

**ADELAIDE HILLS COUNCIL
MINUTES OF ORDINARY COUNCIL MEETING
TUESDAY 26 OCTOBER 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 Chris Grant
Councillor Linda Green
Councillor Malcolm Herrmann
Councillor John Kemp
Councillor Leith Mudge
Councillor Mark Osterstock
Councillor Kirsty Parkin
Councillor Andrew Stratford

In Attendance:

David Waters	A/Chief Executive Officer
Terry Crackett	Director Corporate Services
Melissa Bright	A/Director Development & Regulatory Services
Jennifer Blake	A/Director Community Capacity
Lachlan Miller	Executive Manager Governance & Performance
John McArthur	Manager Sustainability, Waste & Emergency Management
Natalie Westover	Manager Property Services
Deryn Atkinson	Manager Development Services
Kira-Marie Laverty	Corporate Planning & Performance Coordinator
Sharon Leith	Sustainability Coordinator
Josh Spiers	Community & Social Planning Officer
Pam Williams	Minute Secretary

1. COMMENCEMENT

The meeting commenced at 6.32pm.

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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.

3. Apology

Cr Pauline Gill

3.1 Leave of Absence

Nil

3.2 Absent

Nil

4. MINUTES OF PREVIOUS MEETINGS

4.1 Council Meeting – 28 September 2021

Moved Cr Nathan Daniell

S/- Cr Linda Green

217/21

That the minutes of the Ordinary Council meeting held on 28 September 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

Nil

6. PRESIDING MEMBER'S OPENING REMARKS

Mayor Jan-Claire Wisdom welcomed everyone to the meeting and reminded those present to wear a mask unless speaking. The Mayor mentioned that the Member for Kavel, Dan Cregan, has become an Independent Member of Parliament.

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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 Kristian Wehner & Mike Wybrow re flooding in Balhannah

8.3 Public Forum

Nil

9. PRESENTATIONS

Nil

10. QUESTIONS ON NOTICE

Nil

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11. MOTIONS ON NOTICE

Cr Linda Green declared a Material Conflict of Interest in Item 11.1, Flooding in Balhannah, as a relative had their home flooded in the area.
6.59pm Cr Green left the Chamber.

11.1 Flooding in Balhannah

Moved Cr Malcolm Herrmann
S/- Cr Ian Bailey

218/21

That the Acting CEO:

1. **Advises the Chief Executive, Department for Infrastructure and Transport (DIT) of the situation regarding flooding to residents' homes at Junction Road Balhannah opposite the Balhannah Railway Station**
2. **Requests the Chief Executive DIT to take urgent action to ensure that homes are not flooded as result of storm water flowing from DIT land**
3. **Urges the Chief Executive DIT to place a high priority on investment for the remedial works**
4. **Requests the Chief Executive DIT to provide a work schedule for any necessary remedial works**
5. **A copy of all correspondence be referred to the Member for Kavel, Dan Cregan, MP.**

Carried Unanimously

7.16pm Cr Green returned to the Chamber

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12. OFFICER REPORTS – DECISION ITEMS

12.1 General Purpose Financial Statements

Moved Cr Malcolm Herrmann

S/- Cr Leith Mudge

219/21

Council resolves:

1. That the report be received and noted.
2. That, in accordance with Section 127 of the *Local Government Act 1999* and the *Local Government (Financial Management) Regulations 1999*, Council adopts the General Purpose Financial Statements for the financial year ended 30 June 2021.
3. To authorise the Mayor and CEO to sign the General Purpose Financial Statements for the financial year ended 30 June 2021.

Carried Unanimously

12.2 Charleston Cemetery Compulsory Acquisition

Moved Cr Kirsty Parkin

S/- Cr Linda Green

220/21

Council resolves:

1. That the report be received and noted.
2. To revoke the resolution of Council of 22 May 2001, B129.
3. To commence a process to compulsorily acquire, under the *Land Acquisition Act 1969*, the Charleston Cemetery being the land contained in Certificate of Title Volume 5066 Folio 740 located at 36 Newman Road Charleston from The Charleston Cemetery Trust Inc.
4. To continue to manage the Charleston Cemetery on behalf of The Charleston Cemetery Trust Inc in the interim from the date of this resolution until the completion of the land acquisition process.
5. To authorise the Mayor and Chief Executive Officer to undertake all necessary actions, including execution of documents, including under the common seal of Council, to give effect to this resolution.

Carried Unanimously

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12.3 Single Use Plastic MON Response

Moved Cr Chris Grant
S/- Cr Nathan Daniell

221/21

Council resolves:

1. That the report be received and noted
2. That the actions outlined in this report are implemented.

Carried Unanimously

12.4 Development Applications involving Regulated Trees Policy

Moved Cr John Kemp
S/- Cr Leith Mudge

222/21

Council resolves:

1. That the report be received and noted.
2. To revoke the 25 June 2019 Development Applications Involving Regulated Trees Policy and to adopt the draft 26 October 2021 Development Applications Involving Regulated Trees Policy with an effective date of 9 November 2021.

Carried Unanimously

12.5 Draft Bridge Asset Management Plan

Moved Cr Kirsty Parkin
S/- Cr Malcolm Herrmann

223/21

Council resolves:

1. That the report be received and noted.
2. That Council approve the Draft Bridge Asset Management Plan as per *Appendix 3* for community consultation.

Carried

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12.6 Road Land Acquisition portion of Teringie Drive Teringie

This item has been withdrawn from the agenda.

12.7 S221 Permit Redden Drive Cudlee Creek CFS Water Storage Tank

Moved Cr Linda Green

S/- Cr Ian Bailey

224/21

Council resolves:

1. That the report be received and noted.
2. To issue an exclusive road rent permit under section 221 of the *Local Government Act 1999* for a term of thirty (30) years to the SA Country Fire Service for the purpose of installation of a water storage tank for the provision of water for fire fighting purposes.
3. Authorise the Chief Executive to finalise and sign all necessary documentation pursuant to give effect to this resolution.

Carried Unanimously

12.8 Service Review Framework

Moved Cr John Kemp

S/- Cr Leith Mudge

225/21

Council resolves:

1. That the report be received and noted.
2. To adopt the draft *Service Review Framework - draft October 2021* as contained in *Appendix 1*.

Carried Unanimously

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12.9 Policy Adoption Information or Briefing Sessions

Moved Cr John Kemp
S/- Cr Kirrilee Boyd

226/21

Council resolves:

- 1. That the report be received and noted.**
- 2. With an effective date of 9 November 2021, to revoke the 21 April 2020 *Informal Council and Council Committee Gatherings and Discussions Policy* and to adopt the draft 26 October 2021 *Information or Briefing Sessions Policy* as contained in *Appendix 1*.**
- 3. That the Chief Executive Officer be authorised to:**
 - a. Make any formatting, nomenclature or other changes to the draft 26 October 2021 *Information or Briefing Sessions Policy* prior to the effective date and to give effect to any associated resolutions regarding the Policy; and**
 - b. Make any nomenclature or other changes to any other Council policies that refer to informal gatherings or discussions to ensure consistency with the *Information or Briefing Sessions Policy*.**

Carried Unanimously

8.31pm Cr Kirsty Parkin & Cr Mark Osterstock left the Chamber
8.32pm Cr Kirsty Parkin returned to the Chamber
8.33pm Cr Mark Osterstock returned to the Chamber

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12.10 Status Report – Council Resolutions Update

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

227/21

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
27/10/2020	Ordinary Council	224/20	MON Speed Limit Reduction Longwood & Red Hill Roads	None declared
27/10/2020	Ordinary Council	226/20	Memorial Seat for former Cr Bill Gale	None declared
23/03/2021	Ordinary Council	63/21	Sale of Land for Recovery of Debt, Lenswood - Confidential Item	None declared
23/03/2021	Ordinary Council	64/21	Sale of Land for Recovery of Debt, Lenswood - Period of confidentiality	None declared
27/04/2021	Ordinary Council	75/21	Road Closure & Opening adjacent 36 Pioneer Ave Lobethal	None declared
27/07/2021	Ordinary Council	153/21	Support for Road Closures 2021 Adelaide Hills Rally	None declared
24/08/2021	Ordinary Council	176/21	Old Balhannah Railway Station Expression of Interest	None declared
24/08/2021	Ordinary Council	180/21	Black Summer Bushfire Recovery Grants	None declared
28/09/2021	Ordinary Council	198/21	Petition - Traffic Speed Review Woolcock Road Longwood	None declared
28/09/2021	Ordinary Council	199/21	MON - Letter of Thanks to retiring Gov Hieu Van Le AC	None declared
28/09/2021	Ordinary Council	201/21	MON - Torrens Valley Road Speed Limit	None declared
28/09/2021	Ordinary Council	206/21	2021-2022 Australian Government Black Spot Program - Funding Deeds	None declared

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28/09/2021	Ordinary Council	208/21	Policy Adoption - Privately Funded (Council-led) Code Amendments	None declared
28/09/2021	Ordinary Council	209/21	Policy Review - Mayor Seeking Legal Advice	None declared
28/09/2021	Ordinary Council	210/21	Policy Review - Directional Signage	None declared
28/09/2021	Ordinary Council	211/21	Policy Review - Street Lighting	None declared

Carried Unanimously

13. OFFICER REPORTS - INFORMATION ITEMS

13.1 Disability Access & Inclusion Plan Annual Progress Report

Moved Cr Mark Osterstock
S/- Cr John Kemp

228/21

Council resolves that the report be received and noted.

Carried Unanimously

13.2 Quarterly Performance Report Q1

Moved Cr Leith Mudge
S/- Cr Linda Green

229/21

Council resolves that the report be received and noted.

Carried Unanimously

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13.2.1 Short Adjournment of Meeting

**Moved Cr Nathan Daniell
S/- Cr Ian Bailey**

230/21

Council resolves to have a short adjournment at 8.40pm.

Carried Unanimously

8.50pm The Council meeting resumed

14. QUESTIONS WITHOUT NOTICE

Cr Kirsty Parkin – Recycled Material
Cr Malcolm Herrmann – Amy Gillett Bikeway
Cr Leith Mudge – Audit Committee Independent Members
Cr Chris Grant – Electric Vehicles for fleet
Cr Mark Osterstock – Aldgate Park'n'Ride

15. MOTIONS WITHOUT NOTICE

Nil

16. REPORTS

16.1 Council Member Function or Activity on the Business of Council

Mayor Jan-Claire Wisdom

- 18 October, meeting with resident re RSL Remembrance Day service
- 18 October, Filming for Council Waste video series, Stirling
- 20 October, Town Hall meeting with Premier Marshall re veterans affairs, Adelaide
- 25 October, meeting with Heathfield resident re wastewater issues

Media:

- SATAG pre-recorded video for Public Transport Forum
- Advertiser re Stirling Police Station
- Courier re local MP for Kavel, Dan Cregan, leaving Liberal Party

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Cr Malcolm Herrmann

- 1 October, Memorial Park 70th Anniversary, Kenton Valley
- 11 October, Community Association, Mount Torrens
- 11 October, RSL sub branch, Gumeracha
- 17 October, Gumeracha Main Street AGM, Gumeracha
- 20 October, Remembrance Day preparation, Gumeracha
- 21 October, Resilience Group, Gumeracha
- 24 October, Houghton Fair, Houghton

Cr Leith Mudge

- 11 October, SATAG Adelaide Hills Transport Forum, Wallis Cinema, Mt Barker

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

Mayor Jan-Claire Wisdom

- 22 October, SHLGA Board meeting, Adelaide Hills Council

Cr Malcolm Herrmann

- 21 October, GRFMA, Adelaide Plains Council Mallala

16.3 CEO Report

David Waters, Acting CEO, provided Council with a verbal Corporate Update (full details available at www.ahc.sa.gov.au).

- Lobethal Bushland Park Playspace work commenced
- Heathfield High School courts redevelopment
- Gumeracha Main Street landscaping and paving underway
- Stirling to Crafers bikeway completed
- Transport Forum scope study meeting
- 100% completed Work Health & Safety Action Plan
- Suicide Prevention Network Forums in Adelaide Hills Council
- Quarterly Rates Notices emailed and posted

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17. REPORTS OF COMMITTEES

17.1 Council Assessment Panel – Special Meeting 22 September 2021

Moved Cr John Kemp
S/- Cr Mark Osterstock

231/21

That the minutes of the Council Assessment Panel special meeting of 22 September 2021 as distributed, be received and noted.

Carried Unanimously

17.2 Council Assessment Panel – Meeting 13 October 2021

Moved Cr Mark Osterstock
S/- Cr Kirsty Parkin

232/21

That the minutes of the Council Assessment Panel meeting of 13 October 2021 as distributed, be received and noted.

Carried Unanimously

17.3 Audit Committee – 18 October 2021

Moved Cr Malcolm Herrmann
S/- Cr Leith Mudge

233/21

That the minutes of the Audit Committee of 18 October 2021 as distributed, be received and noted.

Carried Unanimously

17.4 CEO Performance Review Panel

No meeting held

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18. CONFIDENTIAL ITEMS

With approval of the meeting Item 18.2 was brought forward on the agenda.

18.2 Ashton Landfill – Exclusion of the Public

Moved Cr Ian Bailey

S/- Cr Chris Grant

234/21

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

- Acting Chief Executive Officer, David Waters
- Acting Director Community Capacity, Jennifer Blake
- Director Corporate Services, Terry Crackett
- Acting Director Development & Regulatory Services, Melissa Bright
- Executive Manager Governance & Performance, Lachlan Miller
- Corporate Planning & Performance Coordinator, Kira Laverty
- Manager Sustainability, Waste and Emergency Management, John McArthur
- Stephen Williams, NormanWaterhouse Lawyers
- Minute Secretary, Pam Williams

be excluded from attendance at the meeting for Agenda Item 18.2: (Ashton Landfill) 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 will take place, involving the council or an employee of the council the disclosure of which could reasonably be expected to prejudice the legal position of the council in relation to the Ashton Landfill.

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

9.15pm Stephen Williams, NormanWaterhouse Lawyers, attended the Council meeting

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18.2.1 Ashton Landfill – Confidential Item

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18.2.2 Ashton Landfill – Period of Confidentiality

Moved Cr Malcolm Herrmann
S/- Cr Nathan Daniell

236/21

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 18.2 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 26 October 2024.

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

Carried Unanimously

18.1 Electricity Procurement Legal Matter – Exclusion of the Public

Moved Cr Linda Green
S/- Cr Kirrilee Boyd

237/21

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

- Acting Chief Executive Officer, David Waters
- Acting Director Community Capacity, Jennifer Blake
- Director Corporate Services, Terry Crackett
- Acting Director Development & Regulatory Services, Melissa Bright
- Executive Manager Governance & Performance, Lachlan Miller
- Minute Secretary, Pam Williams

be excluded from attendance at the meeting for Agenda Item 18.1: TTEG Claim 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)(h) of the *Local Government Act 1999*, the information to be received, discussed or considered in relation to this Agenda Item is legal advice the disclosure of which could reasonably be expected to prejudice Council's position in future legal proceedings.

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

Carried Unanimously

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18.1.1 Electricity Procurement Legal Matter – Confidential Item

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18.1.2 Electricity Procurement - Legal Matter – Period of Confidentiality

Moved Cr Mark Osterstock
S/- Cr Kirsty Parkin

239/21

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)(h) 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 matter is determined, but not longer than 26 October 2022.

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

Carried Unanimously

18.2 Ashton Landfill – Exclusion of the Public

This item was considered earlier in the meeting.

19. NEXT ORDINARY MEETING

The next ordinary meeting of the Adelaide Hills Council will be held on Tuesday 23 November 2021 from 6.30pm at 63 Mt Barker Road, Stirling.

20. CLOSE MEETING

The meeting closed at 9.45am.