

**ADELAIDE HILLS COUNCIL
MINUTES OF ORDINARY COUNCIL MEETING
TUESDAY 17 DECEMBER 2019
63 MT BARKER ROAD STIRLING**

In Attendance

Presiding Member: Mayor Jan-Claire Wisdom

Members:

Councillor Ian Bailey
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
Peter Bice	Director Infrastructure & Operations
Marc Salver	Director Development & Regulatory Services
Rebecca Shepherd	Acting Director Community Capacity
Natalie Westover	Manager Property Services
Renee O'Connor	Sport & Recreation Coordinator
John McArthur	Manager Waste & Emergency Service
Steven Watson	Acting Executive Manager Governance & Performance
Pam Williams	Minute Secretary

1. COMMENCEMENT

The meeting commenced at 6.30pm.

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”.

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3. APOLOGIES/LEAVE OF ABSENCE

3.1 Apology

Nil

3.2 Leave of Absence

Cr Kirrilee Boyd (22 October to 31 December 2019) approved 22 October 2019.

3.3 Absent

Nil

4. MINUTES OF PREVIOUS MEETINGS

4.1 Council Meeting – 26 November 2019

Moved Cr Malcolm Herrmann

S/- Cr Ian Bailey

305/19

That the minutes of the Ordinary Council meeting held on 26 November 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 Perceived Conflict of Interest, Cr Ian Bailey, Item 12.2 Community Energy Program

Under Section 75A of the *Local Government Act 1999* Cr Ian Bailey disclosed a Perceived Conflict of Interest in Item 12.2, Community Energy Program, the nature of which is as follows:

- I have solar panels which feed back into the grid

Cr Bailey intends to participate in the discussions and vote when this item is discussed.

- The benefit or loss is shared with a proportion of ratepayers

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5.2 Material Conflict of Interest, Cr Linda Green, Item 12.2 Community Energy Program

Under Section 74 of the *Local Government Act 1999* Cr Linda Green disclosed a Material Conflict of Interest in Item 12.2, Community Energy Program, the nature of which is as follows:

- The nature of my conflict is pecuniary as I am a partner in a contract for wind turbines on one of my properties and I have solar panels on my roof with excess power going to the grid

Cr Green intends to leave the Chamber when this matter is discussed.

5.3 Perceived Conflict of Interest, Cr Linda Green, Item 19.1, Citizen of the Year Award 2020

Under Section 75A of the *Local Government Act 1999* Cr Linda Green disclosed a Perceived Conflict of Interest in Item 19.1, Citizen of the Year Award 2020, the nature of which is as follows:

- I have nominated a community member. I was not involved in consideration of recommendations and will remain in the room

Cr Green intends to participate in the discussions and vote when this item is discussed.

5.4 Perceived Conflict of Interest, Cr Linda Green, Item 19.2, Appointment of East Waste Chair

Under Section 75A of the *Local Government Act 1999* Cr Linda Green disclosed a Perceived Conflict of Interest in Item 19.2, Appointment of East Waste Chair, the nature of which is as follows:

- I am a Director of East Waste and I will be remaining in the Chamber and voting

Cr Green intends to participate in the discussions and vote when this item is discussed.

5.5 Perceived Conflict of Interest, Cr Nathan Daniell, Item 12.2, Community Energy Program

Under Section 75A of the *Local Government Act 1999* Cr Nathan Daniell disclosed a Perceived Conflict of Interest in Item 12.2, Community Energy Program, the nature of which is as follows:

- I have a pecuniary interest as I have solar panels feeding back into the Grid

Cr Daniell intends to participate in the discussions and vote when this item is discussed.

- The benefit or loss is shared with a proportion of ratepayers

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5.6 Material Conflict of Interest, Cr Nathan Daniell, Item 19.1, Citizen of the Year Award 2020

Under Section 74 of the *Local Government Act 1999* Cr Nathan Daniell disclosed a Material Conflict of Interest in Item 19.1, Citizen of the Year Award 2020, the nature of which is:

- A friend may personally benefit or suffer a detriment depending on the decision made as they are nominated to receive a Civic Award

Cr Daniell intends to leave the Chamber when this matter is discussed.

5.7 Perceived Conflict of Interest, Cr Kirsty Parkin, Item 12.2, Community Energy Program

Under Section 75A of the *Local Government Act 1999* Cr Kirsty Parkin disclosed a Perceived Conflict of Interest in Item 12.2, Community Energy Program, the nature of which is:

- I have solar panels on my roof which feed into the grid

Cr Parkin intends to participate in the discussions and vote when this item is discussed.

- Many community members have the same issue

5.8 Perceived Conflict of Interest, Cr Leith Mudge, Item 12.2, Community Energy Program

Under Section 75A of the *Local Government Act 1999* Cr Leith Mudge disclosed a Perceived Conflict of Interest in Item 12.2, Community Energy Program, the nature of which is:

- I have solar panels on my roof which feed energy into the grid

Cr Mudge intends to participate in the discussions and vote when this item is discussed.

- I believe that I can put the public interest ahead of any perceived personal interest

5.9 Perceived Conflict of Interest, Cr Chris Grant, Item 12.2, Community Energy Program

Under Section 75A of the *Local Government Act 1999* Cr Chris Grant disclosed a Perceived Conflict of Interest in Item 12.2, Community Energy Program, the nature of which is:

- I have solar panels feeding into the electricity grid and may receive a benefit or detriment from a Community Energy Scheme

Cr Grant intends to participate in the discussions and vote when this item is discussed.

- I am part of a large class of people in the Hills with solar panels

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5.10 Perceived Conflict of Interest, Cr Pauline Gill, Item 19.1, Citizen of the Year Award 2020

Under Section 75A of the *Local Government Act 1999* Cr Pauline Gill disclosed a Perceived Conflict of Interest in Item 19.1, Citizen of the Year Award 2020, the nature of which is:

- I am a friend of a person nominated for a Civic Award

Cr Gill intends to participate in the discussions and vote when this item is discussed.

- I do not receive a benefit or detriment

5.11 Perceived Conflict of Interest, Cr Malcolm Herrmann, Item 19.1, Citizen of the Year Award 2020

Under Section 75A of the *Local Government Act 1999* Cr Malcolm Herrmann disclosed a Perceived Conflict of Interest in Item 19.1, Citizen of the Year Award 2020, the nature of which is:

- I nominated a person to receive a Civic Award

Cr Herrmann intends to participate in the discussions and vote when this item is discussed.

- I will not benefit or disbenefit from the decision

5.12 Perceived Conflict of Interest, Cr Leith Mudge, Item 19.1, Citizen of the Year Award 2020

Under Section 75A of the *Local Government Act 1999* Cr Leith Mudge disclosed a Perceived Conflict of Interest in Item 19.1, Citizen of the Year Award 2020, the nature of which is :

- I nominated someone for these awards

Cr Mudge intends to participate in the discussions and vote when this item is discussed.

- I believe that I can put the public interest ahead of any perceived personal interest

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5.13 Perceived Conflict of Interest, Cr Leith Mudge, Item 12.13, Mylor BMX Bike Track

Under Section 75A of the *Local Government Act 1999* Cr Leith Mudge disclosed a Perceived Conflict of Interest in Item 12.13, Mylor BMX Bike Track, the nature of which is:

- My son is a keen mountain bike rider and has used this track in the past

Cr Mudge intends to participate in the discussions and vote when this item is discussed.

- I believe that I can put the public interest ahead of any perceived personal interest

5.14 Perceived Conflict of Interest, Mayor Jan-Claire Wisdom, Item 12.2, Community Energy Program

Under Section 75A of the *Local Government Act 1999* Mayor Jan-Claire Wisdom disclosed a Perceived Conflict of Interest in Item 12.2, Community Energy Program, the nature of which is:

- I have solar panels feeding into the electricity grid and may receive a benefit or detriment from a Community Energy Scheme

Mayor Wisdom intends to participate in the discussions when this item is discussed, however, she does not have a deliberative vote.

6. PRESIDING MEMBER'S OPENING REMARKS

- Mayor Jan-Claire Wisdom welcomed everyone to the last Council meeting of 2019. The Mayor thanked Council Members and Staff for their work in 2019 and highlighted 300 Council resolutions, Strategic Plan, Policies, Long Term Financial Plan and Budget. Mayor Wisdom expressed Council's appreciation to the community for its ongoing support including organising events and working on committees and advisory groups.
- Mayor Wisdom advised that this week will experience high temperatures and that the CFS has declared a total fire ban on Wednesday 18 December.
- On Sunday 14 December, the Mayor attended the 30th anniversary of the Stirling Markets and was presented with gift for Council of a watercolour painting of the Stirling Market by local artist and stall holder, Leanne Heading, in appreciation of Council's ongoing support for the Market.

7. QUESTIONS ADJOURNED/LYING ON THE TABLE

7.1 Questions Adjourned

Nil

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7.2 Questions Lying on the Table

Nil

8. PETITIONS/DEPUTATIONS/PUBLIC FORUM

8.1 Petitions

8.1.1 Skate Park for Stirling

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

306/19

Council resolves that the online petition containing 657 names, requesting a skate park in Stirling, be received and noted.

Carried Unanimously

8.2 Deputations

8.2.1 Dept for Environment & Water (DEW) re unmade public road reserve adjacent Charleston Conservation Park – Amy Allen (DEW) and Lew Brickhill (Friends of Charleston Conversation Park)

8.2.2 Ben Mumford and Rachelle Sandow re Old Stirling East School Community Garden

With leave of the meeting, Item 10.2 was moved to this point in the Agenda

10.2 Old Stirling East School - Heritage Listing (Cr Kirsty Parkin)

What is the nature of the heritage listing attached to the Old Stirling East School on Old Mt Barker Road? Can you explain the protections afforded by the listing?

Officer's Response – Marc Salver, Director Development & Regulatory Services

The former Stirling East School at 100 Old Mount Barker Road Stirling is listed as a Local Heritage Place in Table AdHi/2 of Council's Development Plan. As such any building work would require Council approval. However, Development Approval would not be required for the following works as detailed in Schedule 3 of the *Development Regulations 2008*:

“(4) In respect of a local heritage place, the installation of, or an alteration of or addition to a building that is necessary for or incidental to the installation of—
(a) an individual air handling unit mounted on a wall, window or floor; or
(b) a ceiling or roof fan or fan coil section of air conditioning systems not exceeding 100 kilograms and installed within the ceiling space; or
(c) an exhaust fan; or

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(ca) any electrical, gas, water, sewage and sullage, or telecommunications service (including appliances and fittings), where the item being installed—
(d) does not encroach on a public street or affect the ability of the place to resist the spread of fire; and
(e) will not, when installed, be able to be seen by a person standing at ground level in a public street.

(4a) The external painting of a local heritage place—
(a) where the painting involves the repainting of an existing painted surface in the same or similar colours and so as to provide the same or similar texture, finish and effect; or
(b) without limiting paragraph (a), where the painting does not materially affect the heritage value of the place. “

As noted above, Development Approval would be required if works are proposed to the school building which would materially affect the heritage value of the place, e.g. painting the external part of the building with a different colour than what currently exists, punching a hole through any wall to put in a new door or window, installing a different window style than what currently exists, etc.

Further, as part of the assessment of a Development Application for such work, a referral to Council's Local Heritage Advisor is required in order to assess the impact of such proposed works on the heritage character of the school building.

Lastly, note that if the building is to be publicly accessible, then additional works will be required to provide disabled access in order to comply with the *Disability Discrimination Act 1992*, and comply with Building Fire Safety requirements of the National Construction Code.

8.3 Public Forum

- Keri Chiveralls, Upper Sturt, re Old School Community Garden
- Jenny Deans re Old Stirling East School Community Garden
- Simon Jones re Old Stirling East School Community Garden & storage areas
- Hamish Cooper re Old Stirling East School Community Garden
- Christobel Kelly, Mylor, re Mylor Parklands
- Bron McNab, Aldgate, re Old Stirling East School Community Garden

9. PRESENTATIONS

Nil

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10. QUESTIONS ON NOTICE

10.1 Overcharge by SA Power Networks (Cr Malcolm Herrmann)

1. Has Council received advice regarding the total amount to be paid to the local government industry, following the Local Government Association's (LGA) successful action against the SA Power Networks?
2. If so, what was the total amount, what is the Adelaide Hills Council's share and when will funds be transferred to council?
3. On what basis were the allocations made to councils?

Officer's Response – Terry Crackett, Director Corporate Services

1. Yes, Council has been advised of the total amount to be paid to the local government industry, being just over \$13m.
2. Adelaide Hills Council's share of this amount is \$95k but this will be offset by a council contribution to the cost of the action the LGA took on councils' behalf. Although the final costs of this action are still not finalised, LGA estimate these costs as less than \$5k. Council has been advised that the distribution of costs will be calculated based on the proportion of the total payback amount received by each council.

Council has been advised that the amount will be paid directly to Council by SA Power Network (SAPN) prior to 31 December 2019 and as such will be reflected within Budget Review 2.

3. The SAPN allocation to each council is based on a percentage of the total payments made by each public lighting customer during the period of overcharging, being for the period 1 July 2010 to 30 June 2015, as a proportion of the total payback amount.

10.2 Old Stirling East School - Heritage Listing (Cr Kirsty Parkin)

This item was considered earlier in the agenda.

With Leave of the Meeting Item 12.1 Charleston Conservation Park & Item 12.13 Mylor BMX were moved to this point on the agenda.

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10.2.1 Adjournment of Meeting

Moved Cr Leith Mudge
S/- Cr Ian Bailey

307/19

That the Council meeting adjourn for a short break at 7.41pm.

Carried Unanimously

7.50pm The meeting resumed

12.1 Road Closure UPR adj to Charleston Conservation Park

Moved Cr Linda Green
S/- Cr Nathan Daniell

308/19

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 and merge the pieces of land identified as "A" in the Preliminary Plan attached to this report with Section 3942 and Section 3943 as comprised in Certificate of Title Volume 5772 Folio 824 and Volume 5481 Folio 673 as detailed in *Appendix 2* of this report.
3. Subject to the closure of the road identified in the Preliminary Plan attached, that:
 - The closed road be excluded as Community Land pursuant to the *Local Government Act 1999*;
 - The piece marked "A" be transferred to the Minister for Sustainability, Environment and Conservation (Department of Environment and Water), the owners of the property with which it is merging for \$1.00 (if demanded); and
 - all fees and charges associated with the road closure process be the responsibility of the Minister for Sustainability, Environment and Conservation.
4. To authorise the Chief Executive Officer to finalise and sign all necessary documentation to give effect to this resolution.

Carried Unanimously

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12.13 Mylor BMX Bike Track

Cr Leith Mudge declared a Perceived Conflict of Interest at Agenda Item 5 'Declaration of Interest by Members of the Council' in relation to Item 12.13.

Cr Mudge remained in the Chamber and voted.

Administrative Action: Director Infrastructure & Operations to provide Council Members information on cost of rehabilitating affected area.

Moved Cr Nathan Daniell

S/- Cr John Kemp

309/19

Council resolves:

- 1. That the report be received and noted.**
- 2. That broad community consultation be undertaken in accordance with the consultation plan set out in this report**
- 3. That, following completion of community consultation and further investigations by Council staff, a further report is presented to Council for consideration.**
- 4. That consultation excludes any areas identified in the Community Land Management Plans as being for conservation purposes in the Mylor Parklands as a site considered for any potential BMX track in the Mylor region**
- 5. To reaffirm its commitment to the Heritage Agreement application in its current form, which is in progress for the Mylor Parklands**
- 6. To thank all community groups and volunteers who have contributed to the preservation and conservation of the Mylor Parklands over many years**
- 7. That compliance action be taken to stop further illegal use in Mylor Parklands, signs be placed informing visitors appropriately of activities that are, and are not, allowed in accordance with Community Land Management Plans.**

Carried

Cr Leith Mudge voted in favour of the motion.

The majority of Councillors voted in favour of the motion.

11. MOTIONS ON NOTICE

11.1 Median Rule Land Division Tool for Country Living Zone

Moved Cr Kirsty Parkin

S/- Cr Pauline Gill

310/19

That Council resolves to formally request the Department of Planning, Transport and Infrastructure to include either a subzone or Technical and Numeric Variation Overlay to carry over Council's current Award-Winning median rule land division tool with its absolute 2,000 square metre minimum allotment size into the new Residential Neighbourhood Zone as contained in the Draft Planning & Design Code.

Carried Unanimously

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11.2 Range Road South, Houghton, Pedestrian Movements

Moved Cr Malcolm Herrmann
S/- Cr Mark Osterstock

311/19

I move that the CEO liaises with the CEO of the City of Tea Tree Gully and users, and investigate how pedestrian movement can be improved on Range Road South, Houghton and provide a report to Council by 31 March 2020.

Carried Unanimously

12. OFFICER REPORTS – DECISION ITEMS

12.1 Road Closure UPR adj to Charleston Conservation Park

This item was considered earlier in the Agenda

12.2 Community Energy Program

Cr Linda Green declared a Material Conflict of Interest at Agenda Item 5 'Declaration of Interest by Members of the Council' in relation to Item 12.2.

8.43pm Cr Green left the Chamber.

Cr Ian Bailey, Cr Nathan Daniell, Cr Chris Grant, Cr Leith Mudge, Cr Kirsty Parkin and Mayor Jan-Claire Wisdom declared a Perceived Conflict of Interest at Agenda Item 5 'Declaration of Interest by Members of the Council' in relation to Item 12.2 and remained in the Chamber and voted (with the exception of Mayor Wisdom who does not have a deliberative vote).

Moved Cr Grant
S/- Cr Osterstock

312/19

Council resolves:

1. That the reports be received and noted
2. That resources developed under the Community Energy Program will be published for use by the community, industry and local government sector, and Council involvement be wound up (Option 2).

Carried Unanimously

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Cr Ian Bailey, Cr Nathan Daniell, Cr Chris Grant, Cr Leith Mudge and Cr Kirsty Parkin voted in favour of the motion.

The majority of Councillors voted in favour of the motion.

8.58pm Cr Linda Green returned to the Chamber

12.3 Road Closure Cnr Kain Ave & Mt Barker Road Bridgewater

Moved Cr Ian Bailey

S/- Cr John Kemp

313/19

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 Preliminary Plan No 19/0031 attached to this report as *Appendix 2 (Road Land)*.
3. Subject to the closure of the Road Land, that:
 - the Road Land be retained by Council as a reserve;
 - the Road Land be retained as Community Land and entered onto the Council's Community Land Register; and
 - the Council's Community Land Management Plan be amended to include the Road Land as an Informal Recreation Reserve.
4. Authorise the Chief Executive to finalise and sign all necessary documentation to give effect to this resolution.

Carried Unanimously

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12.4 Road Exchange Montacute Road Montacute

Moved Cr Mark Osterstock
S/- Cr Pauline Gill

314/19

Council resolves:

1. That the report be received and noted
2. To execute under seal a Deed of Assignment of Rights to Occupation to bring land identified as proposed Allotment 11 in DP 72622 under the *Real Property Act 1886*
3. To, in conjunction with Giuseppe Meccariello, Filomena Sanche, Vincenzo Meccariello and Telstra Corporation Ltd, undertake the road widening process in accordance with the plan attached as *Appendix 2*, to vest allotments 12 and 14 as public road for nil consideration
4. The road to be closed as identified as "A" in Preliminary Plan 05/0056 be excluded as Community Land pursuant to the *Local Government Act 1999*
5. To authorise the Chief Executive Officer and Mayor to finalise and sign all documentation, including under seal if necessary, to give effect to this resolution.

Carried Unanimously

12.5 Highercombe Golf Course Lease Disclosure Statement

Moved Cr Malcolm Herrmann
S/- Cr Linda Green

315/19

Council resolves:

1. That the report be received and noted
2. To issue a Disclosure Statement as required pursuant to Section 12 of the *Retail & Commercial Leases Act 1995* upon renewal of the current lease to the Highercombe Golf & Country Club Inc; and
3. To authorise the Mayor and Chief Executive Officer to sign all documents necessary to give effect to this resolution.

Carried Unanimously

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12.6 World Heritage Bid Annual Report 2018 – 2019

**Moved Cr Pauline Gill
S/- Cr Kirsty Parkin**

316/19

- 1. That the report be received and noted**
- 2. That the Annual Report 18/19 and the Expert Review report for the World Heritage Listing Bid Project for the Mount Lofty Ranges be received and noted.**

Carried Unanimously

12.7 Uraidla Safer Place Signs

Administrative Action – Manager Waste & Emergency Service to follow up information from interstate in relation to signage.

**Moved Cr Ian Bailey
S/- Cr Linda Green**

317/19

Council resolves:

- 1. That the report be received and noted.**
- 2. That CEO write to the Executive Officer of the Adelaide Mount Lofty Ranges Bushfire Management Committee requesting the committee review the CFS decision not to provide Bushfire Safer Place signage within Uraidla.**

Carried Unanimously

12.8 Internal Audit Quarterly Update

**Moved Cr Malcolm Herrmann
S/- Cr Leith Mudge**

318/19

Council resolves:

- 1. That the report be received and noted.**
- 2. That Council adopt the revised Strategic Internal Audit Plan as contained in Appendix 1.**

Carried Unanimously

9.09pm Cr John Kemp left the Chamber and did not return

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12.9 GRFMA Charter

Moved Cr Malcolm Herrmann
S/- Cr Ian Bailey

319/19

That Council resolves:

- 1. That the report be received and noted.**
- 2. That following a review of the Charter for the Gawler River Floodplain Management Authority, the Council notes and takes into account the recommendations of the GRFMA and adopts the amended charter for the GRFMA as set out in Appendix 3 of this report.**
- 3. To authorise the Chief Executive Officer to advise the Gawler River Floodplain Management Authority Board that the Adelaide Hills Council adopts the amended 2019 GRFMA Charter.**

Carried Unanimously

12.10 Audit Committee Terms of Reference

Moved Cr Malcolm Herrmann
S/- Cr Leith Mudge

320/19

Council resolves:

- 1. That the report be received and noted**
- 2. To adopt the draft Audit Committee Terms of Reference at Appendix 1.**

Carried Unanimously

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12.11 River Torrens Governance Model

Administrative Action: Director Infrastructure & Operations to provide Council Members information on Green Adelaide Board

**Moved Cr Pauline Gill
S/- Cr Mark Osterstock**

321/19

1. That Council notes the report commissioned by the Adelaide and Mount Lofty Ranges Natural Resources Management Board (AMLRNRM) regarding the proposed governance structure for the River Torrens forming Appendix 1 of this report.
2. That Council authorises the CEO to provide the following feedback to the AMLRNRM in relation to the proposed structure:

That the Adelaide Hills Council:

- a. provides in principle support for the 'River Torrens Roundtable and Convener' as the governance structure for the River subject to consideration of the following:
 - the Governance Structure is established as a subgroup or committee of Green Adelaide (once established) under the proposed Landscapes Act
 - the Roundtable report direct to the Green Adelaide Board (once established)
 - the Roundtable cannot mandate financial contributions from the Council
 - funding of the new governance structure be borne by the Adelaide and Mount Lofty Ranges Natural Resources Management Board (Green Adelaide Board in the future).
 - supports the appointment of up to five Independent Members of the Roundtable with the appropriate skills and expertise.
- b. That Council provides in principle support for the establishment of the River Torrens as a living integrated natural entity, however, Council's final position will be dependent on the Kurna people's position on management and governance of watercourses within their country.

Carried Unanimously

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12.12 Status Report – Council Resolutions Update

Administrative Action: Director Infrastructure & Operations to provide Council Members with a status update on Croft Road Lenswood

**Moved Cr Linda Green
S/- Cr Mark Osterstock**

322/19

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
11/09/2018	Special Council	223/18	Pomona Road Bike Track Trial
26/02/2019	Ordinary Council	31/19	Community Forums 2019
26/03/2019	Ordinary Council	61/19	Climate Emergency
28/05/2019	Ordinary Council	116/19	Options for Crown Reserves
4/06/2019	Special Council	136/19	Strategic Plan Review - Key Themes Adoption
23/07/2019	Ordinary Council	185/19	Additional Borrowings for Capital Renewal Escalation
27/08/2019	Ordinary Council	211/19	Feral Deer Management
27/08/2019	Ordinary Council	221/19	Audit Committee Independent Membership
27/08/2019	Ordinary Council	236/19	Roundabout Landscaping Upgrade - Confidential item
24/09/2019	Ordinary Council	255/19	Independent Audit Committee Member Selection Panel
22/10/2019	Ordinary Council	245/19	Time & Place of Council Meetings, Workshops, Professional Dev

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22/10/2019	Ordinary Council	246/19	Draft Corporate Carbon Management Plan
22/10/2019	Ordinary Council	253/19	Appointment of Deputy Mayor
22/10/2019	Ordinary Council	255/19	Appointment CEO Performance Review Panel
22/10/2019	Ordinary Council	256/19	Appointment of CEO PRP Presiding Member
22/10/2019	Ordinary Council	258/19	SPDPC Presiding Member
22/10/2019	Ordinary Council	260/19	Appointment of Audit Committee Presiding Member
22/10/2019	Ordinary Council	261/19	SHLGA Membership
22/10/2019	Ordinary Council	263/19	Local Government Reform Submission
22/10/2019	Ordinary Council	268/19	MWN Bird in Hand Pty Ltd Proposed Development
26/11/2019	Ordinary Council	276/19	Petition - GM Crops
26/11/2019	Ordinary Council	279/19	2019/2020 Community Development Grants
26/11/2019	Ordinary Council	281/19	Unreasonable Complainant Conduct, Internal Review, Request for Services and Complaint Handling Policies
26/11/2019	Ordinary Council	282/19	2018/2019 General Purpose Financial Statements
26/11/2019	Ordinary Council	283/19	2018-2019 End of Year Financial Results
26/11/2019	Ordinary Council	284/19	Annual Reports 2018-2019
26/11/2019	Ordinary Council	285/19	Code of Conduct Final Report Cr Leith Mudge

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26/11/2019	Ordinary Council	286/19	Budget Review 1
26/11/2019	Ordinary Council	291/19	Review of Confidential Items
26/11/2019	Ordinary Council	292/19	Review of Confidential Items - Electricity Procurement 28 May 2019
26/11/2019	Ordinary Council	293/19	Review of Confidential items - CWMS EOI Outcomes 19 June 2018
26/11/2019	Ordinary Council	294/19	Review of Confidential Items - CWMS Review 26 September 2017
26/11/2019	Ordinary Council	295/19	Review of Confidential Items - CWMS Review 28 February 2017
26/11/2019	Ordinary Council	296/19	Review of Confidential Items - CWMS EOI 25 October 2015
26/11/2019	Ordinary Council	297/19	Review of Confidential Items - AHRWMA 22 April 2014

Carried Unanimously

12.13 Mylor BMX Bike Track

This item was considered earlier in the Agenda.

13. OFFICER REPORTS - INFORMATION ITEMS

13.1 Risk Management Plan Update

Moved Cr Malcolm Herrmann

S/- Cr Leith Mudge

323/19

Council resolves that the report be received and noted.

Carried Unanimously

13.2 CEO PRP Performance Target Update

Moved Cr Mark Osterstock

S/- Cr ~~Leith Parkin~~ **Kirsty Parkin** (correction resolved at 28 January 2020 meeting) **324/19**

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Council resolves the report be received and noted.

Carried Unanimously

13.3 Audit Committee Presiding Member's Report 2019

Moved Cr Malcolm Herrmann
S/- Cr Leith Mudge

325/19

That the report be received and noted.

Carried Unanimously

9.25pm Cr Osterstock left the Chamber

14. MISCELLANEOUS ITEMS

Nil

15. QUESTIONS WITHOUT NOTICE

Nil

16. MOTIONS WITHOUT NOTICE

Nil

17. REPORTS (considered after confidential items)

17.1 Council Member Function or Activity on the Business of Council

This item was considered later in the agenda.

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

This item was considered later in the agenda.

17.3 CEO Report

This item was considered later in the agenda.

18. REPORTS OF COMMITTEES

18.1 Council Assessment Panel – 13 November 2019

Moved Cr Linda Green
S/- Cr Nathan Daniell

327/19

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That the minutes of the Council Assessment Panel meeting of 13 November 2019 as distributed, be received and noted.

Carried Unanimously

18.2 Special Strategic Planning & Development Policy Committee – 10 December 2019

Moved Cr Pauline Gill

S/- Cr Ian Bailey

326/19

That the minutes of the Special Strategic Planning & Development Policy Committee meeting of 10 December 2019 as distributed, be received and noted.

Carried Unanimously

9.27pm Cr Osterstock returned to the Chamber

18.3 CEO Performance Review Panel – 14 November 2019

Moved Cr Kirsty Parkin

S/- Cr Mark Osterstock

328/19

That the minutes of the Council Assessment Panel meeting of 14 November 2019 as distributed, be received and noted.

Carried Unanimously

18.4 Audit Committee – 18 November 2019

Moved Cr Leith Mudge

S/- Cr ~~Chris Daniell~~ Nathan Daniell (correction resolved at 28 January 2020 meeting) **329/19**

That the minutes of the Council Audit Committee meeting of 18 November 2019 as distributed, be received and noted.

Carried Unanimously

19. CONFIDENTIAL ITEMS

RELEASED 19 February 2020

**ADELAIDE HILLS COUNCIL
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19.1 Citizen of the Year Award 2020 – Exclusion of the Public

9.29pm Cr Parkin left the chamber

Cr Nathan Daniell declared a Material Conflict of Interest at Agenda Item 5 'Declaration of Interest by Members of the Council' in relation to Item 19.1.

9.29pm Cr Daniell left the Chamber.

Cr Linda Green, Cr Leith Mudge, Cr Pauline Gill and Cr Malcolm Herrmann declared a Perceived Conflict of Interest at Agenda Item 5 'Declaration of Interest by Members of the Council' in relation to Item 19.1 and remained in the Chamber and voted.

9.30pm Cr Parkin returned to the Chamber.

Cr Kirsty Parkin declared a Perceived Conflict of Interest in relation to Item 19.1 as a relative is being nominated for a Civic Award. Cr Parkin did not know of the nomination and had no role in the nomination. Cr Parkin will remain in the Chamber and vote.

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Moved Cr Linda Green
S/- Cr Nathan Daniell

330/19

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 Infrastructure & Operations, Peter Bice
- Director Development & Regulatory Services, Marc Salver
- Director Corporate Services, Terry Crackett
- Acting Director Community Capacity, Rebecca Shepherd
- Acting Executive Manager Governance & Performance, Steven Watson
- Minute Secretary, Pam Williams

be excluded from attendance at the meeting for Agenda Item 19.1: (Citizen of the Year Award recommendations) 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) (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 any person (living or dead), the disclosure of which could reasonably be expected to publicise the personal affairs of the Citizen of the Year Award nominees, in that details of their nominations will be discussed.

Accordingly, on this basis the principle that meetings of the Council should be conducted in a place open to the public has been outweighed by the need to keep the information and discussion confidential.

Carried Unanimously

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RELEASED 19 February 2020

19.1.1 Citizen of the Year Award 2020 – Confidential Item

**Moved Cr Mark Osterstock
S/- Cr Pauline Gill**

331/19

- 1. That the report be received and noted.**
- 2. That Council confers the 2020 Citizen of the Year Award on Rick Drury of Inglewood.**
- 3. That Council confers the 2020 Young Citizen of the Year Award on Bradley Rohrlach.**
- 4. That Council confers the 2020 Community Event of the Year Award on Pome Fest by the Apple and Pear Growers Association of South Australia Inc.**
- 5. That Civic Awards (10) be presented to:**
 - a. Jeff Ayres of Lower Hermitage**
 - b. Rob Possingham of Montacute**
 - c. Liz Possingham of Montacute**
 - d. Lesley Ewing of Mylor**
 - e. Phil Robinson of Woodside**
 - f. Mellissa Bradley of Uraidla**
 - g. James Parkin of Summertown**
 - h. John Warner of Kersbrook**
 - i. Pamella Warner of Kersbrook**
 - j. Susanne Koen of Mylor**
 - k. Tom Prosser of Woodside**

Carried Unanimously

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19.1.2 Citizen of the Year Award 2020 – Period of Confidentiality

**Moved Cr Mark Osterstock
S/- Cr Ian Bailey**

332/19

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, including provision of information on an embargoed basis to the media and to award winners and their nominators, Council, having considered Agenda Item 19.1 in confidence under sections 90(2) and 90(3) (a) 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 presentation of the awards on 26 January 2020.

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

Cr Linda Green, Cr Leith Mudge, Cr Pauline Gill, Cr Malcolm Herrmann and Cr Kirsty Parkin voted in favour of the motion.

The majority of Councillors voted in favour of the motion.

9.39pm Cr Nathan Daniell returned to the Chamber

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19.2 Appointment of East Waste Chair – Exclusion of the Public

Cr Linda Green declared a Perceived Conflict of Interest at Agenda Item 5 'Declaration of Interest by Members of the Council' in relation to Item 19.2.

Cr Green remained in the Chamber and voted.

Moved Cr Pauline Gill

S/- Cr Linda Green

333/19

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 Infrastructure & Operations, Peter Bice**
- **Director Development & Regulatory Services, Marc Salver**
- **Director Corporate Services, Terry Crackett**
- **Acting Director Community Capacity, Rebecca Shepherd**
- **Acting Executive Manager Governance & Performance, Steven Watson**
- **Minute Secretary, Pam Williams**

be excluded from attendance at the meeting for Agenda Item 19.2: (Appointment of East Waste Independent Chair) 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) (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 any person (living or dead).

Carried Unanimously

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RELEASED 19 February 2020

19.2.3 Appointment of East Waste Chair – Confidential Item

**Moved Cr Pauline Gill
S/- Cr Kirsty Parkin**

334/19

Council resolves:

- 1. That the report be received and noted**
- 2. That Council consents to Mr Fraser Bell being appointed as Independent Chairperson of East Waste for a term of two years commencing February 2020**
- 3. That East Waste be informed of Council's decision.**

Carried Unanimously

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19.2.4 Appointment of East Waste Chair – Period of Confidentiality

Moved Cr Ian Bailey
S/- Cr Nathan Daniell

335/19

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 19.2 in confidence under sections 90(2) and 90(3) (a) 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 30 March 2020 or until East Waste advises of the Independent Chairperson appointment whichever occurs earlier.

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

Cr Linda Green voted in favour of the motion.

The majority of Councillors voted in favour of the motion.

17. REPORTS

17.1 Council Member Function or Activity on the Business of Council

Mayor Jan-Claire Wisdom

- 27 November, Prof Chris Daniels re Cleland Park Development and support, Stirling
- 27 November, Presentation to Balhannah couple 60th wedding anniversary, Balhannah
- 29 November, Youth Leadership Graduation, Woodside
- 30 November, Oakbank and Balhannah Community Carols, Oakbank
- 04 December, Mayor's Leadership Forum, LGA Adelaide
- 05 December, Meeting with resident, Aldgate
- 05 December, Volunteer end of year celebration, Fabrik Lobethal
- 06 December, SHLGA meeting, Goolwa
- 12 December, LGA Board meeting, Adelaide
- 15 December, 30th anniversary Stirling Market, Stirling
- 17 December, Meeting Josh Teague MP, Member for Heysen, Stirling

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Cr Malcolm Herrmann

- 4 December, Planning Code Forum, Woodside
- 5 December, Volunteers End of Year function, Fabrik Lobethal
- 8 December, Opening Lights of Lobethal, Lobethal
- 9 December, Primary School Graduation, Birdwood
- 12 December, Planning Code Forum, Gumeracha

Cr Pauline Gill

- 5 December, AHC Volunteer Celebration, Lobethal

Cr Leith Mudge

- 28 November, Conversation with Aldgate Church of Christ, The Village Well, Aldgate
- 29 November, Youth Leadership Program Graduation, Woodside
- 30 November, Met with residents to discuss Bridgewater Oval precinct, Bridgewater
- 1 December, Met with Aldgate Valley Landcare Group to inspect Stirling Cemetery Native Vegetation, Stirling Cemetery, Aldgate
- 1 December, Met with Mylor Residents to inspect bike track damage to Mylor Parklands, Mylor Parklands, Mylor
- 2 December, Stirling Business Association 2019 Christmas Party, Patch Kitchen & Garden, Stirling
- 3 December, State Planning Commission Briefing on the Draft Planning and Design Code, Mount Barker Council Chamber, Mt Barker
- 5 December, Adelaide Hills Council's End of Year Volunteer Celebration, Fabrik, Lobethal
- 7 December, Met with Stirling Residents to discuss Freeway noise, The Essence, Stirling
- 8 December, Stirling Christmas Pageant, Stirling
- 13 December, The Hut Volunteer Christmas Breakfast, The Hut Community Centre Platform, Aldgate

Cr Kirsty Parkin

- 3 December, DPTI information session on the updated Planning Code at Mt Barker Council Chambers
- 2 December, Stirling Business Association Christmas Event

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

Cr Malcolm Herrmann

- 27 November, GRFMA Audit Committee, Adelaide
- 12 December, GRFMA, Elizabeth

17.3 CEO Report

Administrative Action: CEO to provide Council Members with results of community survey re Boundary Adjustment

Andrew Aitken, CEO, provided Council with a verbal Corporate Update.

- Milan Terrace, Stirling, landscaping
- Onkaparinga Valley Road/Tiers Road/Nairne Road intersection
- Emergency Management
- Survey re Boundary Adjustment Rostrevor/Woodforde closed
- Christmas greetings to Council Members

17.3.1 Mayor's Christmas message

Mayor Jan-Claire Wisdom thanked Council Members, CEO and Staff for all their hard work during 2019 and expressed her appreciation at how well everyone worked together for the benefit of our community.

Mayor Wisdom wished everyone a very happy Christmas and New Year.

18. NEXT ORDINARY MEETING

The next ordinary meeting of the Adelaide Hills Council will be held on Tuesday 28 January 2020 from 6.30pm at 63 Mt Barker Road, Stirling.

19. CLOSE MEETING

The meeting closed at 9.58pm.