

**ADELAIDE HILLS COUNCIL
MINUTES OF ORDINARY COUNCIL MEETING
TUESDAY 22 OCTOBER 2019
63 MT BARKER ROAD STIRLING**

In Attendance

Presiding Member: Mayor Jan-Claire Wisdom

Members:

Councillor Nathan Daniell
Councillor Pauline Gill
Councillor Chris Grant
Councillor Linda Green
Councillor Malcolm Herrmann
Councillor John Kemp
Councillor Leith Mudge
Councillor Mark Osterstock
Councillor Kirsty Parkin
Councillor Andrew Stratford

In Attendance:

Andrew Aitken	Chief Executive Officer
Terry Crackett	Director Corporate Services
Marc Salver	Director Development & Regulatory Services
David Waters	Director Community Capacity
Lachlan Miller	Executive Manager Governance & Performance
Mike Carey	Manager Financial Services
John McArthur	Manager Waste & Emergency Management
Ashley Curtis	Manager Civil Services
Jennifer Blake	Manager Communications Engagement & Events
Sharon Leith	Sustainability Officer
Steven Watson	Governance & Risk Coordinator
Pam Williams	Minute Secretary

1. COMMENCEMENT

The meeting commenced at 6.32pm.

2. OPENING STATEMENT

“Council acknowledges that we meet on the traditional lands of the Peramangk and Kaurna people and we recognise their connection with the land.

We understand that we do not inherit the land from our ancestors but borrow it from our children 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”.

**ADELAIDE HILLS COUNCIL
MINUTES OF ORDINARY COUNCIL MEETING
TUESDAY 22 OCTOBER 2019
63 MT BARKER ROAD STIRLING**

3. APOLOGIES/LEAVE OF ABSENCE

3.1 Apology

Nil

3.2 Leave of Absence

Cr Ian Bailey (14 October – 3 November) approved 24 September 2019

Moved Cr Leith Mudge

S/- Cr Mark Osterstock

242/19

That Leave of Absence be granted for:

Cr Malcolm Herrmann 28/10/19 – 5/11/19

Cr Kirrilee Boyd 22/10/19 – 31/12/19

Carried Unanimously

3.3 Absent

Nil

4. MINUTES OF PREVIOUS MEETINGS

4.1 Council Meeting – 24 September 2019

Moved Cr Malcolm Herrmann

S/- Cr Nathan Daniell

243/19

That the minutes of the Ordinary Council meeting held on 24 September 2019 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 Material Conflict of Interest, Cr Herrmann, Item 12.11, Audit Committee Presiding Member

Under Section 74 of the *Local Government Act 1999* Cr Herrmann disclosed a Material Conflict of Interest in Item 12.11 the nature of which is as follows:

- I will be nominating for the position of Presiding Member Audit Committee which entitles the Presiding Member to receive an allowance. If not re-elected I will suffer a detriment.

**ADELAIDE HILLS COUNCIL
MINUTES OF ORDINARY COUNCIL MEETING
TUESDAY 22 OCTOBER 2019
63 MT BARKER ROAD STIRLING**

5.2 Material Conflict of Interest, Cr Mark Osterstock Item 12.9 Membership CEO Performance Review Panel

Under Section 74 of the *Local Government Act 1999* Cr Mark Osterstock disclosed a Material Conflict of Interest in Item 12.9 the nature of which is as follows:

- If appointed to the Presiding Member position, I will receive a direct pecuniary benefit.

5.3 Material Conflict of Interest, Cr John Kemp Item 12.10, SPDPC Presiding Member

Under Section 74 of the *Local Government Act 1999* Cr John Kemp disclosed a Material Conflict of Interest in Item 12.10 the nature of which is as follows:

- I will receive a pecuniary benefit if elected to the position of Presiding Member SPDPC

5.4 Material Conflict of Interest, Cr Daniell Item 12.8, Election of Deputy Mayor

Under Section 74 of the *Local Government Act 1999* Cr Nathan Daniell disclosed a Material Conflict of Interest in Item 12.10 the nature of which is as follows:

- I will receive a direct pecuniary benefit or loss dependent on the outcome of the motion.

6. PRESIDING MEMBER'S OPENING REMARKS

The Mayor advised Council Members that a request for Deputation for tonight's meeting was refused on the basis that there is a large agenda to consider, the remainder of the questions raised in the deputation do not have relevance to tonight's agenda and the questions covered similar issues that have been raised in the past.

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

**ADELAIDE HILLS COUNCIL
MINUTES OF ORDINARY COUNCIL MEETING
TUESDAY 22 OCTOBER 2019
63 MT BARKER ROAD STIRLING**

8.3 Public Forum

Nil

9. PRESENTATIONS

Nil

10. QUESTIONS ON NOTICE**10.1 Building Safety – Cr Malcolm Herrmann**

1. Are any of the buildings identified in the State Government Audit located in the Adelaide Hills Council area?
2. If so, has the CEO been notified of the results of the Audit and what action has been/will be taken?
3. If applicable, what role does the Building Fire Safety Committee play?

OFFICER'S RESPONSE – Marc Salver, Director Development & Regulatory Services

The following responses are provided to each of the above questions in corresponding order:

1. There are no buildings identified in the State Government Audit located in the Adelaide Hills Council Area.
2. The CEO has been advised of the results of the Audit but as stated above there are no identified buildings in our Council area in the Audit.
3. The Council's Building Fire Safety Committee has been involved in the audit and inspection process regarding this matter and is investigating the possibility of other buildings in the AHC area that fall outside of the State Government Audit criteria.

11. MOTIONS ON NOTICE**11.1 Publishing Recordings of Council Meetings**

Moved Cr Kirsty Parkin
S/- Cr Leith Mudge

244/19

I move that Council resolves to request the Chief Executive Officer to provide a report to a future Council meeting on the practices of Australian local government entities for publishing Council Meeting audio recordings on their websites with a view to assessing the risks and benefits of adopting this practice at Adelaide Hills Council.

Carried Unanimously

**ADELAIDE HILLS COUNCIL
MINUTES OF ORDINARY COUNCIL MEETING
TUESDAY 22 OCTOBER 2019
63 MT BARKER ROAD STIRLING**

12. OFFICER REPORTS – DECISION ITEMS

12.1 Time & Place of Council Meetings, Workshops, Professional Development

Moved Cr Pauline Gill

S/- Cr Linda Green

245/19

Council resolves that:

1. The report be received and noted.
2. The Ordinary Council meeting schedule, with meetings commencing at 6.30pm on the fourth Tuesday of the month, to be held at 63 Mt Barker Road Stirling, be adopted, as follows:
- 3.

*Tuesday, 17 December 2019	Tuesday, 22 June 2021
Tuesday, 28 January 2020	Tuesday, 27 July 2021
Tuesday, 25 February 2020	Tuesday, 24 August 2021
Tuesday, 24 March 2020	Tuesday, 28 September 2021
Tuesday, 21 April 2020	Tuesday, 26 October 2021
Tuesday, 26 May 2020	Tuesday 23 November 2021
Tuesday, 23 June 2020	Tuesday, 14 December 2021
Tuesday, 28 July 2020	Tuesday, 25 January 2022
Tuesday, 25 August 2020	Tuesday, 22 February 2022
Tuesday, 22 September 2020	Tuesday, 22 March 2022
Tuesday, 27 October 2020	Tuesday, 26 April 2022
Tuesday 24 November 2020	Tuesday, 24 May 2022
Tuesday, 15 December 2020	Tuesday, 24 June 2022
**Wednesday, 27 January 2021	Tuesday, 26 July 2022
Tuesday, 23 February 2021	Tuesday, 23 August 2022
Tuesday, 23 March 2021	Tuesday, 27 September 2022
Tuesday, 27 April 2021	***Tuesday, 25 October 2022
Tuesday, 25 May 2021	**Moved due to Public Holiday
*Resolved Previously	***Last meeting of Council term

**ADELAIDE HILLS COUNCIL
MINUTES OF ORDINARY COUNCIL MEETING
TUESDAY 22 OCTOBER 2019
63 MT BARKER ROAD STIRLING**

3. Special Council meeting times and venues are to be determined by the Chief Executive Officer.
4. Regarding Workshop and Professional Development Informal Gatherings:
 - Workshop Sessions be scheduled ordinarily at 6.30pm on the 2nd Tuesday of each month, to be held at 36 Nairne Road, Woodside.
 - Professional Development Sessions be scheduled ordinarily at 6.30pm on the 3rd Tuesday of each month, to be held at 63 Mt Barker Road, Stirling.
 - The Chief Executive Officer be authorised to make changes to the informal gathering schedule, timings and locations.
5. That Community Forums be held in 2020 according to the following indicative schedule:
 - Tuesday 31 March 2020 at Mylor
 - Tuesday 30 June 2020 at Basket Range
 - Tuesday 29 September 2020 at Birdwood
6. That the Chief Executive Officer be authorised to make changes to the Community Forum schedule to accommodate venue availability or other matters arising which necessitate change.

Carried Unanimously

12.2 Draft Corporate Carbon Management Plan

Moved Cr John Kemp
S/- Cr Chris Grant

246/19

Council resolves:

1. That the report be received and noted.
2. Council adopts the Corporate Carbon Management Plan contained within Appendix 1 of this report.
3. That the CEO be authorised to make any formatting, nomenclature or other minor changes to the Plan, including the production of a summary document for publication purposes.

Carried Unanimously

ADELAIDE HILLS COUNCIL
MINUTES OF ORDINARY COUNCIL MEETING
TUESDAY 22 OCTOBER 2019
63 MT BARKER ROAD STIRLING

12.3 Local Heritage Grant Fund

Moved Cr Malcolm Herrmann
S/- Cr Chris Grant

247/19

Council resolves:

1. That the report be received and noted.
2. To approve the Local Heritage Grant Fund Guidelines Procedure as detailed in *Appendix 1* of this report subject to inclusion of the following sentence at the end of the definition of Conservation Works in Section 4.2 of the Procedure - "The Grant Funds may be used to cover some of the costs (up to \$1,000) for obtaining professional advice from a heritage architect or tradesperson for the proposed works to be undertaken as part of the grant application."
3. That the Chief Executive Officer be authorised to make minor amendments, not affecting the intent of the Guidelines or the Fund, as required from time to time.
4. That recommendations for successful grant recipients be reported to Council for consideration before any grants are awarded.
5. That any remaining grant funds in a particular financial year be rolled over to the next financial year over the intended 3 year life of the Grant Fund.

Carried Unanimously

12.4 Draft Public Consultation Policy

Moved Cr Linda Green
S/- Cr John Kemp

248/19

Council resolves:

1. That the report be received and noted.
2. To endorse the draft *Public Consultation Policy*, as contained in *Appendix 1*, for consultation purposes.
3. That the CEO be authorised to:
 - a. Make any formatting, nomenclature or other minor changes to the Policy prior to being released for public consultation and;
 - b. Determine the consultation timings, media and processes while ensuring consistency and compliance in accordance with s50(6) of the *Local Government Act 1999* for a period of one month.
4. That the results of the consultation be presented back to the Council for consideration as part of adopting a final *Public Consultation Policy*.

Carried Unanimously

**ADELAIDE HILLS COUNCIL
MINUTES OF ORDINARY COUNCIL MEETING
TUESDAY 22 OCTOBER 2019
63 MT BARKER ROAD STIRLING**

12.5 Crown Land Review

**Moved Cr Malcolm Herrmann
S/- Cr John Kemp**

249/19

Council resolves:

- 1. That the report be received and noted**
- 2. That Council commence a community land revocation process in relation to the following land:**
 - i. CR 5752/186, Lot 32 Fullgrabe Road, Crafers**
 - ii. CR 5753/725, Section 1609 Illert Road, Mylor**
 - iii. CR 5753/729, Section 1657 Scott Creek Road, Scott Creek**
 - iv. CR 5753/741, Sections 53 and 54 Sandy Waterhole Road, Woodside**
 - v. CR 5753/742, Section 547 Schuberts Road, Lobethal**
 - vi. CR 5753/744, Section 553 Pedare Park Road, Woodside**
 - vii. CR 5753/745, Section 556 Tiers Road, Woodside**
 - viii. CR 5753/746, Section 565 Old Carey Gully Road, Stirling**
 - ix. CR 5753/751, Section 489 Chapman Road, Inglewood**
 - x. CR 5753/754, Section 511 North East Road, Inglewood**
 - xi. CR 5753/758, Section 262 Reserve Road, Forreston**
 - xii. CR 5763/631, Section 1591 Silver Road, Bridgewater**
 - xiii. CR 5763/634, Section 71 Magarey Road, Mount Torrens**
 - xiv. CR 5763/635, Section 72 Magarey Road, Mount Torrens**
 - xv. CR 5763/636, Section 84 Forreston Road, Forreston**
 - xvi. CR 6142/329, Lot 501 Greenhill Road, Balhannah**
 - xvii. CR 5926/487, Lot 20 Bell Springs Road, Charleston**
 - xviii. CR 5753/718, Section 1544 Reserve Terrace, Aldgate**
 - xix. CR 5753/753, Section 495 off Kersbrook Road, Kersbrook**
- 3. Community consultation be undertaken in accordance with the Council's Public Consultation Policy.**
- 4. A further report be presented to Council following completion of the community consultation process.**

Carried Unanimously

**ADELAIDE HILLS COUNCIL
MINUTES OF ORDINARY COUNCIL MEETING
TUESDAY 22 OCTOBER 2019
63 MT BARKER ROAD STIRLING**

12.6 Road Reserve adj Piccadilly Road, Piccadilly

Moved Cr John Kemp

S/- Cr Linda Green

250/19

Council resolves:

1. That the report be received and noted.
2. To make a Road Process Order pursuant to the *Roads (Opening & Closing) Act 1991* to close the piece of land identified as "A" in the Preliminary Plan attached to this report.
3. Subject to the closure of the road identified in the Preliminary Plan attached, that:
 - The closed road be included as Community Land dedicated as Civic Purpose pursuant to the *Local Government Act 1999*; and
 - The piece marked "A" be retained by Council as reserve
4. Authorise the Chief Executive to finalise and sign all necessary documentation to close and retain the above portion of closed road pursuant to this resolution.

Carried Unanimously

12.7 Adelaide Wine Capital Cycle Trail Project

Moved Cr Pauline Gill

S/- Cr John Kemp

251/19

That Council:

1. Receive and note the project update report on the Adelaide Wine Capital Cycle Trail.
2. Support Light Regional Council to be the primary grant applicant on behalf of a consortium of six (6) councils to submit a grant application for the Adelaide Wine Capital Cycle Trail project into the Community Investment Stream – Round 4, of the Federal Government Building Better Regions Fund (BBRF4) when released, to prepare a \$168,000 project Business Case on behalf of those six (6) constituent councils.
3. Commit \$10,000 as Adelaide Hills Council's contribution to the collective pool of funds across the six (6) constituent councils in the Adelaide Wine Capital Cycle Trail project to fund up to 60% of the \$168,000 costs to finalise the project Business Case, conditional upon:
 - a. Each of the six (6) constituent councils committing equal funding towards the preparation of project Business Case, and
 - b. Successful grant notification under BBRF4 for the preparation of the Adelaide Wine Capital Cycle Trail project Business Case.
4. That Council Members be advised of the outcome of the decision by all partner Councils once known.

Carried Unanimously

**ADELAIDE HILLS COUNCIL
MINUTES OF ORDINARY COUNCIL MEETING
TUESDAY 22 OCTOBER 2019
63 MT BARKER ROAD STIRLING**

12.8 Election of Deputy Mayor

Moved Cr Linda Green
S/- Cr Pauline Gill

252/19

That Council resolves:

1. That the report be received and noted.
2. To determine that the method of selecting the Deputy Mayor be by an indicative vote to determine the preferred person utilising the process set out in this Agenda report.
3. To adjourn the Council meeting for the purposes of seeking nominations for and, if necessary, conducting an indicative vote to determine the preferred person for the Deputy Mayor's role and for the meeting to resume once the results of the indicative vote have been declared.

Carried Unanimously

7.44pm The Council Meeting adjourned

7.45pm The Council Meeting resumed

7.45pm Cr Nathan Daniell declared a Material Conflict of Interest at Agenda Item 5 'Declaration of Interest by Members of Council' in relation to item 12.8.1 and left the Chamber.

12.8.1 Appointment of Deputy Mayor

Moved Cr Mark Osterstock
S/- Cr Kirsty Parkin

253/19

To appoint Cr Nathan Daniell to the position of Deputy Mayor for a 12 month term to commence 27 November 2019 and conclude on 26 November 2020.

Carried Unanimously

7.47pm Cr Daniell returned to the Chamber.

**ADELAIDE HILLS COUNCIL
MINUTES OF ORDINARY COUNCIL MEETING
TUESDAY 22 OCTOBER 2019
63 MT BARKER ROAD STIRLING**

12.9 Membership CEO Performance Review Panel

Moved Cr Malcolm Herrmann

S/- Cr Pauline Gill

254/19

That Council resolves:

- 1. That the report be received and noted.**
- 2. To determine that the method of selecting the Chief Executive Officer Performance Review Panel Members to be by an indicative vote to determine the preferred persons for the two Council Member positions utilising the process set out in this Agenda report.**
- 3. To adjourn the Council meeting for the purposes of seeking nominations for and, if necessary, conducting an indicative vote to determine the preferred persons for the Chief Executive Officer Performance Review Panel Member roles and for the meeting to resume once the results of the indicative vote have been declared.**

Carried Unanimously

7.49pm The Council Meeting adjourned

7.50pm The Council Meeting resumed

7.50pm Cr Kirsty Parkin declared a Perceived Conflict of Interest at Agenda Item 12.9.1, as she may receive possible accolades, and will remain in the Chamber and vote.

12.9.1 Appointment CEO Performance Review Panel

Moved Cr Pauline Gill

S/- Cr John Kemp

255/19

That Council resolves:

- 1. To appoint Councillors Parkin & Osterstock as members of the Chief Executive Officer Performance Review Panel for a 12 month term to commence 27 November 2019 and conclude on 26 November 2020 (inclusive).**
- 2. To determine that the method of selecting the Chief Executive Officer Performance Review Panel Presiding Member to be by an indicative vote to determine the preferred person utilising the process set out in this Agenda report.**
- 3. To adjourn the Council meeting for the purposes of seeking nominations for and, if necessary, conducting an indicative vote to determine the preferred person for the Chief Executive Officer Performance Review Panel Presiding Member role and for the meeting to resume once the results of the indicative vote have been declared.**

Carried Unanimously

Cr Kirsty Parkin voted in favour of the motion and 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 22 OCTOBER 2019
63 MT BARKER ROAD STIRLING**

7.56pm The Council Meeting adjourned

8.10pm The Council Meeting resumed

8.10pm Cr Mark Osterstock declared a Material Conflict of Interest at Agenda Item 5 'Declaration of Interest by Members of Council' in relation to item 12.9.2 and left the Chamber.

12.9.2 Appointment of CEO Performance Review Panel Presiding Member

Moved Cr Kirsty Parkin

S/- Cr Pauline Gill

256/19

That Council resolves to appoint Cr Mark Osterstock to the position of Chief Executive Officer Performance Review Panel Presiding Member for a 12 month term to commence 27 November 2019 and conclude on 26 November 2020 (inclusive).

Carried Unanimously

8.12pm Cr Osterstock returned to the Chamber.

12.10 Strategic Planning Development Policy Presiding Member

Moved Cr Nathan Daniell

S/- Cr Linda Green

257/19

That Council resolves:

- 1. That the report be received and noted**
- 2. To determine that the method of selecting the SPDPC Presiding Member to be by an indicative vote to determine the preferred person utilising the process set out in this Agenda report.**
- 3. To adjourn the Council meeting for the purposes of seeking nominations for and, if necessary, conducting an indicative vote to determine the preferred person for the SPDPC Presiding Member role and for the meeting to resume once the results of the indicative vote have been declared.**

Carried Unanimously

**ADELAIDE HILLS COUNCIL
MINUTES OF ORDINARY COUNCIL MEETING
TUESDAY 22 OCTOBER 2019
63 MT BARKER ROAD STIRLING**

8.13pm The Council Meeting adjourned

8.14pm The Council Meeting resumed

8.14pm Cr John Kemp declared a Material Conflict of Interest at Agenda Item 5 'Declaration of Interest by Members of Council' in relation to item 12.10.1 and left the Chamber.

12.10.1 Strategic Planning Development Policy Presiding Member

Moved Cr Malcolm Herrmann

S/- Cr Kirsty Parkin

258/19

That Council resolves to appoint Cr John Kemp to the position of SPDPC Presiding Member for a 12 month term to commence 27 November 2019 and conclude when the *Development Act 1993* is repealed or the aforementioned Act is superseded in its entirety by the *Planning, Development and Infrastructure Act 2016*, on or before 30 June 2020.

Carried

DIVISION

Cr Andrew Stratford called for a division.

The Mayor set aside the ruling.

In the affirmative (7)

Councillors Herrmann, Osterstock, Parkin, Mudge, Grant, Green, Daniell

In the negative (2)

Councillors Gill, Stratford

On the basis of the results of the division, the Mayor declared the motion CARRIED

8.33pm Cr Kemp returned to the Chamber

Administrative Action: Director Development & Regulatory Services to prepare a report for a future Council meeting on dealing with Planning & Design Code amendments.

**ADELAIDE HILLS COUNCIL
MINUTES OF ORDINARY COUNCIL MEETING
TUESDAY 22 OCTOBER 2019
63 MT BARKER ROAD STIRLING**

12.11 Audit Committee Presiding Member

**Moved Cr Pauline Gill
S/- Cr Nathan Daniell**

259/19

Council resolves:

- 1. That the report be received and noted**
- 2. To determine that the method of selecting the Audit Committee Presiding Member to be by an indicative vote to determine the preferred person utilising the process set out in this Agenda report.**
- 3. To adjourn the Council meeting for the purposes of seeking nominations for and, if necessary, conducting an indicative vote to determine the preferred person for the Audit Committee Presiding Member role and for the meeting to resume once the results of the indicative vote have been declared.**

Carried Unanimously

8.35pm The Council Meeting adjourned

8.49pm The Council Meeting resumed

8.49pm Cr Malcolm Herrmann declared a Material Conflict of Interest at Agenda Item 5 'Declaration of Interest by Members of Council' in relation to item 12.11.1 and left the Chamber.

12.11.1 Appointment of Audit Committee Presiding Member

**Moved Cr Leith Mudge
S/- Cr Mark Osterstock**

260/19

That Council resolves to appoint Cr Malcolm Herrmann to the position of Audit Committee Presiding Member for a 12 month term to commence 27 November 2019 and conclude on 26 November 2020 (inclusive).

Carried Unanimously

8.51pm Cr Herrmann returned to the Chamber

**ADELAIDE HILLS COUNCIL
MINUTES OF ORDINARY COUNCIL MEETING
TUESDAY 22 OCTOBER 2019
63 MT BARKER ROAD STIRLING**

12.12 Southern & Hills Local Government Association Membership

Moved Cr Nathan Daniell
S/- Cr Pauline Gill

261/19

That Council resolves:

1. That the report be received and noted.
2. To appoint Andrew Aitken to the position of Southern & Hills Local Government Association Board Member to 30 November 2022.

Carried Unanimously

12.12.1 Short Adjournment

Moved Cr Chris Grant
S/- Cr John Kemp

262/19

That the Council meeting adjourn for a short break at 8.54pm.

Carried

9.02pm The Council meeting resumed.

**ADELAIDE HILLS COUNCIL
MINUTES OF ORDINARY COUNCIL MEETING
TUESDAY 22 OCTOBER 2019
63 MT BARKER ROAD STIRLING**

12.13 Local Government Reform Submission

Moved Cr Mark Osterstock
S/- Cr John Kemp

Council resolves:

1. That the report be received and noted.
2. To lodge its Local Government Reform Submission at Appendix 1 to the Office of Local Government with the inclusion of:
 - a. That as part of the nomination process for election, candidates be required to submit a current (within last 12 months) National Police Clearance certificate for public display along with their nomination.
3. To delegate to the Chief Executive Officer the authority to make any minor changes to the Submission to reflect matters raised in the debate on the Local Government Reform Submission report.

LOST

Moved Cr Mark Osterstock
S/- Cr Chris Grant

263/19

Council resolves:

1. **That the report be received and noted.**
2. **To lodge its Local Government Reform Submission at Appendix 1 to the Office of Local Government.**
3. **To delegate to the Chief Executive Officer the authority to make any minor changes to the Submission to reflect matters raised in the debate on the Local Government Reform Submission report.**

Carried Unanimously

ADELAIDE HILLS COUNCIL
MINUTES OF ORDINARY COUNCIL MEETING
TUESDAY 22 OCTOBER 2019
63 MT BARKER ROAD STIRLING

12.14 Delegations Review Report

Moved Cr John Kemp
S/- Cr Pauline Gill

264/19

Council resolves:

1. That the report be received and noted
2. That, having considered a review of Council's Delegations as presented, the Council:
 - 2.1 Revocation

Hereby revokes its previous delegations to the Chief Executive Officer of those powers and functions under the following Acts:

 - 2.1.1 *Development Act 1993, Development (Development Plans) Amendment Act 2006 and Development Regulations 2008, Development (Waste Reform) Variation Regulations 2019*
 - 2.1.2 *Planning, Development and Infrastructure Act 2016*
 - 2.2 Delegations made under the *Local Government Act 1999*
 - 2.2.1 *In exercise of the power contained in Section 44 of the Local Government Act 1999 the powers and functions under the following Acts and specified in the proposed Instruments of Delegation contained in Appendices 1 and 2 (each of which is individually identified as indicated below) are hereby delegated this 22nd day of October 2019 to the person occupying the office of Chief Executive Officer subject to the conditions and or limitations specified herein or in the Schedule of Conditions in each such proposed Instrument of Delegation:*
 - *Development Act 1993, Development (Development Plans) Amendment Act 2006 and Development Regulations 2008, Development (Waste Reform) Variation Regulations 2019 (Appendix 1), with the removal of the proposed delegation to the CEO for paragraphs: 36.1 - 36.6, 36.6.1 – 36.6.6*
 - *Planning, Development and Infrastructure Act 2016 (Appendix 2, with the removal of the proposed delegation to the CEO for paragraphs: 11.1, 12.1, 12.1.1, 12.1.2, 12.1.2.1, 12.1.2.3 to 12.1.2.6, 12.3, 12.4, 13.1, 13.2, 17.1, 25.1, 25.1.1, 25.1.2 and 38.1*

Further, delegations to the Council Assessment Panel be added to paragraphs 3.1 and paragraphs 1.1, 1.1.1 and 1.1.2 of the Instrument of Delegation under the PDI Act 2016 of Powers of a Council as a Relevant Authority.

**ADELAIDE HILLS COUNCIL
MINUTES OF ORDINARY COUNCIL MEETING
TUESDAY 22 OCTOBER 2019
63 MT BARKER ROAD STIRLING**

- 2.2.2** Such powers and functions may be further delegated by the Chief Executive Officer in accordance with Sections 44 and 101 of the *Local Government Act 1999* as the Chief Executive Officer sees fit, unless otherwise indicated herein or in the Schedule of Conditions contained in each such proposed Instrument of Delegation.

Carried Unanimously

12.15 Status Report – Council Resolutions Update

Moved Cr Mark Osterstock
S/- Cr Kirsty Parkin

265/19

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
27/05/2014	Ordinary Council	95/14	William St Birdwood Street Furniture, plaque	None declared
26/09/2017	Ordinary Council	207c/17	Heritage Agreement Reports - Woorabinda Bushland Reserves	None declared
24/07/2018	Ordinary Council	162/18	MON Use of Recycled Material in Capital Works	None declared
28/08/2018	Ordinary Council	197/18	Household Hazardous Waste Disposal	None declared
26/03/2019	Ordinary Council	76/19	Kenton Valley War Memorial Park	None declared
26/03/2019	Ordinary Council	86/19	Sale of land at the former Onkaparinga Woollen Mills site at Lobethal	None declared
4/06/2019	Special Council	135/19	Road Closures Adelaide Rally Event	None declared
23/07/2019	Ordinary Council	189/19	Community Land Management Plans	None declared

**ADELAIDE HILLS COUNCIL
MINUTES OF ORDINARY COUNCIL MEETING
TUESDAY 22 OCTOBER 2019
63 MT BARKER ROAD STIRLING**

23/07/2019	Ordinary Council	195/19	Biodiversity Strategy Review	None declared
27/08/2019	Ordinary Council	215/19	Procurement Policy	None declared
27/08/2019	Ordinary Council	216/19	Disposal of Assets Policy	None declared
27/08/2019	Ordinary Council	227/19	Global Climate Strike	None declared
24/09/2019	Ordinary Council	244/19	Petition - Opposing New Wireless Telecommunication Infrastructure	None declared
24/09/2019	Ordinary Council	245/19	MON Boundary Reform Proposal Engagement	None declared
24/09/2019	Ordinary Council	248/19	Bird in Hand Mine Proposal	None declared
24/09/2019	Ordinary Council	249/19	Submission re Genetically Modified Crops	None declared
24/09/2019	Ordinary Council	250/19	Biodiversity Strategy Final Report	None declared
24/09/2019	Ordinary Council	251/19	Community Land Management Plan Review	Cr John Kemp - Perceived
24/09/2019	Ordinary Council	257/19	Delegations Review	None declared

Carried Unanimously

13. OFFICER REPORTS - INFORMATION ITEMS

13.1 Additional Borrowings to assist Capital Renewal Escalation

Moved Cr Malcolm Herrmann
S/- Cr Nathan Daniell

266/19

Council resolves that the report be received and noted.

Carried Unanimously

**ADELAIDE HILLS COUNCIL
MINUTES OF ORDINARY COUNCIL MEETING
TUESDAY 22 OCTOBER 2019
63 MT BARKER ROAD STIRLING**

14. MISCELLANEOUS ITEMS

15. QUESTIONS WITHOUT NOTICE

Cr Kirsty Parkin – Attendance at meetings with community members

15.1 Extension of Meeting Time

Moved Cr Mark Osterstock

S/- Cr Leith Mudge

267/19

That the Council meeting be extended by 30 minutes from 10.03pm.

Carried

16. MOTIONS WITHOUT NOTICE

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

16.1 Bird in Hand Pty Ltd Proposed Development

Moved Cr Mark Osterstock

S/- Cr Leith Mudge

268/19

1. **Council notes the decisions of the Adelaide Hills Council Assessment Panel in respect to the Bird in Hand Pty Ltd proposed development dated 14 August 2019, and the subsequent decision of the State Commission Assessment Panel dated 10 September 2019.**
2. **Council is supportive of the proposed development.**
3. **That the Chief Executive Officer provides a copy of this resolution to the owners of the Bird in the Hand Winery, Woodside.**

Carried

10.11pm Cr John Kemp left the Chamber and did not return.

**ADELAIDE HILLS COUNCIL
MINUTES OF ORDINARY COUNCIL MEETING
TUESDAY 22 OCTOBER 2019
63 MT BARKER ROAD STIRLING**

17. REPORTS

17.1 Council Member Activities

Mayor Jan-Claire Wisdom

- 29 September, Bay to Birdwood, Birdwood
- 02 October, NBN Roundtable, Belvidere
- 09 October, Carbon Management Plan briefing and meet the staff, Stirling
- 10 October, Mainstreet Awards, Adelaide
- 11 October, Meeting with Federal Member for Mayo, Mt Barker
- 13 October, Stirling RSL 99 year celebration lunch, Stirling
- 15 October, Stirling Meals on Wheels AGM, Heathfield
- 20 October, Opening of Lenswood Heritage Trail, Lenswood
- 20 October, Lenswood Primary School 150th anniversary, Lenswood
- 20 October, Woodside Lodge Market, Woodside
- 21 October, Hills Treasures presentation and afternoon tea, Hahndorf
- 22 October, Crafers Primary School LG/Mayor presentation, Crafers

Cr Pauline Gill

- 26 September, The Hut AGM
- 3 October, Kersbrook Residents Association
- 10 October, Woodside Recreation Ground committee meeting
- 20 October, Opening of the Lenswood Centennial Heritage Trail and 150th Anniversary of Lenswood Primary School

Cr Malcolm Herrmann

- 25 September, Bushfire Recovery Plan Red Cross, Gumeracha
- 10 October, Bendigo Community Bank Meeting, Birdwood

Cr Leith Mudge

- 26 September, The Hut AGM, Stangate House, Aldgate
- 6 October, Coffee with a Councillor meeting with residents of Rostrevor/Woodforde/Morialta, Morialta Nature Playground, Woodforde
- 13 October, Hills Community Toy Library celebrates 40 years, Aldgate

**ADELAIDE HILLS COUNCIL
MINUTES OF ORDINARY COUNCIL MEETING
TUESDAY 22 OCTOBER 2019
63 MT BARKER ROAD STIRLING**

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

Mayor Jan-Claire Wisdom

- 17 October, LGA Board Directors meeting, Adelaide

Cr Malcolm Herrmann

- 17 October, GRFMA, Mallala

17.3 CEO Report

Andrew Aitken, CEO, will provide Council with a Corporate Update via email.

18. REPORTS OF COMMITTEES

18.1 Council Assessment Panel – 9 October 2019

Moved Cr Linda Green

S/- Cr Nathan Daniell

269/19

That the minutes of the Council Assessment Panel meeting of 9 October 2019 as distributed, be received and noted.

Carried Unanimously

18.2 Special Strategic Planning & Development Policy Committee – 2 October 2019

Moved Cr Malcolm Herrmann

S/- Cr Linda Green

270/19

That the minutes of the Special Strategic Planning & Development Policy Committee meeting of 2 October 2019 as distributed, be received and noted.

Carried Unanimously

18.3 Audit Committee

Nil

18.4 CEO Performance Review Panel

Nil

**ADELAIDE HILLS COUNCIL
MINUTES OF ORDINARY COUNCIL MEETING
TUESDAY 22 OCTOBER 2019
63 MT BARKER ROAD STIRLING**

19. CONFIDENTIAL ITEMS

19.1 Electricity Procurement Contract Post 31 December 2019 for below 160 MWh sites – Exclusion of the Public

Moved Cr Malcolm Herrmann

S/- Cr Leith Mudge

271/19

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

- CEO, Andrew Aitken
- Director Development & Regulatory Services, Marc Salver
- Director Corporate Services, Terry Crackett
- Director Community Capacity, David Waters
- A/Director Infrastructure & Operations, John McArthur
- Executive Manager Governance & Performance, Lachlan Miller
- Manager Financial Services, Mike Carey
- Governance & Risk Coordinator, Steven Watson
- Minute Secretary, Pam Williams

be excluded from attendance at the meeting for Agenda Item 19.1: *Electricity Procurement Contract Post 31 December 2019 for below 160 MWh sites* 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) (d) of the Local Government Act 1999, that the information to be received, discussed or considered in relation to this Agenda Item 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/agency/business who supplied the information by disclosing specific quotes and modelling by a number of tenderers.

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 22 OCTOBER 2019
63 MT BARKER ROAD STIRLING**

10.28pm Cr Linda Green declared a Material Conflict of Interest at Agenda item 19.1.2 as she is part of a proposed windfarm and therefore may suffer a material gain or loss, and left the Chamber and did not return.

19.1.1 Extension of Meeting Time

**Moved Cr Leith Mudge
S/- Cr Nathan Daniell**

272/19

That the Council meeting be extended by 10 minutes from 10.32pm.

Carried

**ADELAIDE HILLS COUNCIL
MINUTES OF ORDINARY COUNCIL MEETING
TUESDAY 22 OCTOBER 2019
63 MT BARKER ROAD STIRLING**

RELEASED 10 JANUARY 2020

19.1.2 Electricity Procurement Contract Post 31 December 2019 for below 160 MWh sites – Confidential Item

Moved Cr Leith Mudge

S/- Cr Kirsty Parkin

Council resolves:

1. That the report be received and noted
2. To delegate to the Chief Executive Officer the authority:
 - a. To enter into a contract with the successful tenderer for the supply of electricity for:
 - i. sites below 160 MWh per annum with an agreed 100% GreenPower load;
 - b. To make, vary and discharge contracts; and
 - c. To sign all relevant documentation in this matter to give effect to this resolution.

LOST

Moved Cr Mark Osterstock

S/- Cr Pauline Gill

273/19

Council resolves:

1. That the report be received and noted
2. To delegate to the Chief Executive Officer the authority:
 - a. To enter into a contract with the successful tenderer for the supply of electricity for:
 - i. sites below 160 MWh per annum without an agreed GreenPower load;
 - b. To make, vary and discharge contracts; and
 - c. To sign all relevant documentation in this matter to give effect to this resolution.

Carried

**ADELAIDE HILLS COUNCIL
MINUTES OF ORDINARY COUNCIL MEETING
TUESDAY 22 OCTOBER 2019
63 MT BARKER ROAD STIRLING**

RELEASED 10 JANUARY 2020

19.1.3 Electricity Procurement Contract Post 31 December 2019 – Period of Confidentiality

Moved Cr Malcolm Herrmann
S/- Cr Chris Grant

274/19

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)(d) 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* that the report, related attachments and the minutes of Council and the discussion and considerations of the subject matter be retained in confidence until the contracts are signed, but not longer than 31 December 2019.

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

20. NEXT ORDINARY MEETING

The next ordinary meeting of the Adelaide Hills Council will be held on Tuesday 26 November 2019 from 6.30pm at 63 Mt Barker Road, Stirling.

21. CLOSE MEETING

The meeting closed at 10.37pm.