

**ADELAIDE HILLS COUNCIL
MINUTES OF ORDINARY COUNCIL MEETING
TUESDAY 28 JUNE 2022
63 MT BARKER ROAD STIRLING**

In Attendance

Presiding Member: Acting Mayor Cr Nathan Daniell

Members:

Councillor Ian Bailey
Councillor Kirrilee Boyd
Councillor Chris Grant
Councillor Linda Green (6.37pm)
Councillor Malcolm Herrmann
Councillor Leith Mudge
Councillor Mark Osterstock
Councillor Kirsty Parkin

In Attendance:

Andrew Aitken	Chief Executive Officer
Peter Bice	Director Infrastructure & Operations
Melissa Bright	A/Director Development & Regulatory Services
David Waters	Director Community Capacity
Lachlan Miller	Executive Manager Governance & Performance
John McArthur	Manager Sustainability Waste & Emergency Management
Rebecca Shepherd	Manager Community Development
Mike Carey	Manager Financial Services
Natalie Westover	Manager Property Services
Jennifer Blake	Manager Communications Engagement & Events
James Szabo	Senior Strategic & Policy Planner
Paul Day	Coordinator Property Projects & Maintenance
Melinda Rankin	Arts & Heritage Hub Director
Kira-Marie Laverty	Corporate Planning & Performance Coordinator
Pam Williams	Minute Secretary

1. COMMENCEMENT

The meeting commenced at 6.30pm.

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.

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3. Apology

Mayor Jan-Claire Wisdom
Cr Andrew Stratford
Cr Pauline Gill
Cr John Kemp

3.1 Leave of Absence

Moved Cr Leith Mudge
S/- Cr Chris Grant

147/22

- 1 That a Leave of Absence from all duties of office be granted to Cr Mark Osterstock from 15 July to 23 July 2022.
- 2 That a Leave of Absence from all duties of office be granted to Cr Ian Bailey from 4 July to 15 July 2022.
- 3 That any committee, panel or advisory group membership currently held by Cr Mark Osterstock and Cr Ian Bailey be undertaken by the Deputy during the leave of absence.

Carried Unanimously

3.2 Absent

Nil

4. MINUTES OF PREVIOUS MEETINGS**4.1 Council Meeting – 24 May 2022**

Moved Cr Malcolm Herrmann
S/- Cr Mark Osterstock

148/22

That the minutes of the Ordinary Council meeting held on 24 May 2022 as supplied, be confirmed as an accurate record of the proceedings of that meeting.

Carried Unanimously

4.2 Special Council Meeting – 14 June 2022

Moved Cr Malcolm Herrmann
S/- Cr Mark Osterstock

149/22

That the minutes of the Special Council meeting held on 14 June 2022 as supplied, be confirmed as an accurate record of the proceedings of that meeting.

Carried Unanimously

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5. DECLARATION OF CONFLICT OF INTEREST BY MEMBERS OF COUNCIL

Nil (declarations were made against specific agenda items)

6. PRESIDING MEMBER'S OPENING REMARKS

Acting Mayor Nathan Daniell welcomed everyone to the meeting.

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

Nil

8.3 Public Forum

Nil

9. PRESENTATIONS

Rob Gregory, East Waste – CONFIDENTIAL (considered later in the meeting in conjunction with Item 18.4)

10. QUESTIONS ON NOTICE

Nil

6.37pm Cr Linda Green attended the meeting

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11. MOTIONS ON NOTICE**11.1 Naming of Parks & Reserves**

Moved Cr Malcolm Herrmann
S/- Cr Ian Bailey

150/22

That the CEO:

1. Identifies which parcels of council owned/managed Parks and Reserves (or other suitable land) included on the Community Land Register which do not have a formally assigned name;
2. Subject to the findings of 1, prepares an estimate of costs for the installation of signs together with program for installations over, say, a ten or more year period.
3. Advises how the assignment of European names and Aboriginal names can be installed concurrently to achieve economies of scale.
4. Prepares a report for consideration by the Council by 31 October 2022.

Carried Unanimously

12. OFFICER REPORTS – DECISION ITEMS**12.1 Draft Hut Community Centre Inc Funding Agreement 2022**

Moved Cr Leith Mudge
S/- Cr Chris Grant

151/22

Council resolves:

1. That the report be received and noted.
2. That the draft funding agreement with The Hut Community Centre Inc. as contained in *Appendix 1*, be approved.
3. That the Chief Executive Officer is authorised to make minor amendments to the draft funding agreement not affecting the substance or intent, should it be necessary to finalise terms satisfactory to both parties.
4. That the Chief Executive Officer is authorised to execute the final agreement for and on behalf of the Council.

Carried Unanimously

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12.2 Annual Business Plan 2022-23 for Adoption

Moved Cr Linda Green

S/- Cr Leith Mudge

152/22

Council resolves:

1. That the report be received and noted
 - a. Pursuant to and in accordance with section 123(6) of the *Local Government Act 1999* and Regulation 6 of the *Local Government (Financial Management) Regulations 2011* and having considered all submissions and consultation feedback received, the Annual Business Plan (*Appendix 1*) as laid amended before Council for the financial year ending 30 June 2023, be adopted.
- 1.2 Pursuant to and in accordance with section 123(7) of the *Local Government Act 1999* and Regulation 7 of the *Local Government (Financial Management) Regulations 2011*, having considered the Budget in conjunction with, and determined the Budget to be consistent with, the Council's Annual Business Plan, the Budget for the financial year ending 30 June 2023, as laid before the Council at this meeting, be adopted.
- 1.3 Determination and Adoption of Valuations – 2022-23
 - 1.3.1 Rates assessed on rateable land in the area of the Council will be based on the capital value of land for all rateable land.
 - 1.3.2 Pursuant to section 167(2)(a) of the *Local Government Act 1999* the most recent valuations of the Valuer General available to the Council of the capital value of land within the Council area, be adopted for rating purposes for the financial year ending 30 June 2023, totalling \$13,641,908,780.
- 1.4 Determination of Basis for Differential Rating

Having taken into account the general principles of rating contained in section 150 of the *Local Government Act 1999* and the requirements of section 153(2) of the *Local Government Act 1999*, and in order to raise the amount as per paragraph 1.2, pursuant to section 152(1)(c) of the Act the Council declares that general rates for the financial year ending 30 June 2023 will consist of two components:

 1. one being based on the value of the land; and
 2. the other being a fixed charge

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Pursuant to sections 153(1)(b) and 156(1)(a) of the *Local Government Act 1999* the Council declares the following differential general rates for the financial year ending 30 June 2023 on rateable property within the Council area, based upon the capital value of the land and varying according to land use categories in accordance with Regulation 14 of the *Local Government (General) Regulations 2013*:

1.4.1 on rateable land assigned category (a), (g), (h) & (i) (Residential, Primary Production, Vacant and Other), a rate of 0.2135 cents in the dollar of the capital value of such land;

1.4.2 on rateable land assigned category (b), (c), (d), (e) and (f) (Commercial – Shop, Office and Other and Industrial – Light and Other) a rate of 0.2455 cents in the dollar of the capital value of such land.

1.5 Declaration of General Rates – Annual Fixed Charge

Pursuant to section 152(1)(c)(ii) of the *Local Government Act 1999*, the Council declares a fixed charge of \$733 in respect of all rateable land in the Council area for the financial year ending 30 June 2023.

1.6 Imposition of Regional Landscape Levy

In accordance with section 69 of the *Landscape South Australia Act 2019*, and section 154 of the *Local Government Act 1999*, in order to reimburse the Council the amount contributed to the Hills and Fleurieu Regional Landscape Board, the Council declares the following separate rates based upon the capital value of rateable land for the financial year ending 30 June 2023:

1.6.1 0.008482 cents in the dollar on all rateable land in the Council area and in the area of Hills & Fleurieu Regional Landscape Levy;

1.7 Annual Service Charge

Pursuant to section 155 of the *Local Government Act 1999*, for the financial year ending 30 June 2023 the Council imposes the following annual service charges based on the nature of the service and the level of usage of the service:

1.7.1 In respect of all land to which the Council provides or makes available the prescribed services known as:

- the Woodside Community Wastewater Management System
- the Woodside Extension Community Wastewater Management System
- the Birdwood and Mt Torrens Community Wastewater Management System
- the Kersbrook Township Community Wastewater Management System
- the Charleston Community Wastewater Management System
- the Verdun Community Wastewater Management System
- the Mt Lofty Ward Community Wastewater Management System

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an annual service charge of \$826 in respect of land which is occupied and an annual service charge of \$415 in respect of land which is vacant.

1.8 Rate Cap and Rebates

1.8.1 Rate Cap (General Rates Maximum Increase for Principal Place of Residence)

That for the year ending 30 June 2023 pursuant to section 153(3) of the Local Government Act 1999 the Council will not fix a maximum increase in the general rate to be charged on any rateable land that constitutes the principal place of residence of a principal ratepayer.

1.8.2 Primary Production Rebate

Pursuant to section 166(1)(b) of the Local Government Act 1999, Council continues to offer, for the year ending 30 June 2023, upon application, a discretionary Primary Production Rebate of 10% on the differential primary production general rate to those ratepayers in the business of primary production who do not have a notional capital value assessment of their property and who have applied for and been granted this rebate in any of the last three (3) rating years, namely 2019-20, 2020-21 and/or the 2021-22 rating year.

1.8.3 Revaluation Relief Rebate

Council has determined, pursuant to section 166(1)(l)(ii) of the Local Government Act 1999 to provide a discretionary rebate for the purposes of fixing a maximum increase in general rates to be charged on all rateable land excluding the vacant land use within its area to be applied by the Council either on its own initiative where Council considers that the ratepayer meets the eligibility criteria or by application from the ratepayer, in circumstances where:

- the general rates payable for the financial year ending 30 June 2023 exceed the general rates paid in the previous financial year by 15% or more

and where the increase in general rates is not as a result of:

- (i) improvements made to the property worth more than \$20,000, unless the ratepayer is located within the December 2019 Cudlee Creek bushfire scar or the January 2021 Cherry Gardens Bushfire Scar as determined by Council; or
- (ii) a change to the land use of the property; or
- (iii) a change in ownership (unless a family transfer) of the rateable property

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the amount of any cap being the difference between the amount of general rates in monetary terms (before any rebate was applied) imposed for the 2022-23 financial year and the amount of general rates in monetary terms (before any rebate was applied) for the 2021-22 financial year plus 15% of those rates.

1.9 Separate Rates

Declaration of Separate rate – Stirling Business Separate Rate

1.9.1 Pursuant to section 154 of the Local Government Act 1999 for the financial year ending 30 June 2023 in order to raise the amount of \$95,000 to carry out the activity of promoting and enhancing business viability, profitability, trade and commerce in that part of the Council's area comprising rateable land within the precinct known as the District Centre (Stirling) Zone and businesses fronting both sides of Mt Barker Road east of the District Centre (Stirling) Zone to Pine Street, excluding land attributed a land use category 1 (residential) and government owned land, the Council declares a differential separate rate of 0.0793 cents in the dollar on all other land uses based on the capital value of the rateable land within that part of the Council area.

1.9.2 In exercise of the powers contained in section 158(1)(a) of the Local Government Act 1999 the minimum amount that is payable by way of the Stirling Business separate rate is \$297 (affecting all properties within the area to which the separate rate applies where the capital value is below \$374,525).

1.9.3 In exercise of the powers contained in section 158(1)(b) of the Local Government Act 1999 the amount that would otherwise be payable by way of rates in respect of the Stirling Business separate rate is altered by fixing the maximum amount of the separate rate payable at \$2,657 (affecting all properties within the area to which this separate rate applies where the capital value is in excess of \$3,350,570).

1.10 Payment of Rates

1.10.1 That pursuant to the provisions of section 181 of the Local Government Act 1999, the above rates including charges which have been imposed for the financial year ending 30 June 2023 are payable by four equal (or approximately equal) quarterly instalments (unless otherwise agreed with the principal ratepayer), falling due on 1 September and 1 December 2022 and 1 March and 1 June 2023.

1.10.2 In exercise of the powers contained in section 44 of the Local Government Act 1999, the Council delegates to the Chief Executive Officer the power pursuant to section 181(4)(b) of the Local Government Act 1999, to enter into agreements with principal ratepayers relating to the payment of rates in any case of hardship or financial difficulty.

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1.11 Adoption of Rating Policy

1.11.1 With an effective date of 1 July 2022, to revoke the 2021-22 Rating Policy and adopt the Rating Policy, in Appendix 2 of the 2022-23 Annual Business Plan in Appendix 1 of this report.

1.11.2 That the Chief Executive Officer, or delegate, be authorised to make any formatting, nomenclature or other minor changes to the Policy prior to the effective date.

1.12 Borrowings

Council resolves to:

1.12.1 borrow the sum up to \$7.8m for the purpose of funding the 2022-23 Budget.

1.12.2 authorise the Chief Executive to negotiate and agree the interest rate and any terms and conditions of the above borrowing arrangements in accordance with the Treasury Policy as adopted by Council.

1.12.3 authorise the Chief Executive to negotiate and agree a new Convertible Cash Advance Debenture (CAD) facility to replace existing arrangements and any terms and conditions of the above borrowing arrangements in accordance with the Treasury Policy as adopted by Council

1.12.4 authorise the affixation of the common seal as necessary to give effect to Council's resolutions in this matter and that this be undertaken by the Mayor and the Chief Executive Officer.

2. That the CEO be authorised to:

- a. Make any formatting, nomenclature or other minor changes to the Plan prior to being released for publication and**
- b. Determine the publishing timings, processes and related media promotion while ensuring consistency and compliance with the provisions of applicable legislation.**

Carried Unanimously

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12.3 Adoption of Fees & Charges 2022-23

Moved Cr Malcolm Herrmann

S/- Cr Chris Grant

153/22

Council resolves:

1. That the report be received and noted.
2. To adopt the 2022-23 Fees and Charges Schedule included at *Appendix 1* to apply on and from 1 July 2022.
3. Council notes that any statutory fees will be included on the Fees and Charges Schedule available for public inspection subsequent to being gazetted.

Carried Unanimously

With Leave of the meeting Confidential Item 18.4 East Waste Charter Amendment was brought forward to this point in the meeting.

RELEASED 19 SEPTEMBER 2022

18.4 East Waste Charter Amendment – Exclusion of the Public

Moved Cr Chris Grant

S/- Cr Ian Bailey

154/22

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 Community Capacity, David Waters
- Director Corporate Services, Terry Crackett
- Acting Director Development & Regulatory Services, Melissa Bright
- Director Infrastructure & Operations, Peter Bice
- Executive Manager Governance & Performance, Lachlan Miller
- Manager Sustainability, Waste & Emergency Management, John McArthur
- General Manager East Waste, Rob Gregory
- Corporate Planning & Performance Coordinator, Kira-Marie Laverty
- Minute Secretary, Pam Williams

be excluded from attendance at the meeting for Agenda Item 18.4: (East Waste Charter Amendment) 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)(k) of the *Local Government Act 1999*, the information to be received, discussed or considered in relation to this Agenda Item is information relating to tenders for the supply of goods, the provision of services or the carrying out of works the disclosure of which could reasonably be expected to prejudice the commercial position of the person/agency/business who supplied the information by disclosing specific quotes and modelling by the tenderer

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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East Waste General Manager, Rob Gregory, addressed Council with a presentation.

RELEASED 19 SEPTEMBER 2022

18.4.1 East Waste Charter Amendment – Confidential item

Moved Cr Mark Osterstock
S/- Cr Leith Mudge

155/22

Council resolves:

1. That the report be received and noted
2. Endorses the City of Unley becoming a Constituent Council of the Eastern Waste Management Authority, acknowledging the financial, strategic and operational benefits that will be realised, as identified in the independent Business Case Analysis
3. Endorses the proposed amendments to the Eastern Waste Management Authority Charter to facilitate the City of Unley becoming a Constituent Council, namely inclusion of the City of Unley as a Constituent Council and the consequent amendments to the definition of 'Constituent Council' and to Clause 21.1, to increase the number of Directors from eight (8) to nine (9)
4. Endorses the revision of Constituent Council shares consequent upon the membership of the City of Unley so that each Council will, from the date of Gazettal of the amended Charter, have a 12.5% equity share in the Eastern Waste Management Authority
5. Notes that the above decisions are subject to the City of Unley obtaining Ministerial approval to become a Constituent Council of the Eastern Waste Management Authority
6. Supports and endorses all other amendments proposed by the East Waste Board to the Eastern Waste Management Authority Charter as shown in Attachment 1 as part of the prescribed Charter review

Carried unanimously

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RELEASED 19 SEPTEMBER 2022

18.4.2 East Waste Charter Amendment – Duration of Confidentiality

Moved Cr Ian Bailey
S/- Cr Kirsty Parkin

156/22

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 18.4 in confidence under sections 90(2) and 90(3)(k) 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* to retain the Items in confidence as detailed in the Duration of Confidentiality Table below:

Item	Duration of Confidentiality NB: Item to be reviewed every 12 months if not released
Report	30 June 2024
Related Attachments	30 June 2024
Minutes	30 June 2024
Other (presentation, documents, or similar)	30 June 2024

Carried unanimously

Under Section 75A of the *Local Government Act 1999* Cr Linda Green disclosed a Perceived Conflict of Interest in Item 12.4, as she knows the owner. Cr Linda Green intends to participate in discussions and vote when this item is discussed.

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12.4 Revocation of Community Land Classification – Closed Roads Mt Torrens & Norton Summit

Moved Cr Malcolm Herrmann

S/- Cr Kirsty Parkin

157/22

Council resolves:

1. That the report be received and noted
2. A report be prepared and submitted to the Minister for Planning seeking approval for the revocation of the community land classification of the land identified as:
 - a. Closed Road AA in Road Plan No. 2142 contained in Certificate of Title Volume 6261 Folio 496 located at Mount Torrens (*Appendix 1*)
 - b. Closed Road AB in Road Plan No. 1573 contained in Certificate of Title Volume 6261 Folio 497 located at Norton Summit (*Appendix 1*)

Carried

Councillor Linda Green voted in favour of the motion. The majority of persons who were entitled to vote at the meeting voted in favour of the motion.

7.50pm Cr Osterstock left the Chamber

12.5 Motion on Notice Response – Natural Burials

7.54pm Cr Osterstock returned to the Chamber

Moved Cr Malcolm Herrmann

S/- Cr Leith Mudge

158/22

Council resolves:

1. That the report be received and noted
2. To endorse the proposal to establish a natural burial ground within the Kersbrook Cemetery site
3. That, prior to the opening of the Kersbrook natural burial ground for burials, the Cemetery Operating Policy be updated to include provisions for natural burials and presented to Council for adoption.

Carried Unanimously

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Under Section 74 of the *Local Government Act 1999* Cr Chris Grant disclosed a Material Conflict of Interest in Item 12.6, as he grows and sells organic primary produce and the policy relates to genetically modified crops which could affect his income.

7.55pm Cr Chris Grant left the Chamber

Under Section 74 of the *Local Government Act 1999* Cr Linda Green disclosed a Material Conflict of Interest in Item 12.6, as she is joint owner of a property and a trainer for a spraying company.

7.57pm Cr Linda Green left the Chamber

12.6 Policy Review – Genetically Modified Crops

**Moved Cr Kirrilee Boyd
S/- Cr Kirsty Parkin**

159/22

Council resolves:

- 1. That the report be received and noted.**
- 2. With an effective date of 12 July 2022, to revoke the 7 January 2019 *Genetically Modified Crops Policy* and to adopt the revised 28 June 2022 *Genetically Modified Crops Policy (draft)* as per *Appendix 1*.**
- 3. That the Chief Executive Officer be authorised to make any formatting, nomenclature or other minor changes to the *Genetically Modified Crops Policy (draft)* prior to the effective date.**

Carried Unanimously

8.01pm Cr Linda Green & Cr Chris Grant returned to the Chamber.

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12.7 Policy Review – Flags

Moved Cr Kirsty Parkin

S/- Cr Linda Green

160/22

1. That the report be received and noted
2. That with an effective date of 12 July 2022 to revoke the 24 July 2018 Flags Policy and adopt the June 2022 Flags Policy contained in Appendix 1.
3. That the Chief Executive Officer be authorised to make minor content, grammatical and formatting amendments to the Flags Policy prior to the effective date of adoption.

Carried Unanimously

12.8 Status Report – Council Resolutions Update

Moved Cr Mark Osterstock

S/- Cr Ian Bailey

161/22

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
7/05/2019	Special Council	94/19	Stonehenge Reserve Masterplan Update and Findings from Consultation	Nil
27/07/2021	Ordinary Council	167/21	46 Mt Barker Road Stirling - Old Stirling Police Station	Material - Cr Mark Osterstock
28/09/2021	Ordinary Council	205/21	Roadside Trading Policy for Community Consultation	Actual - Cr Kirrilee Boyd
14/12/2021	Ordinary Council	276/21	Trails & Cycling Routes Framework - Draft Service Levels and Guidelines for consultation	Nil

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Meeting Date	Meeting	Res No.	Item Name	Previously Declared COI
25/01/2022	Ordinary Council	16/22	MWN Fire Hydrants and Fire Plugs	Nil
15/2/22	Special Council	22/22	MON Longwood Road Heathfield rep submission	Perceived – Cr John Kemp Actual – Cr Leith Mudge
22/03/2022	Ordinary Council	50/22	S221 Permit 63 Waverley Ridge Road Crafers West	Nil
22/03/2022	Ordinary Council	77/22	MWN Letter of Congratulations to new Premier Peter Malinauskas	Nil
22/04/2022	Ordinary Council	54/22	Libraries Strategy	Nil
26/04/22	Council	94/22	Lobethal Bushland Park	Nil
26/04/22	Council	96/22	CAP Terms of Reference	Nil
26/04/2022	Ordinary Council	100/22	Policy Review - Tributes for Commemorative Services	Nil
26/04/22	Council	106/22	Appointment of CAP Independent Members	Nil
26/04/2022	Ordinary Council	109/22	Appointment of AHRWMA Chair	Nil
26/04/2022	Ordinary Council	110/22	Appointment of AHRWMA Chair - duration of confidentiality	Nil
26/04/2022	Ordinary Council	88/22	MON Gumeracha Soldiers Memorial Hospital Emergency Department	Nil
26/04/2022	Ordinary Council	90/22	Trails and Cycling Routes Framework	Nil

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26/04/2022	Ordinary Council	84/22	GRFMA Annual Business Plan 2022-2023	Nil
3/05/2022	Special Council	111/22	Draft 2022-23 Annual Business Plan for Consultation	Nil
17/05/2022	Special Council	112/22	SHLGA Draft 22-23 Budget and Member Contributions	Nil
17/05/2022	Special Council	116/22	Appointment of Consultant to undertake CEO Performance & Remuneration Reviews	Nil
17/05/2022	Special Council	117/22	Appointment of Consultant to undertake CEO Performance & Remuneration Reviews	Nil
24/05/2022	Ordinary Council	121/22	Fenced Dog park for Woodside	Nil
24/05/22	Council	123/22	Budget Review Committee	Nil
24/05/2022	Ordinary Council	125/22	Libraries Strategy	Nil
24/05/2022	Ordinary Council	126/22	Policy Review - Roadside Trading	Nil
24/05/2022	Ordinary Council	129/22	Policy Review - Community Group use of Photocopiers	Nil
24/05/2022	Ordinary Council	130/22	Policy Review - Community Information Display	Nil
24/05/2022	Ordinary Council	131/22	Policy Review – Buffers	Nil

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Meeting Date	Meeting	Res No.	Item Name	Previously Declared COI
24/05/2022	Ordinary Council	132/22	Mayor's Attendance at NGA Canberra	Perceived - Mayor Jan-Claire Wisdom
24/05/2022	Ordinary Council	134/22	Policy Review - Internal Audit	Nil
24/05/2022	Ordinary Council	135/22	Policy Review - Prudential Management	Nil
24/05/2022	Ordinary Council	136/22	Policy Review - Risk Management	Nil
24/05/2022	Ordinary Council	138/22	Confidential Items Review	Nil
24/05/2022	Ordinary Council	141/22	Congratulations to new PM	Nil
25/05/2022	Ordinary Council	128/22	Budget Review 3	Nil
14/06/2022	Special Council	143/22	Annual Business Plan Consultation Results	Nil
14/06/2022	Special Council	144/22	Annual Business Plan Consultation Results - Additional	Material - Cr John Kemp
14/06/2022	Special Council	146/22	AHRWMA Board Member Appointments	Perceived - Cr Ian Bailey

Carried Unanimously

13. OFFICER REPORTS - INFORMATION ITEMS

13.1 2022-23 Discretionary Rates Rebate Report

Moved Cr Leith Mudge
S/- Cr Chris Grant

162/22

Council resolves that the report be received and noted.

Carried Unanimously

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14. QUESTIONS WITHOUT NOTICE

Cr Malcolm Herrmann – progress of Amy Gillett Bikeway, Gumeracha Hospital Emergency Department progress
 Cr Chris Grant – clean up of property at Lenswood
 Cr Mark Osterstock – cost of clean up of properties

15. MOTIONS WITHOUT NOTICE

Nil

16. Council Member Function or Activity on the Business of Council**Mayor Jan-Claire Wisdom**

- 29 May, Gumeracha market, Gumeracha
- 30 May, Citizenship ceremony, Stirling
- 19 June, Australian Regional Local Government Forum, Canberra
- 20-22 June, National General Assembly of Local Government, Canberra

Cr Kirsty Parkin

- 25 June, ReVeg Festival, Woodside

16.1 Reports of Members as Council/Committee Representatives on External Organisations**Mayor Jan-Claire Wisdom**

- 26 May, GAROC Climate Change Forum, Adelaide

Executive Manager Governance & Performance, Lachlan Miller

- 24 June, S&HLGA Board Meeting, Victor Harbor

16.2 CEO Report

Andrew Aitken, CEO, provided Council with a verbal Corporate Update, available via www.ahc.sa.gov.au, including:

- Bridgewater Oval Stormwater upgrade
- Heathfield Oval project
- Woodside stormwater, bus stop disability access
- Crafers Pocket Park
- Yarrabee Road Playspace upgrade
- Footpath renewals, road grading
- Amy Gillett pathways amenities and signage Oakbank & Charleston
- Street sweeping program
- Burning permits

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17. REPORTS OF COMMITTEES

17.1 Council Assessment Panel – 8 June 2022

Moved Cr Linda Green
S/- Cr Leith Mudge

163/22

That the minutes of the Council Assessment Panel meeting of 8 June 2022 as distributed, be received and noted.

Carried unanimously

17.2 Audit Committee – 23 May 2022

Moved Cr Malcolm Herrmann
S/- Cr Leith Mudge

164/22

That the minutes of the Audit Committee meeting 23 May 2022 as distributed, be received and noted.

Carried unanimously

17.3 CEO Performance Review Panel

Nil

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18. CONFIDENTIAL ITEMS

18.1 Warren Road Birdwood Blackspot – Exclusion of the Public

Moved Cr Chris Grant
S/- Cr Kirsty Parkin

165/22

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 Community Capacity, David Waters
- Director Corporate Services, Terry Crackett
- A/Director Development & Regulatory Services, Mel Bright
- Director Infrastructure & Operations, Peter Bice
- Executive Manager Governance & Performance, Lachlan Miller
- Manager Civil Services, Ashley Curtis
- Manager Property Services, Natalie Westover
- Corporate Planning & Performance Coordinator, Kira-Marie Laverty
- Minute Secretary, Pam Williams

be excluded from attendance at the meeting for Agenda Item 18.1: (Warren Road Blackspot Land Acquisition) 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)(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) the disclosure of which –

- (i) could reasonably be expected to prejudice the commercial position of the person who supplied the information, or to confer a commercial advantage on a third party; and
- (ii) would, on balance, be contrary to the public interest;

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 Warren Road Birdwood Blackspot – Confidential item

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18.1.2 Warren Road Birdwood Blackspot – Duration of Confidentiality

Moved Cr Ian Bailey
S/- Cr Chris Grant

167/22

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)(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* to retain the Items in confidence as detailed in the Duration of Confidentiality Table below:

Item	Duration of Confidentiality NB: Item to be reviewed every 12 months if not released
Report	Until all resolutions are executed, but not longer than 28 June 2023
Related Attachments	Until all resolutions are executed, but not longer than 28 June 2023
Minutes	Until all resolutions are executed, but not longer than 28 June 2023

Carried unanimously

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RELEASED 16 SEPTEMBER 2022

18.2 Santos Tour Down Under Event Opportunity – Exclusion of the Public

Moved Cr Chris Grant

S/- Cr Ian Bailey

168/22

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 Community Capacity, David Waters
- Director Corporate Services, Terry Crackett
- Acting Director Development & Regulatory Services, Melissa Bright
- Director Infrastructure & Operations, Peter Bice
- Executive Manager Governance & Performance, Lachlan Miller
- Manager Communications, Engagement & Events, Jennifer Blake
- Manager Property Services, Natalie Westover
- Corporate Planning & Performance Coordinator, Kira-Marie Laverty
- Minute Secretary, Pam Williams

be excluded from attendance at the meeting for Agenda Item 18.2: (Event Opportunity – Santos Tour Down Under 2023) 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)(j) 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 –

- (i) would divulge information provided on a confidential basis by or to a Minister of the Crown, or another public authority or official (not being an employee of the council, or a person engaged by the council); and
- (ii) would, on balance, be contrary to the public interest.

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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RELEASED 16 SEPTEMBER 2022

18.2.1 Santos Tour Down Under Event Opportunity – Confidential Item

Moved Cr Linda Green
S/- Cr Leith Mudge

169/22

Council resolves:

1. That the report be received and noted.
2. That in respect to the 2023 Santos Tour Down Under, to accept the offer by the South Australian Tourism Commission for the Council to host the:
 - Stage 5 finish on Mount Lofty on Sunday 22 January 2023

for a total consideration of no more than \$25,000 plus GST, to be paid by the Council.
3. That in respect to the 2023 Santos Women's Tour Down Under, the Chief Executive Officer be authorised to accept any proposal by the South Australian Tourism Commission to host stage starts and / or finishes if they are offered.
4. That the Chief Executive Officer be authorised to act for and on behalf of the Council to execute any contracts or other documents required to progress the matter.
5. That the Chief Executive Officer be authorised to consider and negotiate any changes to stage hosting details, including but not limited to start and finish locations and event dates, so long as the licence fee remains within the amount outlined above.
6. That the Council notes that the Chief Executive Officer will act pursuant to the delegation provided to him in respect to considering and providing consent for road closures associated with the 2023 Santos Tour Down Under, the 2023 Santos Women's Tour Down Under and any other ancillary events, pursuant to Section 33 of the *Road Traffic Act 1961*.
7. That the CEO may choose not to exercise his delegation and to seek further understanding from SATC on the final road closure arrangements and the impact on residents. The administration may then present a report to Council and seek direction.

Carried unanimously

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RELEASED 16 SEPTEMBER 2022

18.2.2 Santos Tour Down Under Event Opportunity – Duration of Confidentiality

Moved Cr Mark Osterstock
S/- Cr Chris Grant

170/22

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) (j) 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* to retain the Items in confidence as detailed in the Duration of Confidentiality Table below:

Item	Duration of Confidentiality NB: Item to be reviewed every 12 months if not released
Report	Until Council receives written confirmation from the South Australian Tourism Commission that the event information is no longer confidential, but not longer than 30 June 2023.
Related Attachments	Not Applicable
Minutes	Until Council receives written confirmation from the South Australian Tourism Commission that the event information is no longer confidential, but not longer than 30 June 2023.
Other (discussion and considerations of the subject matter)	Until Council receives written confirmation from the South Australian Tourism Commission that the event information is no longer confidential, but not longer than 30 June 2023.

Carried unanimously

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18.3 Ashton Landfill – Exclusion of the Public

Moved Cr Mark Osterstock

S/- Cr Kirsty Parkin

171/22

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 Community Capacity, David Waters
- Director Corporate Services, Terry Crackett
- Director Development & Regulatory Services - Acting, Melissa Bright
- Director Infrastructure & Operations, Peter Bice
- Executive Manager Governance & Performance, Lachlan Miller
- Manager Sustainability, Waste and Emergency Management, John McArthur
- Manager Property Services, Natalie Westover
- Corporate Planning & Performance Coordinator, Kira-Marie Laverty
- Minute Secretary, Pam Williams

be excluded from attendance at the meeting for Agenda Item 18.3: (Ashton Landfill Contribution) 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 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 involve the unreasonable disclosure of information concerning future legal action taken in relation to the matter.

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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18.3.1 Ashton Landfill – Confidential Item

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18.3.2 Ashton Landfill – Duration of Confidentiality

Moved Cr Mark Osterstock
S/- Cr Malcolm Herrmann

173/22

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 18.3 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* to retain the Items in confidence as detailed in the Duration of Confidentiality Table below:

Item	Duration of Confidentiality NB: Item to be reviewed every 12 months if not released
Report	28 June 2024
Related Attachments	28 June 2024
Minutes	28 June 2024
Other	NIL

Carried unanimously

18.4 East Waste Charter Amendment – Exclusion of the Public

This item was considered earlier in the meeting.

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RELEASED 19 AUGUST 2022

18.5 Fabrik Tender & Contract – Exclusion of the Public

Moved Cr Chris Grant
S/- Cr Kirsty Parkin

174/22

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 Community Capacity, David Waters
- Director Corporate Services, Terry Crackett
- Director Development & Regulatory Services - Acting, Melissa Bright
- Director Infrastructure & Operations, Peter Bice
- Executive Manager Governance & Performance, Lachlan Miller
- Manager Property Services, Natalie Westover
- Coordinator Property Projects and Maintenance, Paul Day
- Director Fabrik Arts and Heritage, Melinda Rankin
- Corporate Planning & Performance Coordinator, Kira-Marie Laverty
- Minute Secretary, Pam Williams

be excluded from attendance at the meeting for Agenda Item 18.5: (FABRIK Redevelopment Project – Contract for Construction) 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)(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) the disclosure of which –

- (iii) could reasonably be expected to prejudice the commercial position of the person who supplied the information, or to confer a commercial advantage on a third party by disclosing specific pricing by the tenderer; and
- (iv) would, on balance, be contrary to the public interest;

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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RELEASED 19 AUGUST 2022

18.5.1 Fabrik Tender & Contract – Confidential item

Moved Cr Malcolm Herrmann
S/- Cr Linda Green

175/22

Council resolves:

1. That the report be received and noted.
2. To approve an additional capital budget allocation of \$560,600 to enable the FABRIK Redevelopment Project to be completed for a total cost of \$4,435,600.
3. That external funding be sought, if possible, to cover the additional \$560,600 budget.
4. To delegate to the CEO the authority to finalise and execute the contract with the preferred tenderer, Nehco Pty Ltd, to complete the construction works aligned to the FABRIK Redevelopment Project for a total cost of \$3,945,600.

Carried unanimously

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RELEASED 19 AUGUST 2022

18.5.2 Fabrik Tender & Contract – Duration of Confidentiality

Moved Cr Ian Bailey
S/- Cr Linda Green

176/22

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 18.5 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* to retain the Items in confidence as detailed in the Duration of Confidentiality Table below:

Item	Duration of Confidentiality NB: Item to be reviewed every 12 months if not released
Report	until execution of contract but no longer than 30 September 2022
Related Attachments	NIL
Minutes	until execution of contract but no longer than 30 September 2022
Other	NIL

Carried unanimously

19 NEXT ORDINARY MEETING

The next ordinary meeting of the Adelaide Hills Council will be held on Tuesday 26 July 2022 from 6.30pm at 63 Mt Barker Road, Stirling.

20 CLOSE MEETING

The meeting closed at 9.57pm.