

**ADELAIDE HILLS COUNCIL  
MINUTES OF ORDINARY COUNCIL MEETING  
TUESDAY 15 DECEMBER 2020  
63 MT BARKER ROAD STIRLING**

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In Attendance

**Presiding Member:** Mayor Jan-Claire Wisdom

**Members:**

Councillor Ian Bailey (6.32pm)
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 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
Natalie Westover	Manager Property Services
Deryn Atkinson	Manager Development Services
James Szabo	Senior Strategic & Policy Planner
Lynne Griffiths	Community & Cultural Development Officer
Matt Ahern	Team Leader Regulatory Services
Mark de Lange	Community Development Officer
Pam Williams	Minute Secretary

**1. COMMENCEMENT**

The meeting commenced at 6.31pm.

**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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Mayor \_\_\_\_\_ 27 January 2021

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**3. APOLOGIES/LEAVE OF ABSENCE**

**3.1 Apology**

Cr Kirsty Parkin

6.32pm Cr Bailey attended the meeting.

**3.2 Leave of Absence**

Cr Kirrilee Boyd (11 December to 15 December) approved 24 November 2020.

**3.3 Absent**

Nil

**4. MINUTES OF PREVIOUS MEETINGS**

Nil

**5. DECLARATION OF CONFLICT OF INTEREST BY MEMBERS OF COUNCIL**

Nil

**6. PRESIDING MEMBER'S OPENING REMARKS**

Mayor Jan-Claire Wisdom welcomed the gallery who were attending in person and via Zoom, including representatives from the Morialta Residents Association.

Mayor Wisdom reflected on the past year, with the December 2019 Cudlee Creek bushfire and the fires over Summer in the Eastern States which tested our nation's resilience, plus the global COVID-19 pandemic which caused great social disruption and a once in a lifetime event. She stated that Adelaide Hills Council came through these events stronger and more resilient, and we continue to look out for those who suffered.

The Mayor spoke about the Bushfire Expo which was held at Lobethal over 2 days on the weekend, and urged the community to prepare for the coming bushfire season, review their bushfire plans and not to become complacent.

Mayor Wisdom wished everyone a happy and safe Festive Season.

**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/PUBLIC FORUM****8.1 Petitions**

Nil

**8.2 Deputations****8.2.1 Mr Douglas Riach re permanent bird netting****8.2.2 Mr Lynton Vonow, Lobethal Community Association, re Cudlee Creek Fire - one year on****8.3 Public Forum**

Nil

**9. PRESENTATIONS**

Nil

**10. QUESTIONS ON NOTICE**

Nil

**11. MOTIONS ON NOTICE****11.1 Council Boundary Reform Legislative Provisions**

Moved Cr Mark Osterstock  
S/- Cr Nathan Daniell

294/20

1. That a copy of Council's resolution of 28 January 2020, including annexures, 'Council Boundary Change Survey Responses' be forwarded to the current Minister for Planning and Local Government, Hon Vickie Chapman MP, for information.
2. That the Minister be advised that it would appear that the Campbelltown City Council is acting in a predatory manner by refusing to listen to and accept the views of the affected residents, and the Adelaide Hills Council, in relation to their boundary change proposal.
3. That the Minister be requested to consider amendments to the existing legislation and boundary reform guidelines to ensure that the affected community and relinquishing councils are consulted and their views are properly considered prior to a council-initiated Stage 1 submission being lodged with the Boundaries Commission and that where substantial community objection exists that the proposal not proceed.

<b>Carried Unanimously</b>
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**12. OFFICER REPORTS – DECISION ITEMS**

**12.1 Acknowledgement & Welcome to Country Policy**

Moved Cr Pauline Gill  
S/- Cr John Kemp

295/20

**Council resolves:**

- 1. That the report be received and noted.**
- 2. With an effective date of 31 January 2021, adopt the 15 December 2020 Acknowledgement and Welcome to Country Policy as per Appendix 1.**
- 3. That the Chief Executive Officer be authorised to make any formatting, nomenclature or other minor changes to the 15 December 2020 Acknowledgement and Welcome to Country Policy prior to the effective date of adoption.**
- 4. With an effective date of 31 January 2021, to amend clause 3.4 – Opening Statement of the Code of Practice for Council Meeting Procedures to reflect the provisions of clause 4.3 of the 15 December 2020 Acknowledgement and Welcome to Country Policy.**

<b>Carried Unanimously</b>
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**12.2 Youth Action Plan**

Moved Cr Andrew Stratford  
S/- Cr Mark Osterstock

296/20

**Council resolves:**

- 1. That the report be received and noted.**
- 2. That the Youth Action Plan 2021-24 be adopted for implementation.**
- 3. That the Chief Executive Officer, or delegate, be authorised to make any formatting or minor changes to the Plan for publication purposes.**

<b>Carried Unanimously</b>
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**12.3 Submission Revised Draft Planning & Design Code**

Moved Cr Ian Bailey  
S/- Cr John Kemp

297/20

**Council resolves:**

1. That the report be received and noted
2. To approve the letter of response to the State Planning Commission as contained in Appendix 1 of this report
3. That the Chief Executive Officer be authorised to make any additional non-substantive technical additions and minor amendments to the submission and via the online Code Feedback Tool prior to lodgement with the State Planning Commission by the 18 December 2020 deadline.

<b>Carried Unanimously</b>
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**12.4 Adoption of the Crafers Village Design Guidelines**

Moved Cr Mark Osterstock  
S/- Cr Leith Mudge

298/20

**Council resolves:**

1. That the report be received and noted
2. To approve the Crafers Village Design Guidelines as contained in Appendix 1, for publication, circulation and application
3. To delegate to the Chief Executive Officer the authority to make minor changes to the Crafers Village Design Guidelines
4. That the Community Engagement Outcomes Report Stage 1 & 2 as contained in Appendix 2 be made available to engagement participants and the general public.

<b>Carried Unanimously</b>
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**12.5 Declaration of Public Roads – Houghton & Aldgate**

Moved Cr Linda Green  
S/- Cr Malcolm Herrmann

299/20

**Council resolves:**

1. That the report be received and noted.
2. To declare Allotment 13 in Deposited Plan No. 26030 contained in Certificate of Title Volume 5421 Folio 887 being Allotment 13 Horn Street, Houghton as public road pursuant to Section 208 of the Local Government Act 1999.
3. To declare Allotment 51 in Deposited Plan No. 82071 contained in Certificate of Title Volume 6058 Folio 751 being Allotment 51 Strathalbyn Road, Aldgate as public road pursuant to Section 208 of the Local Government Act 1999.
4. To authorise the publication of the resolution in the Government Gazette as required by section 208(4) of the Local Government Act 1999 to declare the roads to be public roads.
5. To delegate to the Chief Executive Officer to execute the necessary documentation to give effect to this resolution.

<b>Carried Unanimously</b>
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**12.6 Road Exchange – Pomona Road Stirling**

Moved Cr John Kemp  
S/- Cr Leith Mudge

300/20

**Council resolves:**

1. That the report be received and noted
2. In accordance with sections 12 and 15 of the Roads (Opening and Closing) Act 1991, enter into an Agreement for Exchange with the owner of the land of 21 Pomona Road Stirling and issue a Road Process Order to open as public road the area identified as "Road to be opened 1" on the Preliminary Plan No 20/0038 and in exchange to close a portion of Pomona Road as identified on the Preliminary Plan No 20/0038 as "Public Road A", subject to the owner of the land at 21 Pomona Road Stirling agreeing to pay all costs associated with the road exchange process including but not limited to all survey, valuation and reasonable legal costs
3. The closed road be excluded as Community Land pursuant to the Local Government Act 1999.
4. The Mayor and Chief Executive Officer be authorised to sign all documents necessary, including affixation of the common seal, to give effect to this resolution.

<b>Carried Unanimously</b>
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**12.7 Appointment of Independent Members of Council Assessment Panel (CAP)**

Moved Cr John Kemp  
S/- Cr Nathan Daniell

301/20

Council resolves:

1. That the report be received and noted.
2. That the term of the current Independent Members of Council's Assessment Panel be extended for 12 months ending on 31 May 2022 (inclusive).

<b>Carried Unanimously</b>
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**12.8 Enforcement Policy Review**

Moved Cr Leith Mudge  
S/- Cr Pauline Gill

302/20

Council resolves:

1. That the report be received and noted
2. With an effective date of 22 December 2020, to revoke the 26 June 2018 Enforcement Policy and to adopt the revised draft Enforcement Policy contained in Appendix 1 of this report.

<b>Carried Unanimously</b>
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**12.9 Strategic Internal Audit Plan Update**

Moved Cr Malcolm Herrmann  
S/- Cr Leith Mudge

303/20

Council resolves:

1. That the report be received and noted.
2. To adopt the revised Strategic Internal Audit Plan (v1.6a) as contained in Appendix 1.

<b>Carried Unanimously</b>
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**12.10 Status Report – Council Resolutions Update**

**Moved Cr Pauline Gill  
S/- Cr Leith Mudge**

**304/20**

**Council resolves:**

- 1. That the report be received and noted**
- 2. The following completed items be removed from the Action List:**

<b>Meeting Date</b>	<b>Meeting</b>	<b>Res No.</b>	<b>Item Name</b>	<b>Previously Declared COI</b>
25/06/2019	Ordinary Council	158/19	Boundary Reform - Approval to Explore	None declared
28/04/2020	Ordinary Council	71/20	Rural Land Acquisition from DPTI - Houghton & Aldgate	None declared
8/09/2020	Special Council	196/20	Election of Deputy Mayor	Material - Cr Nathan Daniell
8/09/2020	Special Council	188/20	Audit Committee Membership appointment of Council Members	Perceived - Cr Malcolm Herrmann Actual - Cr Leith Mudge
8/09/2020	Special Council	189/20	Audit Committee Membership approval to commence recruitment of Independent Member	None declared
22/09/2020	Ordinary Council	206/20	Recovery Update	None declared
22/09/2020	Ordinary Council	216/20	Pomona Road Streetscape	None declared
27/10/2020	Ordinary Council	234/20	Change to Community Land Management Lan 10	None declared



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			- Vehicle Access Control Reserves	
24/11/2020	Ordinary Council	266/20	Internal Review Road Closure Decisions 2018 & 2020	Perceived - Cr Pauline Gill
24/11/2020	Ordinary Council	268/20	2019-2020 Annual Report	None declared
24/11/2020	Ordinary Council	269/20	2020-2021 Community Recreation & Facility Grants	Material - Cr Linda Green
24/11/2020	Ordinary Council	272/20	Budget Review 1	None declared
24/11/2020	Ordinary Council	271/20	2019-2020 End of Year Financial Report	None declared
24/11/2020	Ordinary Council	274/20	Audit Committee Presiding Member	Material - Cr Malcolm Herrmann
24/11/2020	Ordinary Council	276/20	CEOPRP Presiding Member	Material - Cr Mark Osterstock
24/11/2020	Ordinary Council	280/20	Cessation of SPDPC Committee	None declared

**Carried Unanimously**

**13. OFFICER REPORTS - INFORMATION ITEMS**

**13.1 Recovery Update**

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

**305/20**

**Council resolves that the report be received and noted.**

**Carried Unanimously**

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**13.2 Risk Management Plan Update**

Moved Cr Leith Mudge  
S/- Cr Malcolm Herrmann

**306/20**

**Council resolves that the report be received and noted.**

<b>Carried Unanimously</b>
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**14. QUESTIONS WITHOUT NOTICE**

Cr Nathan Daniell – Local Economic Recovery Funding  
Cr Ian Bailey – Acknowledgement Statement

**15. MOTIONS WITHOUT NOTICE**

**15.1 Appreciation to Cr Nathan Daniell as Acting Mayor**

Moved Cr Ian Bailey  
S/- Cr John Kemp

**307/20**

**That Cr Nathan Daniell be thanked for undertaking the role as Acting Mayor during Mayor Jan-Claire Wisdom's absence.**

<b>Carried Unanimously</b>
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**16. REPORTS**

**16.1 Council Member Function or Activity on the Business of Council**

**Mayor Jan-Claire Wisdom**

- 2 December, NBRA with Andrew Colvin in Canberra via zoom
- 2 December, LGA Briefing with SA Premier via zoom
- 4 December, Briefing meeting re World Heritage bid, Stirling
- 9 December, Peri-urban Inaugural Forum, Gawler
- 12 December, Bushfire Expo day 1, Lobethal
- 13 December, Bushland Park Masterplan community consultation, Lobethal
- 13 December, Bushfire Expo day 2, Lobethal
- 14 December, World Heritage Bid Steering Committee meeting, Stirling

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**Cr Leith Mudge**

- 4 December, Landscape Board Draft Strategic Plan Consultation, Stirling Council Chambers, Stirling
- 6 December, Mylor Bushfire Last Resort Refuge Celebration, Mylor Oval, Mylor
- 7 December, Stirling Business Association 2020 Christmas Party, Patch Kitchen & Garden, Stirling
- 12 December, Adelaide Hills Bushfire Expo, Lobethal Sports Ground, Lobethal
- 12 December, Oakbank Hall Market and Open Day, Oakbank

**Cr Malcolm Herrmann**

- 11 December, "Regenerate" Launch at Fabrik, Lobethal
- 13 December, Bushland Park consultation, Lobethal
- 13 December, Bushfire EXPO, Lobethal
- 14 December, DTI consultation Chain of Ponds intersection, Kersbrook

8.43pm Cr Green left the Chamber

8.45pm Cr Green returned to the Chamber

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

Nil

**16.3 CEO Report**

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

- Lobethal Bushland Park trails
- Waste education & street bins
- Green organic collection days
- Road reconstruction, kerbing & footpath upgrades
- Bridge audit
- Stormwater upgrade
- Merry Christmas to all

**17. REPORTS OF COMMITTEES**

**17.1 Council Assessment Panel**

Nil

**17.2 Audit Committee**

Nil

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**17.3 CEO Performance Review Panel – 26 November 2020**

Moved Cr Mark Osterstock  
S/- Cr Nathan Daniell

308/20

That the minutes of the CEO Performance Review Panel meeting of 26 November 2020 as distributed, be received and noted.

<b>Carried Unanimously</b>
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**18. CONFIDENTIAL ITEMS**

**RELEASED 26 JANUARY 2021**

**18.1 Citizen of the Year 2021 Recommendations – Exclusion of the Public**

Moved Cr Ian Bailey  
S/- Cr Linda Green

308/20

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

- Chief Executive Officer, Andrew Aitken
- Director Development & Regulatory Services, Marc Salver
- Director Corporate Services, Terry Crackett
- Director Community Capacity, David Waters
- Executive Manager Governance & Performance, Lachlan Miller
- Minute Secretary, Pam Williams

be excluded from attendance at the meeting for Agenda Item 18.1: (Citizen of the Year 2021 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.

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<b>Carried Unanimously</b>
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**RELEASED 26 JANUARY 2021**

**18.1.1 Citizen of the Year 2021 Recommendations – Confidential Item**

**Moved Cr Ian Bailey**

**S/- Cr Pauline Gill**

**310/20**

**Council resolves:**

- 1. That the report be received and noted.**
- 2. That Council confer the 2021 Citizen of the Year Award on Adam Weinert of Lobethal.**
- 3. That Council confer the 2021 Young Citizen of the Year Award on Sebastian Ascott of Woodside.**
- 4. That Council confer the 2021 Community Event of the Year Award on The Lobethal Community Garden Bushfire Support and Hillstock by Matt Hawkins.**
- 5. That Civic Awards (15) be presented to:**
  - a. Billy-Jo Brewer of Lobethal**
  - b. Blaze Aid Catering Volunteers**
  - c. Brian Parker of Uraidla**
  - d. Colin Checker of Kersbrook**
  - e. Cynthia Weyland of Lobethal**
  - f. Dianne Liebelt of Uraidla**
  - g. Jeanette Biggs of Cherryville**
  - h. Jodie Turpin of Lobethal**
  - i. Karen Palmer of Mylor**
  - j. Kelly Johnston of Balhannah**
  - k. Linda Keen of Cromer**
  - l. Margarete Ehrhardt of Millbrook**
  - m. Metod 'Ted' Setnikar of Crafers**
  - n. Stephanie Bettison of Mylor**
  - o. Tremaine Kerber of Woodside**

<b>Carried Unanimously</b>
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**RELEASED 26 JANUARY 2021**

**18.1.2 Citizen of the Year 2021 Recommendations – Period of Confidentiality**

Moved Cr Mark Osterstock  
S/- Cr Leith Mudge

311/20

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 18.1 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 2021, with the exception of appropriate release of information to media outlets to enhance coverage of the awards.

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.

<b>Carried Unanimously</b>
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**RELEASED 25 JANUARY 2021**

**18.2 External Audit Contract – Exclusion of the Public**

Moved Cr Ian Bailey  
S/- Cr Pauline Gill

312/20

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

- Chief Executive Officer, Andrew Aitken
- Director Development & Regulatory Services, Marc Salver
- Director Corporate Services, Terry Crackett
- Director Community Capacity, David Waters
- Executive Manager Governance & Performance, Lachlan Miller
- Minute Secretary, Pam Williams

be excluded from attendance at the meeting for Agenda Item 18.2: (External Audit Contract) 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 the Committee to consider the report at the meeting on the following grounds:

Section 90(3)(d) of the *Local Government Act 1999*, 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) that would, on balance, be contrary to the public interest, the disclosure of which could reasonably be expected to prejudice the commercial position of the business which supplied the information and confer a commercial advantage on a third party.

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.

<b>Carried Unanimously</b>
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**RELEASED 25 JANUARY 2021**

**18.2.1 External Audit Contract – Confidential Item**

**Moved Cr Malcolm Herrmann**

**S/- Cr Leith Mudge**

**313/20**

**Council resolves:**

- 1. That the report be received and noted**
- 2. To exercise the two-year option under the Professional Services Agreement for External Audit with Galpins Accountants, Auditors and Business Consultants for the conduct of the 2020-21 and 2021-22 Annual Financial Statement and Internal Financial Control audits.**

<b>Carried Unanimously</b>
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**RELEASED 25 JANUARY 2021**

**18.2.2 External Audit Contract – Period of Confidentiality**

Moved Cr Chris Grant

S/- Cr Ian Bailey

314/20

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 18.2 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 Council has determined its position in relation to the exercise of the two-year option under the Professional Services Agreement.

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.

<b>Carried Unanimously</b>
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**19. NEXT ORDINARY MEETING**

The next ordinary meeting of the Adelaide Hills Council will be held on **Wednesday 27 January 2021** from 6.30pm at 63 Mt Barker Road, Stirling.

**20. CLOSE MEETING**

The meeting closed at 9.15pm.