

**ADELAIDE HILLS COUNCIL
MINUTES OF ORDINARY COUNCIL MEETING
TUESDAY 28 JULY 2020
VIA AUDIO/VISUAL LINK**

In Attendance

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

Members:

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| 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 (until 7.58pm) (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:

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| Andrew Aitken | Chief Executive Officer |
| Peter Bice | Director Infrastructure & Operations |
| Marc Salver | Director Development & Regulatory Services |
| David Waters | Director Community Capacity |
| Lachlan Miller | Executive Manager Governance & Performance |
| Deryn Atkinson | Manager Development Services |
| Natalie Westover | Manager Property Services |
| Megan Sutherland | Manager Organisational Development |
| Jennifer Blake | Manager Communications Engagement & Events |
| James Szabo | Senior Strategic & Policy Planner |
| Lynne Griffiths | Community & Cultural Development Officer |
| Steven Watson | Governance & Risk Coordinator |
| Pam Williams | Minute Secretary |

1. COMMENCEMENT

The meeting commenced at 6.31pm.

Mayor _____ 25 August 2020

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2. OPENING STATEMENT

“Council acknowledges that we meet on the traditional lands of the Peramangk and Kurna 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”.

3. APOLOGIES/LEAVE OF ABSENCE

3.1 Apology

Nil

3.2 Leave of Absence

Moved Cr John Kemp
S/- Cr Pauline Gill

133/20

That Leave of Absence be granted for Mayor Jan-Claire Wisdom from 3 August to 23 August 2020.

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| Carried Unanimously |
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3.3 Absent

Nil

4. MINUTES OF PREVIOUS MEETINGS

4.1 Council Meeting – 25 June 2020

Moved Cr Malcolm Herrmann
S/- Cr Leith Mudge

134/20

That the minutes of the Ordinary Council meeting held on 25 June 2020 as supplied, be confirmed as an accurate record of the proceedings of that meeting.

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| Carried Unanimously |
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4.2 Special Council Meeting – 30 June 2020

Moved Cr Ian Bailey

S/- Cr Pauline Gill

135/20

That the minutes of the Special Council meeting held on 30 June 2020 as supplied, be confirmed as an accurate record of the proceedings of that meeting.

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| Carried Unanimously |
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5. DECLARATION OF CONFLICT OF INTEREST BY MEMBERS OF COUNCIL

5.1 Material Conflict of Interest, Cr Osterstock Item 12.7 Nomination to Local Government Grant Commission

Under Section 74 of the *Local Government Act 1999* Cr Mark Osterstock disclosed a Material Conflict of Interest in Item 12.7, Nomination to Local Government Grant Commission, the nature of which is as follows:

- A sitting fee is payable to the successful candidate

6. PRESIDING MEMBER'S OPENING REMARKS

Mayor Jan-Claire Wisdom thanked Council Members for continuing to participate in audio/visual meetings. The Mayor has received feedback that the majority of Council Members support the continued use of electronic participation and this will be reviewed for meetings to be held in August. Members were reminded to mute their microphones unless speaking. Mayor Wisdom welcomed members of gallery, and thanked them for their interest.

7. QUESTIONS ADJOURNED/LYING ON THE TABLE

7.1 Questions Adjourned

Nil

7.2 Questions Lying on the Table

Nil

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8. PETITIONS/DEPUTATIONS**8.1 Petitions**

Nil

8.2 Deputations

Nil

9. PRESENTATIONS

Nil

10. QUESTIONS ON NOTICE

Nil

11. MOTIONS ON NOTICE**11.1 Late Lewis (Lew) Brickhill****Moved Cr Malcolm Herrmann****S/- Cr Chris Grant****136/20**

That the CEO investigates, in consultation with the family and the Friends of Bushland Park, how the memory of the late Lewis Norman Brickhill can be commemorated for his contribution to, not only Lobethal Bushland Park, but also to the wider community, and provides a report to Council by 30 September 2020.

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| Carried Unanimously |
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12. OFFICER REPORTS – DECISION ITEMS**12.1 Genetically Modified Crops Legislation Change - Community Engagement Plan****Moved Cr Chris Grant****S/- Cr Leith Mudge****137/20****Council resolves:**

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1. That the report be received and noted.
2. The Council will consider whether to apply to the Minister for Primary Industries and Regional Development under Section 5A(1) of the *Genetically Modified Crops Management Act 2004* for the designation of the Council area as an area in which no genetically modified food crops may be cultivated.
3. Pursuant to Section 5A(2) of the *Genetically Modified Crops Management Act 2004*, the Council seeks the views of its community, including persons engaged in primary production activities and food processing or manufacturing activities in the area of the Council, regarding whether or not such an application should be made.
4. To approve the community engagement plan that forms Appendix 1 to this report with an amendment to the final bullet point on page 5 of the Engagement Plan by adding the following words at the end of the sentence “..., particularly those who might be positively or negatively impacted by lack of or otherwise, of a GM Free Zone in the Adelaide Hills Council district or region,” and delegate to the Chief Executive Officer the authority to make minor changes to the plan as may be required prior to community and stakeholder consultation commencing.
5. To approve a review of the Genetically Modified Crops Policy that forms Appendix 2 to run concurrently with the community engagement process.
6. That a report be submitted to a September 2020 Council meeting, based on community engagement and analysis, for a decision on whether or not to apply to the Minister for Primary Industries and Regional Development to be designated a GM crop free area.
7. That the consultation feedback report be referred to the Southern & Hills Local Government Association to consider the merits of a regional approach to Genetically Modified crops in the region if one or more neighbouring councils resolve to apply to the Minister to be designated as a GM crop free area.

6.55pm Mayor Wisdom’s connection to the audio/visual link dropped out and she left the meeting.

Deputy Mayor Nathan Daniell took the chair.

7.03pm Mayor Wisdom resumed the chair.

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| Carried Unanimously |
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12.2 Development Application Fee Waiver – Oakbank Golf Club

Moved Cr Leith Mudge
S/- Cr Kirsty Parkin

138/20

Council resolves:

1. That the report be received and noted
2. To approve the waiver of development fees up to \$356.50 for Oakbank Golf Club Inc. in relation to Development Application 473/626/2020 for a development at 10 Smith Street Oakbank.

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| Carried Unanimously |
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12.3 Arts & Heritage Collection Policy

Moved Cr Kirsty Parkin
S/- Cr John Kemp

139/20

Council resolves:

1. That the report be received and noted.
2. With an effective date of 12 August 2020, adopt the 28 July 2020 Arts and Heritage Collection Policy as per Appendix 1 with the addition of the following after the final paragraph of clause 4.6: 'The final decision on deaccession and disposal will be by resolution of the Council'.
3. That the Chief Executive Officer be authorised to make any formatting, nomenclature or other minor changes to the 28 July 2020 Arts and Heritage Collection Policy prior to the effective date of adoption.

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| Carried Unanimously |
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12.4 Federal Black Spot Program Funding Deed Kersbrook, Mylor, Ironbank & Forreston

Moved Cr Malcolm Herrmann
S/- Cr Linda Green

140/20

Council resolves:

1. That the report be received and noted.
2. To execute the Funding Deeds as follows:
 - a. 2020-2021 South Australia Black Spot Program – Checker Hill Road, Kersbrook
 - b. 2020-2021 South Australia Black Spot Program – Ridge Road, Mylor
 - c. 2020-2021 South Australia Black Spot Program – Ironbank Road, Ironbank
 - d. 2020-2021 South Australia Black Spot Program – Martin Hill Road, Forreston
3. The Chief Executive Officer and Mayor are authorised to sign and affix the seal of the Adelaide Hills Council to the respective Funding Deeds under the State Blackspot Program.
4. To approve an increase in the 2020-21 capital expenditure budget of \$369k offset by \$551k in capital income for the Road Safety Program Capital project in accordance with the Funding Deeds.
5. That the CEO be authorised to write a letter of acknowledgement to the Hon Michael McCormack MP, Deputy Prime Minister and Minister for Infrastructure, Transport and Regional Development thanking the Federal Government for the Blackspot Funding Program.

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| Carried Unanimously |
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7.30pm Cr Malcolm Herrmann left the meeting.
7.31pm Cr Malcolm Herrmann returned to the meeting.

12.5 Local Government Reform Bill Advocacy Position

**Moved Cr John Kemp
S/- Cr Kirsty Parkin**

141/20

Council resolves:

- 1. That the report be received and noted**
- 2. To lodge its *Statutes Amendment (Local Government Review) Bill 2020 – Reform Submission at Appendix 1, with a revision to the response for section 11a to ‘partially supported with capping of council members to 13’, to:***
 - a. Minister for Local Government**
 - b. Opposition Spokesman for Local Government**
 - c. Local Members of Parliament**
 - d. Office of Local Government**
 - e. Local Government Association**
- 3. To delegate to the Chief Executive Officer the authority to make any minor changes to the Reform Submission to reflect matters raised in the debate on the Local Government Reform Submission report.**

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| Carried Unanimously |
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12.6 Community & Recreation Facility Framework Internal Working Group Nomination of Members

**Moved Cr Linda Green
S/- Cr Pauline Gill**

142/20

Council resolves:

- 1. That the report be received and noted.**
- 2. To determine that the method of selecting the Council Members (up to four Council Members) for the CRFFIWG be by an indicative vote to determine the preferred person(s) 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(s) for the CRFFIWG Council Member roles and for the meeting to resume once the results of the indicative votes have been declared.**

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| Carried Unanimously |
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7.58pm The Council Meeting adjourned.

7.58pm Cr Malcolm Herrmann left the Meeting and did not return.

8.20pm The Council Meeting resumed.

12.6.1 Community & Recreation Facility Framework Internal Working Group Appointment of Members

**Moved Cr Leith Mudge
S/- Cr Kirrilee Boyd**

143/20

Council resolves to appoint Cr Ian Bailey, Cr Pauline Gill, Cr Nathan Daniell and Cr Kirsty Parkin for a 24 month term to commence on 29 July 2020 and to conclude on 28 July 2022 (inclusive), to be reviewed prior to the expiration of the said term.

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| Carried Unanimously |
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**ADELAIDE HILLS COUNCIL
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12.7 Nomination to Local Government Grants Commission – voting procedure

**Moved Cr Nathan Daniell
S/- Cr Kirrilee Boyd**

144/20

Council resolves

- 1. That the report be received and noted.**
- 2. To determine that the method of selecting the Council Member(s) and or Council Officer(s) to be nominated for the Local Government Grants Commission be by an indicative vote 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(s) for nomination for the Local Government Grants Commission and for the meeting to resume once the results of the indicative vote have been declared.**

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| Carried unanimously |
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8.33pm The Council Meeting adjourned.

8.34pm The Council Meeting resumed.

Cr Mark Osterstock declared a Material Conflict of Interest at Agenda Item 5 'Declaration of Interest by Members of the Council' in relation to Item 12.7.2 Nomination to Local Government Grants Commission.

8.35pm Cr Mark Osterstock left the Meeting.

12.7.2 Nomination to Local Government Grants Commission

**Moved Cr Leith Mudge
S/- Cr Linda Green**

145/20

To endorse the nomination of Cr Mark Osterstock for the Local Government Grants Commission and authorise the Chief Executive Officer to lodge the completed nomination form(s) to the Local Government Association by COB 14 August 2020.

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| Carried unanimously |
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8.39pm Cr Mark Osterstock joined the Meeting.

12.7.3 Adjournment

**Moved Cr Leigh Mudge
S/- Cr Kirsty Parkin**

146/20

That the meeting adjourn for a 10 minute break.

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| Carried unanimously |
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8.39pm The Council Meeting adjourned.

8.53pm The Council Meeting resumed.

12.8 Citizen of the Year Awards Presentation location

**Moved Cr Pauline Gill
S/- Cr Chris Grant**

147/20

Council resolves:

- 1. That the report be received and noted.**
- 2. That the winners of the three primary Australia Day Awards – Citizen of the Year, Young Citizen of the Year and Community Event of the Year – be given the opportunity to receive their award at a community celebration of their choice, commencing in January 2021.**

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| Carried unanimously |
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12.9 Road Closure adj Posen Road Birdwood

Moved Cr Kirsty Parkin

S/- Cr Linda Green

148/20

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 piece of land identified as "A" in the Preliminary Plan No. 20/0005 attached to this report with Piece 14 in Deposited Plan No. 63287 comprised in Certificate of Title Volume 5911 Folio 108.**
- 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*; and**
 - The piece marked "A" be sold to Mrs Elizabeth Addams-Williams, the owner of the property with which it is merging for the amount of \$8,000 plus GST (if applicable) and all fees and charges associated with the road closure process.**
- 4. Authorise the Chief Executive to finalise and sign all necessary documentation to close and sell the above portion of closed road pursuant to this resolution.**

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| Carried unanimously |
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12.10 Road Widening Netherhill Road Kenton Valley

Moved Cr Ian Bailey
S/- Cr Pauline Gill

149/20

Council resolves:

1. That the report be received and noted
2. To purchase the areas of land totalling 335 sqm identified in red on the Land Acquisition Plan attached as *Appendix 2* ("land") from Stephen Paul Cowie the land owner at 67 Nether Hill Road, Kenton Valley, for the purchase price of \$6,700 (excl GST) plus all reasonable costs to vest the Land as public road.
3. To purchase the area of land being 188 sqm identified in red on the Land Acquisition Plan attached as *Appendix 2* ("land") from Paul Andrew Arnup and [REDACTED] the land owner at 109 Nether Hill Road, Kenton Valley, for the purchase price of \$3,760 (excl GST) plus all reasonable costs to vest the Land as public road.
4. The road land being acquired to be excluded as Community Land pursuant to the *Local Government Act 1999*; and
5. That the Mayor and CEO be authorised to sign all necessary documentation, including affixing the common seal, to give effect to this resolution.
6. To approve an expenditure budget of \$10,460 to purchase the two areas of land on Nether Hill Road, Kenton Valley, with funding to be sourced from favourable capital revenue identified within the 2020-21 Capital Works budget.

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| Carried unanimously |
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12.11 CEO Performance Target Finalisation and Proposed 2020 – 2021 Performance Targets

Moved Cr Mark Osterstock
S/- Cr Pauline Gill

150/20

Council resolves:

1. That the report be received and noted
2. That the CEO has achieved the following outcomes in relation to the 2019-20 CEO Performance Targets:
 - Target 1 – Completed
 - Target 2 – Completed
 - Target 3 – Completed
 - Target 4 – Deferred by Council decision
 - Target 5 – Completed
 - Target 6 – Completed modified target by Council decision
3. To adopt the proposed 2020-2021 CEO Performance Targets recommended by the Panel as per *Appendix 2*.

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| Carried unanimously |
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12.12 Strategic Internal Audit Plan Revision

Moved Cr Leigh Mudge
S/- Cr John Kemp

149/20

Council resolves:

1. That the report be received and noted.
2. That Council adopt the revised Strategic Internal Audit Plan (v1.4a) as contained in Appendix 1.

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| Carried unanimously |
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12.13 Status Report – Council Resolutions Update

Moved Cr Pauline Gill
S/- Cr Linda Green

151/20

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 |
|--------------|------------------|---------|---|--|
| 22/10/2019 | Ordinary Council | 247/19 | Local Heritage Grant Fund | None declared |
| 26/05/2020 | Ordinary Council | 90/20 | Local Heritage Grant Fund Project Approvals | Perceived - Cr Mudge |
| 23/06/2020 | Ordinary Council | 101/20 | Petition - Footpath, Cudlee Creek | None declared |
| 23/06/2020 | Ordinary Council | 103/20 | AHRWMA Charter Review | None declared |
| 23/06/2020 | Ordinary Council | 107/20 | Stirling Market Road Closure Permit Renewal | Actual - Cr Boyd |
| 23/06/2020 | Ordinary Council | 110/20 | Disclosure of Interest - AH Tourism | None declared |
| 23/06/2020 | Ordinary Council | 111/20 | Delegations Review | None declared |
| 30/06/2020 | Special Council | 124/20 | Annual Business Plan & Budget Adoption | None declared |
| 30/06/2020 | Special Council | 125/20 | Annual Service Charge | Material - Cr Herrmann Material - Cr Green Material - Cr Stratford |
| 30/06/2020 | Special Council | 126/20 | Draft Fees & Charges | Material - Cr Stratford Material - Cr Herrmann Material - Cr Green |
| 30/06/2020 | Special Council | 127/20 | Discretionary Rate Rebate | None declared |

Carried unanimously

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13. OFFICER REPORTS - INFORMATION ITEMS

13.1 Code of Conduct Complaint

**Moved Cr John Kemp
S/- Cr Nathan Daniell**

152/20

Council resolves that the report be received and noted.

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| Carried unanimously |
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14. QUESTIONS WITHOUT NOTICE

Cr Ian Bailey – Hunters Road Basket Range remedial work, Ministerial decisions and road closures.

15. MOTIONS WITHOUT NOTICE

Nil

16. REPORTS

16.1 Council Member Function or Activity on the Business of Council

Mayor Jan-Claire Wisdom

- 24 June, Meeting with Chair and CEO Infrastructure Australia via zoom
- 7 July, Boundary discussion with Mt Barker Council Mayor and CEO via zoom
- 7 July, Boundary discussion with Mitcham Council Mayor and CEO via zoom
- 8 July, Boundary discussion with Burnside Council Mayor and CEO via zoom
- 8 July, Boundary discussion with Barossa Council Mayor and CEO via zoom
- 13 July, Meeting with RDA AHFKI Chair and CEO via zoom
- 13 July, Boundary discussion with Mid-Murray Mayor and CEO
- 14 July, Boundary discussion with Tea Tree Gully Deputy Mayor and CEO via zoom
- 14 July, Meeting with Rebekha Sharkie, Federal Member for Mayo, Mt Barker
- 15 July, Briefing with SA Minister for Sport and Recreation, Hon Corey Wingard, Heathfield Oval
- 17 July, Meeting with John Gardner MP for Morialta via zoom
- 17 July, Meeting with Dr Richard Harvey MP for Newland via zoom
- 20 July, Boundary discussions with Playford Mayor and CEO via zoom
- 28 July, Media – ABC Mt Gambier re bushfire recovery/preparation via phone

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Cr Pauline Gill

- 2 July, Kersbrook Residents Association meeting
- 16 July, Phase Three Council Elected Members - ePlanning Demonstration and Briefing via video

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

Mayor Jan-Claire Wisdom

- 24 June, GAROC Recovery webinar (use of libraries) via zoom
- 1 July, GAROC Recovery webinar (facilitating social inclusiveness) via zoom
- 6 July, GAROC Committee Meeting via zoom
- 8 July, GAROC Recovery webinar (encouraging retail demand) via zoom
- 20 July, LGA SA Board briefing via zoom
- 23 July, LGA SA Board Meeting via zoom

16.3 CEO Report

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

- Mobile Muster Award
- Undergrounding of power lines in Gumeracha
- Pedestrian ramps and Wombat crossings
- Footpath renewal
- Stormwater upgrades
- Cemetery extension, Kersbrook
- COVID training
- Development Applications for Bushfire affected residents

17. REPORTS OF COMMITTEES

17.1 Council Assessment Panel – 8 July 2020

**Moved Cr Nathan Daniell
S/- Cr John Kemp**

153/20

That the minutes of the Council Assessment Panel meeting of 8 July 2020 as distributed, be received and noted.

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| Carried unanimously |
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17.2 Strategic Planning & Development Policy Committee

Nil

17.3 Audit Committee

Nil

17.4 CEO Performance Review Panel – 9 July 2020

Moved Cr Mark Osterstock

S/- Cr Linda Green

154/20

That the minutes of the CEO Performance Review Panel meeting of 9 July 2020 as distributed, be received and noted.

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| Carried unanimously |
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18. CONFIDENTIAL ITEMS

18.1 Appointment of Independent Member to Council Assessment Panel – Exclusion of the Public

Moved Cr Ian Bailey

S/- Cr Kirrilee Boyd

155/20

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 Community Capacity, David Waters
- Manager Property Services, Natalie Westover
- Executive Manager Governance & Performance, Lachlan Miller
- Governance & Risk Coordinator, Steven Watson
- Minute Secretary, Pam Williams

be excluded from attendance at the meeting for Agenda Item 19.1: (Appointment of Independent Member to the Council's Assessment Panel (CAP)) in confidence.

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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 relating to the appointment of Independent Members to the Council's Assessment Panel (CAP), the disclosure of which -

- (a) Information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead);

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.

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| Carried unanimously |
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- 18.2 Appointment of Independent Member to Council Assessment Panel – Confidential Item**

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18.3 Appointment of Independent Member to Council Assessment Panel – Period of Confidentiality

Moved Cr Pauline Gill
S/- Cr Kirsty Parkin

157/20

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)(a) of the *Local Government Act 1999* and the provisions of the *Local Government (Access to Meeting and Documents) Amendment Act 2002*, 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 Community Representatives referred to in the item are appointed, but not longer than 30 August 2020.

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

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| Carried unanimously |
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19. NEXT ORDINARY MEETING

The next ordinary meeting of the Adelaide Hills Council will be held on Tuesday 25 August 2020 from 6.30pm, venue to be confirmed.

20. CLOSE MEETING

The meeting closed at 9.37pm.