

**ADELAIDE HILLS COUNCIL
MINUTES OF ORDINARY COUNCIL MEETING
TUESDAY 23 MARCH 2021
63 MT BARKER ROAD STIRLING**

In Attendance

Presiding Member: Mayor Jan-Claire Wisdom

Members:

Councillor Ian Bailey
Councillor Kirrilee Boyd
Councillor Nathan Daniell
Councillor Pauline Gill
Councillor Chris Grant
Councillor Linda Green
Councillor Malcolm Herrmann
Councillor Leith Mudge
Councillor Mark Osterstock
Councillor Kirsty Parkin

In Attendance:

Andrew Aitken	Chief Executive Officer
Terry Crackett	Director Corporate Services
Peter Bice	Director Infrastructure & Operations
David Waters	Director Community Capacity
John McArthur	Manager Sustainability Waste & Emergency Management
James Szabo	Senior Strategic & Policy Planner
Natalie Westover	Manager Property Services
David Collins	Manager Strategic Assets
Deryn Atkinson	Manager Development Services
Steven Watson	Governance & Risk Coordinator
Pam Williams	Minute Secretary

1. COMMENCEMENT

The meeting commenced at 6.34pm.

2. OPENING STATEMENT

Council acknowledges that we meet on the traditional lands and waters of the Peramangk and Kurna people. They are Custodians of this ancient and beautiful land and so we pay our respects to Elders past, present and emerging. We will care for this country together by ensuring the decisions we make will be guided by the principle that we should never decrease our children's ability to live on this land.

**ADELAIDE HILLS COUNCIL
MINUTES OF ORDINARY COUNCIL MEETING
TUESDAY 23 MARCH 2021
63 MT BARKER ROAD STIRLING**

3. APOLOGIES/LEAVE OF ABSENCE

3.1 Apology

Cr Andrew Stratford

3.2 Leave of Absence

Moved Cr Mark Osterstock

S/- Cr Nathan Daniell

45/21

That Leave of Absence be granted for Cr John Kemp from 23 March to 27 April 2021.

Carried Unanimously

3.3 Absent

Nil

4. MINUTES OF PREVIOUS MEETINGS

4.1 Council Meeting – 23 February 2021

Moved Cr Ian Bailey

S/- Cr Malcolm Herrmann

46/21

That the minutes of the Ordinary Council meeting held on 23 February 2021 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 Leith Mudge – Item 12.2, Local Heritage Grant Fund Project 2020-2021

Under Section 75A of the *Local Government Act 1999* Cr Leith Mudge disclosed a Perceived Conflict of Interest in Item 12.2, Local Heritage Grant Fund Project 2020-2021, the nature of which is as follows:

- My niece's partner runs a tree removal business and one of the items relates to a grant for tree removal.

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

**ADELAIDE HILLS COUNCIL
MINUTES OF ORDINARY COUNCIL MEETING
TUESDAY 23 MARCH 2021
63 MT BARKER ROAD STIRLING**

6. PRESIDING MEMBER'S OPENING REMARKS

Mayor Jan-Claire Wisdom advised that Item 12.1 Lobethal Bushland Park Draft Masterplan is withdrawn from tonight's agenda, and is scheduled for the April 2021 Council Agenda. Mayor Wisdom also advised of a large grant of \$727,000 received from the State Government, which will be discussed during the CEO report, agenda item 16.3.

7. QUESTIONS ADJOURNED/LYING ON THE TABLE

7.1 Questions Adjourned

Nil

7.2 Questions Lying on the Table

Nil

8. PETITIONS/DEPUTATIONS/PUBLIC FORUM

8.1 Petitions

Nil

8.2 Deputations

8.2.1 Lynton Vonow re Lobethal Bushland Park Masterplan

8.3 Public Forum

Nil

9. PRESENTATIONS

Nil

10. QUESTIONS ON NOTICE

Nil

11. MOTIONS ON NOTICE

11.1 Bushfire Safer Places

Moved Cr Kirsty Parkin

S/- Cr Leith Mudge

47/21

That Council engages with the South Australian Country Fire Service (CFS) to produce a report for the information of the Elected body on designated Bushfire Safer Places, both in the Adelaide Hills and across South Australia. This report should be presented to Council at the May 2021 meeting.

Carried

**ADELAIDE HILLS COUNCIL
MINUTES OF ORDINARY COUNCIL MEETING
TUESDAY 23 MARCH 2021
63 MT BARKER ROAD STIRLING**

11.2 Single-use Plastics

Moved Cr Chris Grant
S/- Cr Nathan Daniell

48/21

1. A report be provided to the Council before 31 October 2021 on the feasibility and cost implications for reducing and or eliminating the use of single-use plastics in Council operations, being replaced with compostable or reusable alternatives as necessary. The report need not address those plastics already banned by State Legislation in March 2021, those proposed to be banned under the same legislation in March 2022, nor single use-plastics required for medical or disability uses. The report should consider but not be limited to:
 - i. Council ceasing to purchase single use plastics;
 - ii. Council stipulating to contractors, event organisers, sponsorship seekers, caterers, food vans and so on, that single-use plastics are not supported by Council and alternatives such as compostable or reusable alternatives be utilised as necessary;
 - iii. As leases expire, update leases to include a clause that single use plastics are not supported by Council and alternatives such as compostable or reusable alternatives be utilised as necessary;
 - iv. The CEO, Directors, Senior Officers and Staff be trained and educated to support and implement appropriate processes to ensure operation and compliance of associated procedures.
 - v. Green bins be made available at Council run events for the collection of compostable waste to ensure compostable materials are diverted from landfill.
 - vi. A program of community education and promotion, including approaching business owners and operators throughout the AHC area, in order to encourage a change from single-use plastics to alternatives such as compostable or reusable alternatives as necessary.

Carried Unanimously

**ADELAIDE HILLS COUNCIL
MINUTES OF ORDINARY COUNCIL MEETING
TUESDAY 23 MARCH 2021
63 MT BARKER ROAD STIRLING**

12. OFFICER REPORTS – DECISION ITEMS

12.1 Lobethal Bushland Park Draft Masterplan

This item was withdrawn, scheduled for Council’s consideration on 27 April 2021.

12.2 Local Heritage Grant Fund Project 2020 - 2021

Cr Linda Green declared a Material Conflict of Interest in Item 12.2 Local Heritage Grant Fund Project 2020 – 2021 and state “as a member of the Cudlee Creek Uniting Church is related to me, and therefore it could be said could gain a benefit or suffer a loss and therefore I am required to declare a material conflict of interest”.

7.35pm Cr Linda Green left the chamber

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 12.2.

Cr Leith Mudge stated that he could put the public interest ahead of any perceived personal interest, remained in the Chamber and voted.

Moved Cr Pauline Gill

S/- Cr Malcolm Herrmann

49/21

Council resolves:

- 1. That the report be received and noted**
- 2. To approve the eight shortlisted projects to receive grant funding as detailed in the body of this report to contribute to the works as detailed in *Appendix 1* of this report and listed below:**
 - **Our Lady of the Rosary Church, Aldgate - \$2,500**
 - **Old Post Office, Crafers - \$1,417**
 - **Crataegus Cottage, Crafers - \$2,500**
 - **Circa 1850's Cottage, Mount George - \$2,500**
 - **Shop, Stirling - \$2,500**
 - **Stone Cottage, Stirling - \$2,500**
 - **Former Aldgate Valley Church of Christ, Aldgate - \$2,500**
 - **Cudlee Creek Uniting Church, Cudlee Creek - \$2,500**
- 3. To delegate to the Chief Executive Officer to determine whether any changes to grant recipient’s proposed works maintain grant eligibility.**

Carried unanimously

Cr Leith Mudge voted in favour of the motion. The majority of persons who were entitled to vote at the meeting voted in favour of the motion.

**ADELAIDE HILLS COUNCIL
MINUTES OF ORDINARY COUNCIL MEETING
TUESDAY 23 MARCH 2021
63 MT BARKER ROAD STIRLING**

7.42pm Cr Linda Green returned to the Chamber

12.3 Public Place & Road Naming Policy Review

Moved Cr Mark Osterstock

S/- Cr Chris Grant

50/21

Council resolves:

- 1. That the report be received and noted.**
- 2. With an effective date of 6 April 2021, to revoke the 23 May 2017 Public Place and Road Naming Policy and to adopt the revised Public Place and Road Naming Policy in Appendix 1.**
- 3. That the Chief Executive Officer be authorised to make any formatting, nomenclature or other minor changes to the 23 March 2021 Public Place and Road Naming Policy prior to the effective date of adoption.**

Carried unanimously

12.4 Supplementary Deed 20a Radbone Road Mt George

Moved Cr Linda Green

S/- Cr Ian Bailey

51/21

Council resolves:

- 1. That the report be received and noted**
- 2. To enter into the Supplementary Deed between Adelaide Hills Council and Professor Khurana attached in Appendix 1 of this report for Certificate of Title Volume 6231 Folio 681, known as 20A Radbone Road Mount George.**
- 3. That the CEO is authorised to execute the Supplementary Deed for 20A Radbone Road Mount George and the Application to Note the Supplementary Deed.**
- 4. That the costs associated with the preparation of the Supplementary Deed by Council's lawyers and registration of Deed shall be borne by the owners.**

Carried unanimously

**ADELAIDE HILLS COUNCIL
MINUTES OF ORDINARY COUNCIL MEETING
TUESDAY 23 MARCH 2021
63 MT BARKER ROAD STIRLING**

12.5 Crown Land Revocation

Moved Cr Malcolm Herrmann

S/- Cr Ian Bailey

52/21

Council resolves:

1. That the report be received and noted
2. That the consultation report (*Appendix 1*) be received and noted
3. To apply to the Minister for Planning to revoke the Community Land classification of the following parcels of land:-
 - i. CR 5752/186, Lot 32 Fullgrave Road, Crafers
 - ii. CR 5753/725, Section 1609 Illert Road, Mylor
 - iii. CR 5753/729, Section 1657 Scott Creek Road, Scott Creek
 - iv. CR 5753/741, Sections 53 and 54 Sandy Waterhole Road, Woodside
 - v. CR 5753/742, Section 547 Schuberts Road, Lobethal
 - vi. CR 5753/744, Section 553 Pedare Park Road, Woodside
 - vii. CR 5753/745, Section 556 Tiers Road, Woodside
 - viii. CR 5753/746, Section 565 Old Carey Gully Road, Stirling
 - ix. CR 5753/754, Section 511 North East Road, Inglewood
 - x. CR 5753/758, Section 262 Reserve Road, Forreston
 - xi. CR 5763/631, Section 1591 Silver Road, Bridgewater
 - xii. CR 5763/634, Section 71 Magarey Road, Mount Torrens
 - xiii. CR 5763/635, Section 72 Magarey Road, Mount Torrens
 - xiv. CR 5763/636, Section 84 Forreston Road, Forreston
 - xv. CR 6142/329, Lot 501 Greenhill Road, Balhannah
 - xvi. CR 5926/487, Lot 20 Bell Springs Road Charleston (for rededication to the Department of Environment & Water)
 - xvii. CR 5753/718, Section 1544 Reserve Terrace Aldgate (for rededication to Meals on Wheels)
 - xviii. CR 5753/753, Section 495 off Kersbrook Road Kersbrook (for rededication to Forestry SA)
4. That a further report be presented to Council once a response from the Minister for Planning is received.

**ADELAIDE HILLS COUNCIL
MINUTES OF ORDINARY COUNCIL MEETING
TUESDAY 23 MARCH 2021
63 MT BARKER ROAD STIRLING**

12.5.1 Formal Motion

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

53/21

That the motion be put.

Carried

The motion was put and carried.

Carried

12.5.2 Short Adjournment

**Moved Cr Leith Mudge
S/- Cr Chris Grant**

54/21

That the Council meeting adjourn for a short break.

Carried unanimously

8.18pm The Council meeting adjourned

8.33pm The Council meeting resumed

**ADELAIDE HILLS COUNCIL
MINUTES OF ORDINARY COUNCIL MEETING
TUESDAY 23 MARCH 2021
63 MT BARKER ROAD STIRLING**

12.6 Local Roads and Community Infrastructure Program Projects Phase 2

Moved Cr Pauline Gill
S/- Cr Linda Green

54/21

Council resolves:

1. That the report be received and noted.
2. To authorise the applications for the following projects, totalling \$1,572,000, to be submitted as the Adelaide Hills Council Local Roads and Infrastructure Program Phase 2 Projects for delivery in 2021-22 and the estimated associated expenditure to undertake those works:
 - a) Mill Road, Lobethal, School Crossing - \$30,000
 - b) Heathfield Waste and Resource Recovery Centre Upgrades - \$155,000
 - c) Public Toilet Upgrades Stirling, Aldgate and Bridgewater - \$560,000
 - d) Crafers Village Mainstreet Traffic Calming & Amenity upgrade - \$300,000
 - e) Birdwood Footpath, Kindergarten to Playground - \$25,000
 - f) Lobethal Avenue of Trees, Woodside Road - \$100,000
 - g) Lobethal Bushland Park Lookout Tower – \$45,000
 - h) Merchants Road, Slip Repair - \$60,000
 - i) Mylor Pump Track - \$50,000
 - j) Bus Shelter Replacement (Stirling Main Street) - \$20,000
 - k) Mount Lofty Gardens, Lampert Road safety upgrade - \$110,000
 - l) Mount Barker Road, Aldgate 'Park and Ride' - \$20,000
 - m) Aldgate Main Street amenity upgrade - \$38,000
 - n) Upper Sturt Road walking path - \$15,000
 - o) Bridgewater Court Resurfacing - \$22,000
 - p) Strathalbyn Road, Service Road Sealing - \$12,000
 - q) Hunters Road, Amenity Upgrade Concrete Blocks - \$10,000
3. Subject to approval, and in line with the above estimated costs, that the CEO or his delegate be authorised to enter into a necessary grant agreement with the Department for Infrastructure, Transport and Regional Development, commit expenditure to undertake the above works with any adjustments to income and expenditure be incorporated in an upcoming budget review.
4. That should any projects be unsuccessful, or significant savings achieved, alternative projects will be recommended to Council for consideration.

**ADELAIDE HILLS COUNCIL
MINUTES OF ORDINARY COUNCIL MEETING
TUESDAY 23 MARCH 2021
63 MT BARKER ROAD STIRLING**

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 this additional phase of the funding program.

Carried unanimously

12.7 Delegations Review

Moved Cr Ian Bailey
S/- Cr Linda Green

55/21

Council resolves:

1. That the report be received and noted
2. That, having considered a review of Council's Delegations as presented, the Council hereby revokes its previous delegations to the Chief Executive Officer of those powers and functions under the following Acts:

Instrument of Delegation
<i>Instrument of Delegation under the Burial and Cremation Act 2013</i>
<i>Instrument of Delegation under the Burial and Cremation Regulations 2014</i>
<i>Instrument of Delegation under the Dog and Cat Management Act 1995</i>
<i>Instrument of Delegation under the Dog and Cat Management Regulations 2017</i>
<i>Instrument of Delegation under the Environment Protection (Air Quality) Policy 2016</i>
<i>Instrument of Delegation under the Environment Protection (Noise) Policy 2008</i>

ADELAIDE HILLS COUNCIL
MINUTES OF ORDINARY COUNCIL MEETING
TUESDAY 23 MARCH 2021
63 MT BARKER ROAD STIRLING

Instrument of Delegation
<i>Instrument of Delegation under the Environment Protection (Used Packaging Materials) Policy 2012</i>
<i>Instrument of Delegation under the Environment Protection (Waste to Resources) Policy 2010</i>
<i>Instrument of Delegation under the Environment Protection Regulations 2009</i>
<i>Instrument of Delegation under the Fines Enforcement and Debt Recovery Act 2017</i>
<i>Instrument of Delegation under the Fire and Emergency Services Act 2005</i>
<i>Instrument of Delegation under the Fire and Emergency Services Regulations 2021</i>
<i>Instrument of Delegation under the Food Regulations 2017</i>
<i>Instrument of Delegation under the Local Government (Building Upgrade Agreements) Regulations 2017</i>
<i>Instrument of Delegation under the Local Government (Elections) Act 1999</i>
<i>Instrument of Delegation under the Local Government (Forestry Reserves) Act 1944</i>
<i>Mining Act 1971</i>
<i>Mining Regulations 2020</i>
<i>Instrument of Delegation under the Natural Resources Management Act 2004 the Natural Resources Mgt. (General) Regulations 2005 & the Natural Resources Mgt. (Transitional Provisions-Levies) Reg. 2005</i>
<i>Instrument of Delegation under the Real Property Act 1886</i>

ADELAIDE HILLS COUNCIL
MINUTES OF ORDINARY COUNCIL MEETING
TUESDAY 23 MARCH 2021
63 MT BARKER ROAD STIRLING

Instrument of Delegation
<i>Instrument of Delegation under the Safe Drinking Water Regulations 2012</i>
<i>Instrument of Delegation under the South Australia Public Health (General) Regulations 2013</i>
<i>Instrument of Delegation under the South Australia Public Health (Legionella) Regulations 2013</i>
<i>Instrument of Delegation under the South Australia Public Health (Wastewater) Regulations 2013</i>
<i>Instrument of Delegation under the South Australian Public Health Act 2011</i>
<i>Instrument of Delegation under the Supported Residential Facilities Act 1992</i>
<i>Instrument of Delegation under the Supported Residential Facilities Regulations 2009</i>
<i>Instrument of Delegation under the Development Act 1993, Development (Development Plans) Amendment Act 2006 and Development Regulations 2008</i>
<i>Instrument of Delegation Under the Planning, Development and Infrastructure Act 2016 of Powers of a Council as: A Council: A Designated Authority: A Designated Entity (until full PDI commencement)</i>
<i>Instrument of Delegation Under the Planning, Development and Infrastructure Act 2016 of Power of a Council as a Relevant Authority</i>
<i>Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)</i>
<i>Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning and Design Code and Practice Directions of Powers of a Council as a Relevant Authority (Instrument B)</i>
<i>Planning, Development and Infrastructure (Transitional Provisions) Regulations 2017</i>

**ADELAIDE HILLS COUNCIL
MINUTES OF ORDINARY COUNCIL MEETING
TUESDAY 23 MARCH 2021
63 MT BARKER ROAD STIRLING**

Instrument of Delegation
<i>Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning and Design Code and Practice Directions of Powers of a Council as a Relevant Authority (Instrument B)</i>
<i>Authorisations under the Road Traffic Act 1961 Approved by the Chief Executive Officer of the Council in Accordance With the Instrument of General Approval and Delegation to Council</i>
<i>Instrument of Delegation under the Road Traffic (Miscellaneous) Regulations 2014</i>
<i>Instrument of Delegation under the Road Traffic (Road Rules—Ancillary and Miscellaneous Provisions) Regulations 2014</i>
<i>Sub-delegation to the Chief Executive Officer under the Road Traffic Act 1961</i>

3. That, having considered a review of Council's Delegations as presented, in exercise of the power contained in Section 44 of the *Local Government Act 1999* the powers and functions under the following Acts and statutory instruments made thereunder contained in the proposed Instrument of Delegation attached to the Report dated 23rd day of March 2021 and entitled as detailed in the table below are hereby delegated this 23rd day of March 2021 to the person occupying or acting in the office of Chief Executive Officer of the Council subject to the conditions and/or limitations, if any, specified herein or in the Schedule of Conditions in the proposed Instrument of Delegation.

Combined Instrument of Delegation 15 March 2021 – Appendix 2	Page Number
<i>Instrument of Delegation under the Burial and Cremation Act 2013</i>	8
<i>Instrument of Delegation under the Burial and Cremation Regulations 2014</i>	33
<i>Instrument of Delegation under the Dog and Cat Management Act 1995</i>	38
<i>Instrument of Delegation under the Dog and Cat Management Regulations 2017</i>	51

ADELAIDE HILLS COUNCIL
MINUTES OF ORDINARY COUNCIL MEETING
TUESDAY 23 MARCH 2021
63 MT BARKER ROAD STIRLING

Combined Instrument of Delegation 15 March 2021 – Appendix 2	Page Number
<i>Instrument of Delegation under the Environment Protection (Air Quality) Policy 2016</i>	52
<i>Instrument of Delegation under the Environment Protection (Noise) Policy 2008</i>	53
<i>Instrument of Delegation under the Environment Protection (Used Packaging Materials) Policy 2012</i>	54
<i>Instrument of Delegation under the Environment Protection (Waste to Resources) Policy 2010</i>	55
<i>Instrument of Delegation under the Environment Protection Regulations 2009</i>	57
<i>Instrument of Delegation under the Fines Enforcement and Debt Recovery Act 2017</i>	58
<i>Instrument of Delegation under the Fire and Emergency Services Act 2005</i>	60
<i>Instrument of Delegation under the Fire and Emergency Services Regulations 2021</i>	70
<i>Instrument of Delegation under the Food Regulations 2017</i>	72
<i>Instrument of Delegation under the Local Government (Building Upgrade Agreements) Regulations 2017</i>	73
<i>Instrument of Delegation under the Local Government (Elections) Act 1999</i>	76
<i>Instrument of Delegation under the Local Government (Forestry Reserves) Act 1944</i>	81
<i>Mining Act 1971</i>	83
<i>Mining Regulations 2020</i>	85
<i>Instrument of Delegation under the Natural Resources Management Act 2004 the Natural Resources Mgt. (General) Regulations 2005 & the Natural Resources Mgt. (Transitional Provisions-Levies) Reg. 2005</i>	86

ADELAIDE HILLS COUNCIL
MINUTES OF ORDINARY COUNCIL MEETING
TUESDAY 23 MARCH 2021
63 MT BARKER ROAD STIRLING

Combined Instrument of Delegation 15 March 2021 – Appendix 2	Page Number
<i>Instrument of Delegation under the Real Property Act 1886</i>	104
<i>Instrument of Delegation under the Safe Drinking Water Regulations 2012</i>	106
<i>Instrument of Delegation under the South Australia Public Health (General) Regulations 2013</i>	108
<i>Instrument of Delegation under the South Australia Public Health (Legionella) Regulations 2013</i>	112
<i>Instrument of Delegation under the South Australia Public Health (Wastewater) Regulations 2013</i>	118
<i>Instrument of Delegation under the South Australian Public Health Act 2011</i>	132
<i>Instrument of Delegation under the Supported Residential Facilities Act 1992</i>	149
<i>Instrument of Delegation under the Supported Residential Facilities Regulations 2009</i>	176

- a. Such powers and functions may be further delegated by the Chief Executive Officer in accordance with Sections 44 and 101 of the *Local Government Act 1999* as the Chief Executive Officer sees fit, unless otherwise indicated herein or in the Schedule of Conditions contained in the proposed Instrument of Delegation.
4. That, having considered a review of Council's Delegations as presented, in exercise of the power contained in Section 44 of the *Local Government Act 1999* the powers and functions under the *Development Act 1993* and *Development Regulations 2008* and the *Planning, Development and Infrastructure Act 2016* and statutory instruments made thereunder contained in the proposed Instrument of Delegation attached to the Report dated 23rd day of March 2021 and entitled as detailed in the table below are hereby delegated this 23rd Day of March 2021 to the person occupying or acting in the office of Chief Executive Officer of the Council subject to the conditions and/or limitations, if any, specified herein or in the Schedule of Conditions in the proposed Instrument of Delegation.

ADELAIDE HILLS COUNCIL
MINUTES OF ORDINARY COUNCIL MEETING
TUESDAY 23 MARCH 2021
63 MT BARKER ROAD STIRLING

Combined Instrument of Delegation 15 March 2021 – Appendix 3	Page Number
<i>Instrument of Delegation under the Development Act 1993, Development (Development Plans) Amendment Act 2006 and Development Regulations 2008</i>	8
<i>Instrument of Delegation Under the Planning, Development and Infrastructure Act 2016 of Powers of a Council as: A Council: A Designated Authority: A Designated Entity (until full PDI commencement)</i>	234
<i>Instrument of Delegation Under the Planning, Development and Infrastructure Act 2016 of Power of a Council as a Relevant Authority</i>	279
<i>Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)</i>	280
<i>Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning and Design Code and Practice Directions of Powers of a Council as a Relevant Authority (Instrument B)</i>	Inc below
<i>Planning, Development and Infrastructure (Transitional Provisions) Regulations 2017</i>	432

- a. Such powers and functions may be further delegated by the Chief Executive Officer in accordance with Sections 44 and 101 of the *Local Government Act 1999* as the Chief Executive Officer sees fit, unless otherwise indicated herein or in the Schedule of Conditions contained in the proposed Instrument of Delegation.
5. That, having considered a review of Council's Delegations as presented, in exercise of the power contained in Section 100 of the *Planning, Development and Infrastructure Act 2016* the powers and functions under the *Planning, Development and Infrastructure Act 2016* and statutory instruments made thereunder contained in the proposed Instrument of Delegation attached to this Report dated 23 March 2021 and as detailed in the table below are hereby delegated this 23rd day of March 2021 to the person occupying or acting in the office of Chief Executive Officer of the Council subject to the conditions and/or limitations, if any, specified herein or in the Schedule of Conditions in the proposed Instrument of Delegation.

ADELAIDE HILLS COUNCIL
MINUTES OF ORDINARY COUNCIL MEETING
TUESDAY 23 MARCH 2021
63 MT BARKER ROAD STIRLING

Combined Instrument of Delegation 15 March 2021 – Appendix 3	Page Number
<i>Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning and Design Code and Practice Directions of Powers of a Council as a Relevant Authority (Instrument B)</i>	379

- a. Such powers and functions may be further delegated by the Chief Executive Officer in accordance with Section 100(2)(c) of the *Planning, Development and Infrastructure Act 2016* as the Chief Executive Officer sees fit, unless otherwise indicated herein or in the Schedule of Conditions contained in the proposed Instrument of Delegation.
6. That, having considered a review of Council’s Delegations as presented, the Council hereby delegates the sub-delegation and authorisation of powers under the *Road Traffic Act 1961* this 23rd day of March 2021 to the person occupying or acting in the office of Chief Executive Officer of the Council subject to the conditions and/or limitations, if any, specified herein or in the Schedule of Conditions in the proposed Instrument of Delegation.

Combined Instrument of Delegation 15 March 2021 – Appendix 4	Page Number
<i>Authorisations under the Road Traffic Act 1961 Approved by the Chief Executive Officer of the Council in Accordance With the Instrument of General Approval and Delegation to Council</i>	4
<i>Instrument of Delegation under the Road Traffic (Miscellaneous) Regulations 2014</i>	10
<i>Instrument of Delegation under the Road Traffic (Road Rules—Ancillary and Miscellaneous Provisions) Regulations 2014</i>	12
<i>Sub-delegation to the Chief Executive Officer under the Road Traffic Act 1961</i>	14

- a. Such powers and functions may be further delegated by the Chief Executive Officer in accordance with sub-delegation and authorisation of powers under the *Road Traffic Act 1961* as the Chief Executive Officer sees fit, unless otherwise indicated herein or in the Schedule of Conditions contained in the proposed Instrument of Delegation.

**ADELAIDE HILLS COUNCIL
MINUTES OF ORDINARY COUNCIL MEETING
TUESDAY 23 MARCH 2021
63 MT BARKER ROAD STIRLING**

7. That the Chief Executive Officer be authorised to make any formatting, nomenclature or other minor changes to the Instruments during the period of currency.

Carried unanimously

12.8 Status Report – Council Resolutions Update

Moved Cr Malcolm Herrmann
S/- Cr Linda Green

56/21

Council resolves:

1. That the report be received and noted
2. That the status of the uncompleted resolutions be noted and the following completed items be removed from the Action List:

Meeting Date	Meeting	Res No.	Item Name	Previously Declared COI
26/03/2019	Ordinary Council	70/19	Aboriginal Place Naming	None declared
26/05/2020	Ordinary Council	93/20	Support for Road Closures - 2020 Shannons Adelaide Rally & 2020 Gorge Rallysprint	Cr Chris Grant - Perceived
27/10/2020	Ordinary Council	231/20	Draft Road, Footpath & Kerb Asset Management Plan 2020	None declared
15/12/2020	Ordinary Council	311/20	Citizen of the year 2021 - Period of Confidentiality	None declared
27/01/2021	Ordinary Council	4/21	Amended Access & Inclusion Plan 2020 - 2024	None declared
27/01/2021	Ordinary Council	12/21	MWN - 15.1 Horsnell White Rock Quarry Mine Operations Plan	None declared
27/01/2021	Ordinary Council	21/21	CWMS Review	None declared

**ADELAIDE HILLS COUNCIL
MINUTES OF ORDINARY COUNCIL MEETING
TUESDAY 23 MARCH 2021
63 MT BARKER ROAD STIRLING**

23/02/2021	Ordinary Council	26/21	White Rock Quarry Horsnell Gully	None declared
23/02/2021	Ordinary Council	30/21	Economic Development Plan	None declared
23/02/2021	Ordinary Council	33/21	Long Term Financial Plan 2021	None declared
23/02/2021	Ordinary Council	37/21	External Audit Plan	None declared
23/02/2021	Ordinary Council	38/21	Strategic Internal Audit Plan Revision	None declared

Carried unanimously

13. OFFICER REPORTS - INFORMATION ITEMS

13.1 Regional Public Health Plan Progress Report

Moved Cr Mark Osterstock
S/- Cr Chris Grant

57/21

Council resolves that the report be received and noted.

Carried unanimously

13.2 Recovery Update

Moved Cr Linda Green
S/- Cr Kirsty Parkin

58/21

Council resolves that the report be received and noted.

Carried unanimously

**ADELAIDE HILLS COUNCIL
MINUTES OF ORDINARY COUNCIL MEETING
TUESDAY 23 MARCH 2021
63 MT BARKER ROAD STIRLING**

13.3 Policy Register Review

Moved Cr Malcolm Herrmann

S/- Cr Ian Bailey

59/21

Council resolves that the report be received and noted.

Carried unanimously

14. QUESTIONS WITHOUT NOTICE

Cr Malcolm Herrmann – Valuer-General valuations

9.04pm Cr Malcolm Herrmann left the Chamber

9.05pm Cr Malcolm Herrmann returned to the Chamber

15. MOTIONS WITHOUT NOTICE

Nil

16. REPORTS

16.1 Council Member Function or Activity on the Business of Council

Cr Malcolm Herrmann

- 10 March, Community Association, Gumeracha
- 13 March, Harmony Day, Gumeracha

Cr Linda Green

- 13 March, Harmony Day, Gumeracha

Cr Kirsty Parkin

- 27 February, meeting with resident, Norton Summit

**ADELAIDE HILLS COUNCIL
MINUTES OF ORDINARY COUNCIL MEETING
TUESDAY 23 MARCH 2021
63 MT BARKER ROAD STIRLING**

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

Cr Malcolm Herrmann

- 10 March, GRFMA Audit Committee, North Adelaide
- 17 March, GRFMA Special Meeting, Elizabeth

16.3 CEO Report

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

- Clean Up Australia Day 7 March
- Polystyrene recycling at Heathfield
- Road reseal programs
- Development Act changed to PDI Act
- State Government Grant for \$727,000 – Woodside Recreation Ground recycled water use

17. REPORTS OF COMMITTEES

17.1 Council Assessment Panel – 10 March 2021

**Moved Cr Nathan Daniell
S/- Cr Linda Green**

60/21

That the minutes of the Council Assessment Panel meeting of 10 March 2021 as distributed, be received and noted.

Carried unanimously

17.2 Audit Committee

Nil

17.3 CEO Performance Review Panel – 18 March 2021

Nil

**ADELAIDE HILLS COUNCIL
MINUTES OF ORDINARY COUNCIL MEETING
TUESDAY 23 MARCH 2021
63 MT BARKER ROAD STIRLING**

18. CONFIDENTIAL ITEM

RELEASED 15 NOVEMBER 2021

18.1 Sale of Land for Recovery of Debt – Exclusion of the Public

Moved Cr Ian Bailey

S/- Cr Chris Grant

62/21

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 Corporate Services, Terry Crackett
- Director Community Capacity, David Waters
- Governance & Risk Coordinator, Steven Watson
- Minute Secretary, Pam Williams

be excluded from attendance at the meeting for Agenda Item 18.1: (Sale of Land for Recovery of Debt) 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) (i) of the *Local Government Act 1999*, the information to be received, discussed or considered in relation to this Agenda Item is information relating to actual litigation, or litigation that the council or council committee believes on reasonable grounds that we take place, involving the council or an employee of the council, the disclosure of which could reasonably be expected to prejudice the legal processes required to progress the sale of the land.

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

Carried unanimously

**ADELAIDE HILLS COUNCIL
MINUTES OF ORDINARY COUNCIL MEETING
TUESDAY 23 MARCH 2021
63 MT BARKER ROAD STIRLING**

RELEASED 15 NOVEMBER 2021

18.1.2 Sale of Land for Recovery of Debt, 1615 Lobethal Road Lenswood – Confidential Item

Moved Cr Chris Grant
S/- Cr Malcolm Herrmann

63/21

Council resolves:

- 1. That the report be received and noted.**
- 2. That the CEO be authorised to pursue the Warrant of Sale of the following property in accordance with Section 7 of the *Enforcement of Judgements Act 1991* in order to recover the sum of \$16,702.17 plus any additional recoverable costs claimable by Council as a result of this debt recovery process:**
 - A5937 – VG 5670451102 (comprising three titles) - 1615 Lobethal Road, Lenswood**
- 3. That the CEO be authorised to sign and execute any required documentation in order to give effect to the above resolution.**

Carried unanimously

**ADELAIDE HILLS COUNCIL
MINUTES OF ORDINARY COUNCIL MEETING
TUESDAY 23 MARCH 2021
63 MT BARKER ROAD STIRLING**

RELEASED 15 NOVEMBER 2021

18.1.3 Sale of Land for Recovery of Debt – Period of Confidentiality

Moved Cr Linda Green

S/- Cr Ian Bailey

64/21

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)(i) 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 either the Warrant of Sale process for the land in question is completed and a settlement reached or until legal proceedings have concluded, but no longer than 12 months.

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.

Carried unanimously

19. NEXT ORDINARY MEETING

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

20. CLOSE MEETING

The meeting closed at 9.40pm.