

**ADELAIDE HILLS COUNCIL
MINUTES OF SPECIAL COUNCIL MEETING
TUESDAY 21 APRIL 2020
ZOOM VIRTUAL MEETING ROOM**

In Attendance

Presiding Member: Mayor Jan-Claire Wisdom (via audio-visual link)

Members:

Councillor Ian Bailey (via audio-visual link)
Councillor Kirrilee Boyd (via audio-visual link)
Councillor Nathan Daniell (via audio-visual link)
Councillor Pauline Gill (via audio-visual link)
Councillor Chris Grant (via audio-visual link)
Councillor Linda Green (via audio-visual link)
Councillor Malcolm Herrmann (via audio-visual link)
Councillor John Kemp (via audio-visual link)
Councillor Leith Mudge (via audio-visual link)
Councillor Mark Osterstock (via audio-visual link)
Councillor Kirsty Parkin (via audio-visual link)
Councillor Andrew Stratford (via audio-visual link)

In Attendance:

Andrew Aitken	Chief Executive Officer
Lachlan Miller	Executive Manager Governance & Performance
Steven Watson	Governance & Risk Coordinator
Pam Williams	Minute Secretary

1. COMMENCEMENT

The special meeting commenced at 6.34pm.

Mayor Jan-Claire Wisdom asked Lachlan Miller, Executive Manager Governance & Performance to explain the audio/visual meeting procedures for the benefit of the Council Members and gallery.

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

Nil

3.3 Absent

Nil

4. DECLARATION OF CONFLICT OF INTEREST BY MEMBERS OF COUNCIL

Nil

5. PRESIDING MEMBER'S OPENING REMARKS

Mayor Jan-Claire Wisdom welcomed Council Members and the public to our very first electronic Council meeting. The Mayor stated that the use of audio/visual technology is a new paradigm for Council and asked for patience as Council Members and Officers learn to use this technology.

6. BUSINESS OF THE MEETING

6.1 Electronic participation in Council Meetings (Notice 1/2020) – proposed compliance arrangements

Moved Cr Mark Osterstock

S/- Cr John Kemp

63/20

Council resolves:

- 1. That the report be received and noted**
- 2. In accordance with the Minister for Transport, Infrastructure and Local Government's *Electronic Participation in Council Meetings Notice (No 1) 2020* (Notice No 1), pursuant to Section 302B of the *Local Government Act 1999*, Council amends the following documentation to facilitate participation by Council Members via electronic means:

 - a. Effective immediately to suspend the 28 January 2020 *Code of Procedure for Council Meeting Procedures* and to adopt the revised April 2020 *Code of Procedure for Council Meeting Procedures*, as contained in Appendix 3.****

ADELAIDE HILLS COUNCIL
MINUTES OF SPECIAL COUNCIL MEETING
TUESDAY 21 APRIL 2020
ZOOM VIRTUAL MEETING ROOM

- b. Effective immediately to suspend the 23 April 2019 *Code of Practice for Access to Council, Council Committee and Designated Informal Gathering Meetings & Documents* and to adopt the revised April 2020 *Code of Practice for Access to Council, Council Committee and Designated Informal Gathering Meetings & Documents*, as contained in Appendix 4.
 - c. Effective immediately to suspend the 22 November 2016 *Informal Council and Council Committee Gatherings and Discussions* and to adopt the revised April 2020 *Informal Council and Council Committee Gatherings and Discussions*, as contained in Appendix 5.
3. That, upon the expiry of the provisions of Notice No 1, the revised documents in 2. above cease and the suspended documents in 2. above be reinstated.
 4. That, as from 21 April 2020 and until the expiry of the provisions of Notice No 1, meetings of the Council will take place by electronic means using the audio and visual functionality of the Zoom virtual meeting room as the electronic location.

Carried Unanimously

6.2 Public Access and Public Consultation (Notice 2/2020) – proposed compliance arrangements

Moved Cr Linda Green
S/- Cr Pauline Gill

64/20

Decision 1

Council resolves the report be received and noted.

Decision 2

1. Pursuant to Section 45(2) of the *Local Government Act 1999*, as substituted under the *Public Access and Public Consultation Notice (No 2) 2020*, being satisfied that it is reasonably necessary as a result of the public health emergency declared by the Chief Executive of the Department for Health and Wellbeing on 15 March 2020 (and the related major emergency declared under the *Emergency Management Act 2004* on 22 March 2020 and extended on 2 April 2020), the Council, for the period the *Public Access and Public Consultation Notice (No 2) 2020* has effect to close the Principal Office and all other Satellite Offices of the Council to public access effective from 21 April 2020.
2. The Council makes the following alternative arrangements to enable the local community to access the services of the Council which are ordinarily available at the principal office of the Council:

**ADELAIDE HILLS COUNCIL
MINUTES OF SPECIAL COUNCIL MEETING
TUESDAY 21 APRIL 2020
ZOOM VIRTUAL MEETING ROOM**

- a. Council's website – www.ahc.sa.gov.au
 - b. Payments may continue to be made electronically.
 - c. Library services website - https://onecard.network/client/en_AU/adelaidehills/
 - d. Any other matters please email Council via mail@ahc.sa.gov.au , call Customer Service on 08 8408 0400, or contact us - <https://www.ahc.sa.gov.au/contact-us>
3. In relation to any obligation under the Local Government Act 1999 to make a document available for inspection at the principal office of the Council, the document will be made available for inspection:
- e. Via Councils' website – www.ahc.sa.gov.au
OR
 - f. Email request addressed to the Chief Executive Officer via mail@ahc.sa.gov.au.
4. Pursuant to Section 50(5a) of the Local Government Act 1999, as inserted under the Public Access and Public Consultation Notice (No 2) 2020, the Council alters its Public Consultation Policy by including in the Policy, the Public Consultation Policy Addendum as detailed in Appendix 2.

Decision 3

1. That the Council in exercise of the power contained in Section 44 of the *Local Government Act 1999* (the LG Act) hereby delegates this 21st day of April 2020 to the person occupying the office of Chief Executive Officer of the Council the powers and functions under the LG Act, the operation of which has been varied under the *Public Access and Public Consultation Notice (No 2) 2020*, and set out below subject to the conditions and/or limitations, if any, specified herein:
- 1.1. the power pursuant to Section 45(2) of the LG Act to, if the delegate is satisfied it is reasonably necessary as a result of the public health emergency, to:
 - 1.1.1. close the principal office of the Council; or
 - 1.2. vary the transaction of business hours at the principal office of the Council;
 - 1.3. the power pursuant to Section 45(3) of the LG Act if the Council closes its principal office or varies the transaction of business hours in accordance with Section 45(2) of the LG Act, to, as soon as reasonably practicable, take reasonable steps to:
 - 1.3.1. make alternative arrangements to enable the local community to access the services of the Council which are ordinarily available at the principal office of the Council;

**ADELAIDE HILLS COUNCIL
MINUTES OF SPECIAL COUNCIL MEETING
TUESDAY 21 APRIL 2020
ZOOM VIRTUAL MEETING ROOM**

- 1.3.2. inform the Council's local community (including by publishing the information on a website determined by the Chief Executive Officer) about the changes to the arrangements to access those services;**
- 1.4. the power pursuant to Section 45(4)(b) of the LG Act to satisfy any obligation under the LG Act to make a document available for inspection at the principal office of the Council by making the document available for inspection at an alternative place or by an alternative means as determined by the delegate;**
- 1.5. the power pursuant to Section 45(5) of the LG Act, if the Council or chief executive officer makes a document available for inspection in accordance with Section 45(4) of the LG Act, to, as soon as reasonably practicable, take reasonable steps to inform the Council's local community (including by publishing the information on a website determined by the chief executive officer) about the changes to the arrangements for inspection of the document;**
- 1.6. the power pursuant to Section 45(10) of the LG Act if the Council makes copies of a document available in accordance with Sections 45(8) or (9) of the LG Act, to, as soon as reasonably practicable, take reasonable steps to inform the Council's local community (including by publishing the information on a website determined by the chief executive officer) about the changes to the arrangements for provision of copies of the document.**
- 1.7. the power pursuant to Section 50(5a) of the LG Act to alter the Council's Public Consultation Policy or substitute a new policy without undertaking public consultation, even if the Council's existing Public Consultation Policy requires the Council to conduct public consultation;**
- 1.8. the power pursuant to Section 123(5) of the LG Act to ensure that copies of the draft annual business plan are available for inspection (without charge) and purchase (on payment of a fee fixed by the Council) at the principal office of the Council (including as provided for in Sections 45(4) and 45(9) of the LG Act) and on the website at least 21 days before the end of the period for providing written submissions;**
- 1.9. the power pursuant to Section 151(8) of the LG Act to ensure that copies of the report required under Section 151(5)(d) are available for inspection (without charge) and purchase (on payment of a fee fixed by the Council) at the principal office of the Council (including as provided for in Sections 45(4) and 45(9) of the LG Act) at least 21 days before the end of the period for public consultation;**
- 1.10. the power pursuant to Section 156(14e) of the LG Act to ensure that copies of the report required under section 156(14a)(a) of the LG Act are available for inspection (without charge) and purchase (on payment of a fee fixed by the Council) at the principal office of the Council (including as provided for in Sections 45(4) and 45(9) of the LG Act) at least 21 days before the end of the period for public consultation.**
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**ADELAIDE HILLS COUNCIL
MINUTES OF SPECIAL COUNCIL MEETING
TUESDAY 21 APRIL 2020
ZOOM VIRTUAL MEETING ROOM**

2. Such powers and functions may be further delegated by the Chief Executive Officer in accordance with Sections 44 and 101 of the LG Act as the Chief Executive Officer sees fit.
3. These delegations:
 - 3.1. operate and have effect for the period the *Public Access and Public Consultation Notice (No 2) 2020* has effect;
 - 3.2. do not have the effect of revoking or altering any previous delegations made by the Council to the person occupying the office of Chief Executive Officer of the Council;
 - 3.3. for the period the *Public Access and Public Consultation Notice (No 2) 2020* has effect, take precedence in the event of any inconsistency between these delegations and any previous delegations made by the Council to the person occupying the office of Chief Executive Officer of the Council prior to the date of the making of these delegations.

Carried Unanimously

7. CONFIDENTIAL ITEM

Nil

8. CLOSE MEETING

The meeting closed at 6.51pm.