayor used her casting vote
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DIVISION

Cr Leith Mudge called a division.

The Mayor set aside the ruling.

In the affirmative (4)

Councillors Huxter, Mudge, Osterstock, Parkin

In the negative (5)

Councillors Herrmann, Grant, Pascale, Daniell, Mayor Wisdom

On the basis of the results of the division, the Mayor declared the motion **lost**.

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DECISION 6 – Resolution 85/14 – AHRWMA

Moved Cr Malcolm Herrmann
S/- Cr Kirsty Parkin

53/25

Council resolves:

1. 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)(b)(d) and (i) of the Act:
 - The report and related attachments of 22 April 2014, Item No. 18.2.1, AHRWMA, 85/14 unless previously released, remain confidential until further order and that this order be reviewed every twelve (12) months.

On the grounds that the document(s) (or part) relates to:

- information the disclosure of which— (i) could reasonably be expected to confer a commercial advantage on a person with whom the council is conducting, or proposing to conduct, business, or to prejudice the commercial position of the council; and (ii) would, on balance, be contrary to the public interest;
 - commercial information of a confidential nature (not being a trade secret) the disclosure of which— (i) could reasonably be expected to prejudice the commercial position of the person who supplied the information, or to confer a commercial advantage on a third party; and (ii) would, on balance, be contrary to the public interest
 - 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;
2. 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

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DECISION 7 – Resolution 100/24 – Special CEO PRP Minutes of Meeting – 21 March 2024

Moved Cr Leith Mudge

S/- Cr Kirsty Parkin

54/25

Council resolves:

1. 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)(a) of the Act:
 - The report, related attachments and minutes of 26 March 2024 Item No. 19.3, Special CEO PRP Minutes of Meeting, 100/24 unless previously released, remain confidential until further order and that this order be reviewed every twelve (12) months.

On the grounds that the document(s) (or part) relates to information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead)

2. 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

DECISION 8 – Resolution 97/24 – Trans Tasman Energy Group

Moved Cr Malcolm Herrmann

S/- Cr Chris Grant

55/25

Council resolves:

1. 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) and (i) of the Act:
 - The report and related attachments of 26 March 2024, Item No. 19.2, Trans Tasman Energy Group, 97/24 unless previously released, remain confidential until further order and that this order be reviewed every twelve (12) months.

On the grounds that the document(s) (or part) relates to:

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- Legal advice
 - 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;
2. 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

13. OFFICER REPORTS - INFORMATION ITEMS

13.1 Annual Investment Performance 2023-24

Moved Cr Malcolm Herrmann
S/- Cr Nathan Daniell

56/25

Council resolves that the Annual Investment Performance 2023-24 report be received and noted.

Carried Unanimously

14. CORRESPONDENCE FOR INFORMATION

Nil

15. QUESTIONS WITHOUT NOTICE

Cr Malcolm Herrmann asked a question about the installation of AED's in Council buildings.

Cr Malcolm Herrmann asked for an update regarding progress with the Department for Infrastructure and Transport surrounding stormwater issues at Junction Road, Balhannah.

Cr Malcolm Herrmann asked for an update regarding the number of representations that have been received as part of the Representation Review and asked a follow up question about when the analysis be provided to Council.

Cr Chris Grant asked for an update regarding the establishment of the Community Bushfire Reference Group.

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16. MOTIONS WITHOUT NOTICE

16.1 Confidential Items Register

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

**Moved Cr Nathan Daniell
S/- Cr Kirsty Parkin**

57/25

That the CEO undertake a process that enables elected members to proactively review items currently listed on our 'Confidential Items Register'.

That a workshop be held by May 2025 to:

- **provide feedback in relation to the questions raised through this process.**
- **Consider any improvements that can be made to procedures for elected members to review items in confidence.**

Carried Unanimously

16.2 Vote of Thanks – Director Environment and Infrastructure, Mr David Waters

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

**Moved Cr Malcolm Herrmann
S/- Cr Louise Pascale**

58/25

That Council acknowledges Mr David Waters' highly valued service provided to Council and the community over the past 14 Years.

He has filled senior leadership positions in the Administration in an exemplary manner. Council extends its best wishes to David and his family for the future.

Carried Unanimously

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16.3 Proposed names for the Adelaide Hills Council Wards Petitions

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

Moved Cr Malcolm Herrmann
S/- Cr Lucy Huxter

That the Council refer the Petitions regarding the Representation Review be referred to CL Rowe and Associates Pty Ltd for consideration and advice to Council along with the other representations received.

Carried

17. REPORTS

17.1 Council Member Function or Activity on the Business of Council

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

Cr Malcolm Herrmann – Monday 3 February 2025, GRFMA Audit Committee

17.3 CEO Report

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

- An update regarding a recent meeting with Leyton Property regarding the Stirling Mall rebuild.
- Recent correspondence received from the Boundaries Commission advising that the community engagement component of the inquiry will commence in the near future.

18. REPORTS OF COMMITTEES

18.1 Council Assessment Panel

Nil

18.2 Audit Committee

Nil

18.3 CEO Performance Review Panel

Nil

18.4 Boundary Change Committee

Nil

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19. CONFIDENTIAL ITEMS

Nil

20. NEXT ORDINARY MEETING

The next ordinary meeting of the Adelaide Hills Council will be held on Tuesday 25 February from 6.30pm at 63 Mt Barker Road, Stirling.

21. CLOSE MEETING

The meeting closed at 8:09pm