

**ADELAIDE HILLS COUNCIL
MINUTES OF ORDINARY COUNCIL MEETING
TUESDAY 23 APRIL 2019
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 John Kemp
Councillor Leith Mudge
Councillor Mark Osterstock
Councillor Kirsty Parkin
Councillor Andrew Stratford

In Attendance:

Andrew Aitken	Chief Executive Officer
Terry Crackett	Director Corporate Services
Peter Bice	Director Infrastructure & Operations
Marc Salver	Director Development & Regulatory Services
David Waters	Director Community Capacity
Lachlan Miller	Executive Manager Governance & Performance
John McArthur	Manager Waste & Emergency Management
Mike Carey	Manager Financial Services
Pam Williams	Minute Secretary

1. COMMENCEMENT

The meeting commenced at 6.33pm.

2. OPENING STATEMENT

“Council acknowledges that we meet on the traditional lands of the Peramangk and Kaurna people and we recognise their connection with the land.

We understand that we do not inherit the land from our ancestors but borrow it from our children and in this context the decisions we make should be guided by the principle that nothing we do should decrease our children’s ability to live on this land”.

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3. APOLOGIES/LEAVE OF ABSENCE

3.1 Apology

Nil

3.2 Leave of Absence

Leave of the meeting was granted for the following Leave of Absence:

- Cr Malcolm Herrmann Wednesday 24 April 2019 – Monday 13 May 2019

3.3 Absent

Nil

4. MINUTES OF PREVIOUS MEETINGS

4.1 Council Meeting – 23 April 2019

Moved Cr Malcolm Herrmann
S/- Cr Kirrilee Boyd

61/19

That the minutes of the Ordinary Council meeting held on 23 April 2019 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 Material Conflict of Interest, Mayor Jan-Claire Wisdom, Item 12.6, Attendance at National General Assembly in Canberra, June 2019

Under Section 74 of the *Local Government Act 1999* Mayor Jan-Claire Wisdom disclosed a Material Conflict of Interest in Item 12.6, Attendance at National General Assembly in Canberra, June 2019, the nature of which is as follows:

- I am one of the candidates being nominated to attend this event and therefore have a direct, personal and pecuniary conflict of interest.

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5.2 Interest, Cr Malcolm Herrmann - Item 12.4, Gawler River Floodplain Management Authority Business Plan & Draft Budget for 2019/20

Cr Herrmann advised Council that he is Council's appointee to the GRFMA Board, however, under Regulation 8AAA, he has no conflict of interest and will remain in the meeting and vote.

5.3 Material Conflict of Interest, Cr Kirrilee Boyd – Item 11.2, Membership Strategic Planning Development Policy Committee

Under Section 74 of the *Local Government Act 1999* Cr Boyd disclosed a Material Conflict of Interest in Item 11.2, Membership Strategic Planning Development Policy Committee, the nature of which is as follows:

- This matter relates directly to me and I will receive a direct personal benefit

5.4 Actual Conflict of Interest, Cr Linda Green - Item 19.1, Confidential Item Kerbside Recycling Contract

Under Section 75A of the *Local Government Act 1999* Cr Green disclosed an Actual Conflict of Interest in Item 19.1, Confidential Item Kerbside Recycling Contract, the nature of which is as follows:

- I am a Director of East Waste

Cr Green intends to leave the Chamber when this item is discussed.

5.5 Possible Conflict of Interest, Cr Pauline Gill – Item 12.6, National General Assembly Attendance

Cr Gill advised that she may have a Conflict of Interest in Item 12.6, National General Assembly and will disclose this later in the meeting.

5.6 Material Conflict of Interest, Cr Leith Mudge – Item 12.2, Review of CAP & S41 Committee Member Sitting Fees

Under Section 74 of the *Local Government Act 1999* Cr Mudge disclosed a Material Conflict of Interest in Item 12.2, Review of CAP & S41 Committee Member Sitting Fees, the nature of which is as follows:

- I am a Deputy Member of the Council Assessment Panel and may suffer a gain or loss from the debate.

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5.7 Material Conflict of Interest, Cr Linda Green – Item 12.2, Review of CAP & S41 Committee Member Sitting Fees

Under Section 74 of the *Local Government Act 1999* Cr Green disclosed a Material Conflict of Interest in Item 12.2, Review of CAP & S41 Committee Member Sitting Fees, the nature of which is as follows:

- I am a Member of the Council Assessment Panel and may suffer a gain or loss from the debate.

6. PRESIDING MEMBER'S OPENING REMARKS

Mayor Jan-Claire Wisdom welcomed Council Members, visitors in the Gallery and Staff, and hoped everyone had an enjoyable and safe Easter break.

Mayor Wisdom reported on the death of Graeme McNabb, a member of Council's Sport & Recreation Committee from 2004 to 2011, and expressed Council's condolences to family and friends.

Mayor Wisdom also reported on carparking problems on Lampert Road at the entrance to Mt Lofty Botanic Gardens, with overcrowding and illegal parking over the Easter break. Staff will discuss these issues with the administration of Botanic Gardens to ensure better parking controls in future.

Mayor Wisdom alerted Council to an issue arising from a recent Facebook post initiated by Cr Leith Mudge. Leave of the Meeting was granted for Cr Mudge to make a personal explanation.

Later in the meeting, under Item 16, Motions Without Notice, Council resolved to include Cr Mudge's full personal explanation in the Minutes.

Mayor Wisdom advised that a Community Forum will be held at Houghton on Tuesday 30 April 2019.

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**Personal Explanation Regarding Letter & Facebook Posts
concerning the Hahndorf Old Mill
Cr Leith Mudge, 23 April 2019**

Last Friday, on my personal facebook page titled 'Councillor Leith Mudge', I posted a letter that I had recently sent to the Hahndorf Old Mill criticising them for taking a booking for an event that Senator Fraser Anning attended. I realise from the feedback that I received that I made errors of judgement in addressing this matter and I have learnt much from this experience. In doing so I have potentially damaged the reputation of both the Adelaide Hills Council as well as the business owners of the Old Mill.

I now understand that I should not have used my Council address, Council email and signature as councillor, or indicated in any way that my concerns were a reflection of a Council position. My actions are likely to have breached a number of clauses of the Behavioural Code in the Code of Council for Council Members. As such, I understand that, should a formal complaint be made, that the matter will need to be investigated and a report provided to Council.

I now understand that my private concerns should be addressed through private and not Council communications channels.

My response to feedback and after a phone call to the Old Mill management was to remove the letter and post an apology to the owners, the community, and Council, as an indication of my good faith and regret for my initial actions.

I again publicly apologise to the owners and management of the Old Mill, for the distress I have caused. I encourage everyone to continue to patronise the Old Mill as a local business.

I also acknowledge that there are valid differences of opinion in the community and again I thank the community for their timely feedback. I have learnt a lot from the experience but also realise that I have more to learn regarding my new position as a councillor and how I need to be cautious about public statements of private opinions and how these might reflect on the Council and the community.

I will therefore ask Council's Executive Manager of Governance & Performance to spend some time with me for one-on-one training on provisions in the Code of Conduct for Council Members and the Council Member Conduct Policy.

Thank you for listening.

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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

Nil

8.3 Public Forum

Mark Green re drainage issue at Aldgate

Administration Action: Director IO to provide an update to Council Members on outcome

John Hill re tree removals, Pomona Road, Stirling

9. PRESENTATIONS

Ian Baldwin, Chair & David Hitchcock, CEO, GRFMA

10. QUESTIONS ON NOTICE

10.1 Milan Terrace Stirling – Pedestrian & Road Safety – Cr John Kemp

When the wombat crossing on Milan Terrace adjacent to the Stirling Hospital is completed, what options are available to extend the 40kph limit via a Local Area Speed Zone?

When the wombat crossing on Milan Terrace adjacent to the Stirling Hospital is completed, what options are available to extend the 40kph limit via a Local Area Speed Zone?

OFFICER'S RESPONSE – David Collins, Manager Sustainable Assets

There may be a least two alternatives to request a longer length of 40km/h on Milan than is mandated as per the Code of Technical Requirements of a wombat crossing installation.

These options can include asking DPTI to consider a lengthening of the zone specifically on Milan Terrace associated with the wombat crossing once it is operating. Council can also investigate and consider a broader 40km/h local area speed zone that would be more extensive than just Milan Terrace.

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This process requires a process of data collection and analysis to build any future case for consideration. DPTI will be the assessing and approving authority for any of these two speed limit options.

10.2 Street Sweeping – Cr Malcolm Herrmann

1. What is the Administration's policy on the frequency of street sweeping?
2. In urban areas, how often does council sweep (a) main roads and (b) side streets?
3. When do these sweeps normally take place?
4. Are residents permitted to sweep streets and remove leaves etc. from the gutters?
5. What is the 2018/19 budget allocation for street sweeping and what expenditure has been incurred from 1 July 2018 to 31 March 2019?

OFFICER'S RESPONSE – Craig Marshall, Senior Infrastructure Planning Engineer

1. What is the Administration's policy on the frequency of street sweeping?

In developing the current tender, the kerb network was analysed and broken into Arterial/Collector and Local streets and a matrix was developed based on location and appropriate frequency. This was indicatively costed and mapped as part of the tender process. (Detailed maps are available for all towns and the district – see Appendix)

2. In urban areas, how often does council sweep (a) main roads and (b) side streets?

Main Streets are swept every 8 weeks and local streets 2 (Bi-annual) times a year where a kerb is present.

An additional 8 week cycle is undertaken through autumn in pre-identified (see Appendix) high leaf areas throughout the district where required.

3. When do these sweeps normally take place?

- 8 Week Cycle- February, April, June, August, October & December
- Bi-Annual Cycle – May/June & November/December
- Autumn Cycle – April/May

4. Are residents permitted to sweep streets and remove leaves etc. from the gutters?

Council understands that residents often maintain their verge area and part of this may involve sweeping of leaf litter from the gutters.

5. What is the 2018/19 budget allocation for street sweeping and what expenditure has been incurred from 1 July 2018 to 31 March 2019?

The Annual budget is \$110,000 and YTD Spend to 31st March 2019 - \$51,566 (Bi-Annual Sweep Planned for May/June will finalise available budget)

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11. MOTIONS ON NOTICE

11.1 Ban of enclosed yabby nets in South Australia

Moved Cr Chris Grant
S/- Cr John Kemp

I move that the Chief Executive Officer write to Hon David Speirs, Minister for Environment and Water, to highlight the issues associated with enclosed yabby nets and encourage the Minister to ban the use of enclosed yabby nets and their retail sale in South Australia.

AMENDMENT

Moved Cr Ian Bailey
S/- Cr

That the motion be amended to read “enclosed nets and encourage the Minister to ban the use of enclosed nets and their retail sale in South Australia to ensure the enclosed nets do not catch Rakali”.

Amendment lapsed

Cr Grant, with the consent of Cr Kemp, sought and was granted leave of the meeting to vary the motion as follows.

I move that the Chief Executive Officer writes to Hon David Speirs, Minister for Environment and Water, to highlight the issue of Rakali drownings associated with enclosed yabby nets and encourage the Minister to ban the use of enclosed yabby nets and their retail sale in South Australia.

AMENDMENT

Moved Cr Kirrilee Boyd
S/- Cr Mark Osterstock

62/19

That the motion be amended to include “and other aquatic wildlife, eg platypus and fresh water turtles”.

Carried

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MOTION AS AMENDED

**Moved Cr Chris Grant
S/- Cr John Kemp**

63/19

I move that the Chief Executive Officer writes to Hon David Speirs, Minister for Environment and Water, to highlight the issue of Rakali drownings and other aquatic wildlife, eg platypus and fresh water turtles, associated with enclosed yabby nets and encourage the Minister to ban the use of enclosed yabby nets and their retail sale in South Australia.

Carried

Cr Kirrilee Boyd declared a Material Conflict of Interest at Agenda Item 5 'Declaration of Interest by Members of the Council' in relation to Item 11.2.

8.00pm Cr Kirrilee Boyd left the Chamber.

11.2 Membership of Strategic Planning & Development Policy Committee

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

64/19

I move that Council appoints Cr Kirrilee Boyd to the Strategic Planning & Development Policy Committee for the term of the current Council.

Carried Unanimously

8.02pm Cr Boyd returned to the Chamber.

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11.3 20th Anniversary of Gumeracha & District Civic Centre

Moved Cr Malcolm Herrmann
S/- Cr Pauline Gill

65/19

That the CEO provides a report to Council at the 28 May 2019 meeting on options to celebrate the 20th anniversary of the Gumeracha and District Civic Centre on 29 April 2020.

Carried Unanimously

12. OFFICER REPORTS – DECISION ITEMS

12.1 Local Government Reform Discussion Paper Submission

Moved Cr Kirsty Parkin
S/- Cr Pauline Gill

66/19

Council resolves:

- 1. That the report be received and noted**
- 2. To lodge its Local Government Reform Submission at Appendix 2 to the Local Government Association for input into that organisation's advocacy position.**
- 3. To delegate to the Chief Executive Officer the authority to make any minor changes to the Submission to reflect matters raised in the debate on the Local Government Reform Submission report.**

Carried Unanimously

Cr Linda Green declared a Material Conflict of Interest at Agenda Item 5 'Declaration of Interest by Members of the Council' in relation to Item 12.2.

Cr Leith Mudge declared a Material Conflict of Interest at Agenda Item 5 'Declaration of Interest by Members of the Council' in relation to Item 12.2.

8.05pm Crs Green & Mudge left the Chamber.

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12.2 Review of Council Assessment Panel & S41 Committee Member Sitting Fees

Moved Cr Malcolm Herrmann
S/- Cr Chris Grant

67/19

Council resolves:

- 1. That the report be received and noted**
- 2. That in relation to the Audit Committee:**
 - a. To determine the sitting fees for Members, effective immediately, as follows:**
 - i. Independent Presiding Member - \$550 (excl GST) per attended meeting.**
 - ii. Independent Ordinary Member - \$400 (excl GST) per attended meeting.**
 - iii. Authorised Training -\$75 (excl GST) per hour of training attended excluding travel time but with a travel allowance being paid at the standard Council rate.**
 - b. That in the event that an Independent Ordinary Member is required to preside at a meeting in the absence of the Presiding Member, then that Member receives the \$550 (excl GST) sitting fee for that meeting.**
- 3. That in relation to the Chief Executive Officer Performance Review Panel:**
 - a. To determine the sitting fees for Members, effective immediately, as follows:**
 - i. Independent Presiding Member - \$550 (excl GST) per attended meeting.**
 - ii. Independent Ordinary Member - \$400 (excl GST) per attended meeting.**
 - iii. Authorised Training - \$75 (excl GST) per hour of training attended excluding travel time but with a travel allowance being paid at the standard Council rate.**
 - b. That in the event that an Independent Ordinary Member is required to preside at a meeting in the absence of the Presiding Member, then that Member receives the \$550 (excl GST) sitting fee for that meeting.**
- 4. That in relation to the Council Assessment Panel:**
 - a. To determine the sitting fees for Members, effective from the commencement of the next term of Members, as follows:**
 - i. Independent Presiding Member - \$500 (excl GST) per attended meeting.**
 - ii. Independent Ordinary Member - \$380 (excl GST) per attended meeting.**
 - iii. Council Member or Deputy Council Member - \$190 (excl GST) per attended meeting**

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- iv. **Authorised Training - \$75 (excl GST) per hour of training attended excluding travel time but with a travel allowance being paid at the standard Council rate.**
- b. **That in the event that an Independent Ordinary Member is required to preside at a meeting in the absence of the Presiding Member, then that member receives the \$500 (excl GST) sitting fee for that meeting.**
- c. **The above mentioned sitting fees be reviewed prior to the next appointment of CAP Members in mid-2021**

Carried Unanimously

8.07pm Crs Green & Mudge returned to the Chamber.

12.3 Long Term Financial Plan Consultation Results and Adoption

**Moved Cr Malcolm Herrmann
S/- Cr Leith Mudge**

68/19

Council resolves:

- 1. That the report be received and noted.**
- 2. To adopt the Long Term Financial Plan, as contained in Appendix 1 to this report, in accordance with *Section 122 of the Local Government Act 1999*.**

Carried Unanimously

8.18pm Cr Kemp left the Chamber.

8.20pm Cr Kemp returned to the Chamber.

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12.4 Gawler River Floodplain Management Authority Business Plan & Draft Budget for 2019/20

Moved Cr Malcolm Herrmann
S/- Cr Ian Bailey

69/19

Council resolves:

1. That the report be received and noted.
2. To advise the Board of the Gawler River Floodplain Management Authority that it has reviewed its 2019/22 Business Plan and approves the Adelaide Hills Council's contribution of \$25,642 as set out in the draft 2019/20 Draft Budget.

Carried Unanimously

12.5 2019-20 Draft Annual Business Plan for Community Consultation

Moved Cr Pauline Gill
S/- Cr Leith Mudge

70/19

Council resolves:

1. That the report be received and noted.
2. The draft 2019-20 Annual Business Plan included as Appendix 1 to this report be endorsed for community consultation.
3. The period of consultation for the draft 2019-20 Annual Business Plan be from 26 April 2019 to 31 May 2019.
4. That the 28 May 2019 Ordinary Council meeting will, in accordance with s123(4)(i)(B) of the *Local Government Act 1999*, be the meeting at which members of the public may ask questions and make submissions.
5. That the Chief Executive Officer, or delegate, be authorised to make any formatting or other minor content changes to the draft 2019-20 Annual Business Plan prior to its release for community consultation.

Carried Unanimously

Administration Action: Director IO to update the performance indicator on energy usage to be 5% on 2010 baseline.

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12.5.1 Short Adjournment

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

71/19

That the meeting adjourn until 9.00pm.

Carried

8.51pm The Council meeting adjourned.

9.04pm the meeting resumed without Cr John Kemp.

12.6 National General Assembly June 2019 – Attendance by Mayor

Mayor Jan-Claire Wisdom declared a Material Conflict of Interest at Agenda Item 5 'Declaration of Interest by Members of the Council' in relation to Item 12.6.

9.04pm Mayor Wisdom left the Chamber and did not participate in the vote.
Deputy Mayor Nathan Daniell took the Chair.

9.06pm Cr Kemp returned to the Chamber.

**Moved Cr Malcolm Herrmann
S/- Cr Mark Osterstock**

72/19

Council resolves:

- 1. That the report be received and noted.**
- 2. To approve Mayor Jan-Claire Wisdom's attendance in a representative capacity at the National General Assembly of Local Government in Canberra in June 2019 and coverage of related costs estimated at \$3,700, in accordance with the *Council Member Training and Development Policy*.**

Carried Unanimously

9.07pm Mayor Wisdom returned to the Chamber and resumed the Chair.

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12.6.2 National General Assembly Attendance – Attendance by Council Member

Moved Cr Leith Mudge
S/- Cr Linda Green

73/19

1. To determine that the method of selecting the Council Member for attendance at the National General Assembly 2019 be by an indicative vote to determine the preferred person(s), utilising the process set out in the Code of Practice for Council Meeting Procedures.
2. To adjourn the Council meeting for the purposes of seeking nominations for and, if necessary, conducting an indicative vote to determine the preferred person(s) for attendance at the National General Assembly 2019 and for the meeting to resume once the results of the indicative votes have been declared.

Carried Unanimously

Cr Pauline Gill declared a Material Conflict of Interest at Agenda Item 5 'Declaration of Interest by Members of the Council' in relation to Item 12.6, as she will receive a pecuniary benefit.

9.10pm Cr Gill left the Chamber.

12.6.3 National General Assembly – Attendance by Cr Pauline Gill

Moved Cr Kirsty Parkin
S/- Cr John Kemp

74/19

That Council approves Cr Pauline Gill's attendance as a developmental opportunity at the National General Assembly of Local Government in Canberra in June 2019 and coverage of related costs estimated at \$3,700, in accordance with the *Council Member Training and Development Policy*.

Carried Unanimously

9.14pm Cr Gill returned to the Chamber.

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12.7 Draft Code of Practice for Access to Council, Committee & Designated Informal Gathering

Moved Cr John Kemp
S/- Cr Chris Grant

75/19

Council resolves:

1. That the report be received and noted
2. That with an effective date of 7 May 2019, to revoke the 14 November 2017 *Code of Practice for Access to Council, Council Committee and Designated Informal Gathering Meetings & Documents* and to adopt the proposed *Code of Practice for Access to Council, Council Committee and Designated Informal Gathering Meetings & Documents* as contained in Appendix 1 with a revision to the first sentence of clause 6.1 as follows: 'Not less than three (3) clear days prior to a designated informal gathering the CEO will make every reasonable effort that the following information will be published on the Council's website:'
3. To amend the first sentence of clause 8.1 of the *Informal Council and Council Committee Gatherings and Discussions Policy* as follows: 'Not less than three (3) clear days prior to a designated informal gathering the CEO will make every reasonable effort that the following information will be published on the Council's website:'

Carried Unanimously

9.32pm Cr Grant left the Chamber

9.35pm Cr Grant returned to the Chamber

9.46pm Cr Daniell left the Chamber

9.49pm Cr Daniell returned to the Chamber

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12.8 Delegations Review Report

Moved Cr Chris Grant
S/- Cr Malcolm Herrmann

76/19

Council resolves:

- 1. That the report be received and noted**
- 2. That, having conducted its quarterly review of Council's Delegations Register, in accordance with Section 44(6) of the Local Government Act 1999, the Council:**

2.1 Revocation

Hereby revokes its previous delegations to the Chief Executive Officer of those powers and functions under the following Acts:

- **Instrument of Delegation under the Burial & Cremation Act 2013 and the Burial and Cremation Regulations 2014**
- **Instrument of Delegation under the Environment Protection Act 1993 and Environment Protection (Waste Management) Policy 2010**
- **Instrument of Delegation under the Expiation of Offences Act 1996**
- **Instrument of Delegation under the Food Act 2001**
- **Instrument of Delegation under the Heavy Vehicle National Law (South Australia) Act 2013**
- **Instrument of Delegation under the Local Government Act 1999**
- **Instrument of Delegation under the Local Nuisance and Litter Control Act 2016 and Local Nuisance and Litter Control Regulations 2017**
- **Instrument of Delegation under the Real Property Act 1886**
- **Instrument of Delegation under the Safe Drinking Water Act 2011**
- **Instrument of Delegation under the Supported Residential Facilities Act 1992**
- **Instrument of Delegation under the Unclaimed Goods Act 1987**
- **Instrument of Delegation under the Water Industry Act 2012 and Water Industry Regulations 2012**

2.2 Delegations made under the *Local Government Act 1999*

- 2.2.1 In exercise of the power contained in Section 44 of the *Local Government Act 1999* the powers and functions under the following Acts and specified in the proposed Instruments of Delegation contained in Appendices 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14 and 15 (each of which is individually identified as indicated below) are hereby delegated this 23rd day of April 2019 to the person occupying the office of Chief Executive Officer subject to the conditions and or limitations specified herein or in the Schedule of Conditions in each proposed Instrument of Delegation.**

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- Instrument of Delegation under the Burial & Cremation Act 2013 and the Burial and Cremation Regulations 2014
 - Instrument of Delegation under the Environment Protection Act 1993 and Environment Protection (Waste Management) Policy 2010
 - Instrument of Delegation under the Expiation of Offences Act 1996
 - Instrument of Delegation under the Food Act 2001
 - Instrument of Delegation under the Heavy Vehicle National Law (South Australia) Act 2013
 - Instrument of Delegation under the Local Government Act 1999
 - *The removal of the proposed delegation to the CEO for paragraphs:*
 - 39.1
 - 41.1
 - 46.1
 - 90.1
 - 93.1
 - 93.2
 - 162.1
 - *The addition of a condition on paragraph 52.1 for reporting to the Audit Committee*
 - Instrument of Delegation under the Local Nuisance and Litter Control Act 2016 and Local Nuisance and Litter Control Regulations 2017
 - Instrument of Delegation under the Real Property Act 1886
 - Instrument of Delegation under the Safe Drinking Water Act 2011
 - Instrument of Delegation under the Supported Residential Facilities Act 1992
 - Instrument of Delegation under the Unclaimed Goods Act 1987
 - Instrument of Delegation under the Water Industry Act 2012 and Water Industry Regulations 2012
 - Instrument of Delegation under the Gas Act 1997 (New Instrument)
 - Instrument of Delegation under the Electricity Act 1996 (New Instrument) with the removal of the proposed delegation to the CEO for paragraph 7.1
- 2.2.2 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 each such proposed Instrument of Delegation.

Carried Unanimously

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12.8.4 Extension of Meeting Time

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

77/19

That the meeting be extended to 10.30pm.

Carried Unanimously

12.9 Status Report – Council Resolutions Update

**Moved Cr Linda Green
S/- Cr Malcolm Herrmann**

78/19

Council resolves:

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

Date	Meeting	No	Heading
23/08/2016	Ordinary Council	163/16	Piccadilly CFS Relocation
25/07/2017	Ordinary Council	159b/17	Lobethal Recreation Ground - Transfer of Land
26/06/2018	Ordinary Council	136/18	AHC PLEC Projects
28/08/2018	Ordinary Council	193/18	MON Kenton Valley Memorial Park
28/08/2018	Ordinary Council	194/18	MON Randell's Workers' Cottages
28/08/2018	Ordinary Council	195/18	Traditional Aboriginal Names of Localities & Places
28/08/2018	Ordinary Council	199/18	Reconciliation Action Plan Working Group
28/08/2018	Ordinary Council	207/18	Road Widening Oakwood Road Oakbank
11/09/2018	Special Council	233/18	Road Closure Glenside Lane, Crafers
25/09/2018	Ordinary Council	248/18	Harms Avenue Birdwood
25/09/2018	Ordinary Council	252/18	Unmade Road Reserves, Charleston Conservation Park
27/11/2018	Ordinary Council	305/18	Milan Tce Pedestrian Crossing Investigation
18/12/2018	Ordinary Council	322/18	Scott Creek Cemetery Funds
18/12/2018	Ordinary Council	323/18	Stonehenge Reserve MON
18/12/2018	Ordinary Council	324/18	Gumeracha Main Street Masterplan
18/12/2018	Ordinary Council	325/18	Gumeracha Precinct Federation Park and Oval Masterplan
18/12/2018	Ordinary Council	337/18	Location of Underground Services Federation Park & Gumeracha Oval
22/01/2019	Ordinary Council	5/19	Udder Delights First Right of Refusal AHBTC
22/01/2019	Ordinary Council	18/19	Annual Business Plan Workshop

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22/01/2019	Ordinary Council	20/19	2019/20 ABP Green Waste Drop Off & Bike Path
22/01/2019	Ordinary Council	18/19a	Annual Business Plan Workshop - Action Item
12/02/2019	Ordinary Council	261/18	Lobethal Primary School Safety Concerns
26/02/2019	Ordinary Council	28/19	Road Safety on DPTI Roads
26/02/2019	Ordinary Council	37/19	Budget Review 2
26/02/2019	Ordinary Council	38/19	Long Term Financial Plan 2019 Update
26/02/2019	Ordinary Council	40/19	Burning Permit Policy
26/02/2019	Ordinary Council	41/19	Directional Signage Policy Review
26/02/2019	Ordinary Council	49/19	Banking & Finance Services in Lobethal
26/02/2019	Ordinary Council	38/19A	Long Term Financial Plan 2019 Update
26/02/2019	Ordinary Council	41/19A	Directional Signage Policy Review
26/02/2019	Ordinary Council	44/19A	Status Report
26/03/2019	Ordinary Council	64/19	East Waste 2019/2020 Annual Plan
26/03/2019	Ordinary Council	65/19	Operation Flinders
26/03/2019	Ordinary Council	73/19	Election of GAROC Members
26/03/2019	Ordinary Council	79/19	Tree Management Policy Review
26/03/2019	Ordinary Council	81/19	Community Information Display Policy

Carried Unanimously

13. OFFICER REPORTS - INFORMATION ITEMS

Nil

14. MISCELLANEOUS ITEMS

Nil

15. QUESTIONS WITHOUT NOTICE

Cr Herrmann – Personal Explanations in Minutes

Cr Kemp – Proposed supermarket in Stirling

Cr Herrmann – Status of DPA Local Heritage

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16. MOTIONS WITHOUT NOTICE

Having taken into account the Guiding Principles, the Mayor accepted the following Motion Without Notice.

16.1 Roundabouts Beautification Program

Moved Cr Kirsty Parkin
S/- Cr Kirrilee Boyd

That a status report on the Crafers Roundabouts beautification program be presented to Council at the 28 May 2019 meeting.

VARIATION

Cr Parkin, with the consent of Cr Boyd, sought and was granted leave of the meeting to vary the motion as follows.

16.1.1 Adelaide Hills Council Roundabouts

Moved Cr Kirsty Parkin
S/- Cr Kirrilee Boyd

79/19

That a status report on the Adelaide Hills Roundabouts beautification program be presented to Council at the 28 May 2019 meeting.

Carried Unanimously

16.2 Personal Explanation – Cr Leith Mudge

Refer to Item 6

Moved Cr Leith Mudge
S/- Cr John Kemp

80/19

That my personal explanation be included in full in these Minutes.

Carried Unanimously

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17. REPORTS

17.1 Council Member Activities

Mayor Jan-Claire Wisdom

- 27 March, Filming of volunteer thank you message, Strathalbyn
- 2 April, Radio MU interview re Climate emergency resolution
- 3 April, Adelaide Hills Women's Business Network, Hahndorf
- 3 April, SA Arts Plan, Adelaide
- 9 April, Launch of Adelaide Hills Services Directory, Mt Barker
- 10 April, Playford Memorial Scholarship, Adelaide Hills Council
- 11-12 April, LGASA OGM and Showcase, Adelaide
- 17 April, LGA SA Board, Adelaide Hills Council
- 23 April, Courier newspaper interview

Cr John Kemp

- 11 April, The Hut Board Meeting

Cr Pauline Gill

- 9 March, BBQ for Hermitage CFS
- 14 March, Kersbrook Resident's Association AGM
- 23 March, Harmony Picnic
- 27 March, Bushfire Advisory Group Meeting
- 7 April, Working Bee at Roachdale Reserve
- 11 April, Kersbrook Resident's Association meeting

Cr Malcolm Herrmann

- 4 March, RSL Sub branch, Gumeracha
- 7 March, Meeting with Rebekah Sharkie MHR, Lobethal
- 14 March, Residents Association AGM, Kersbrook
- 15 March, Cricket Club Presentation Night, Birdwood
- 23 March, Harmony Day, Gumeracha
- 31 March, Exhibition Launch "Off the Couch" Top of the Torrens Gallery, Birdwood

Cr Kirrilee Boyd

- 7 March, Stirling Community Theatre Tour
- 23 March, Harmony Day Picnic, Gumeracha

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Cr Chris Grant

- 6 April, Engelbrook Reserve working bee, Bridgewater
- 3 April, Lenswood and Forest Range Community Association meeting, Forest Range
- 7 April, Roachdale Reserve working bee, Kersbrook
- 12 April, Forest Range Community event, Forest Range

Cr Linda Green

- 7 April, Torrens Valley Celebration Committee re Sculpture
- 12 April, Local Government Association Showcase and Meeting
- 14 April, Hills Youth Expo, Fabrik, Lobethal

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

Cr Malcolm Herrmann

- 14 March, Gawler River Flood Management Authority (GRFMA) Audit Committee, Adelaide
- 18 April, GRFMA, Gumeracha

Cr John Kemp

- 12 April, Adelaide Hills Region Waste Management Authority Special Board Meeting

17.3 CEO Report

Andrew Aitken, CEO, will provided Council with a Corporate Update separately.

18. REPORTS OF COMMITTEES

18.1 Council Assessment Panel – 10 April 2019

**Moved Cr Linda Green
S/- Cr John Kemp**

81/19

That the minutes of the Council Assessment Panel meeting of 10 April 2019 as distributed, be received and noted.

Carried Unanimously

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18.2 Strategic Planning & Development Policy Committee

Nil

18.3 Audit Committee – 15 April 2019

Moved Cr Malcolm Herrmann
S/- Cr Nathan Daniell

82/19

That the minutes of Audit Committee meeting of 15 April 2019 as distributed, be received and noted.

Carried Unanimously

18.4 CEO Performance Review Panel

Nil

19. CONFIDENTIAL ITEMS

Cr Linda Green declared an Actual Conflict of Interest at Agenda Item 5 'Declaration of Interest by Members of the Council' in relation to item 19.1.

10.20pm Cr Green left the Chamber and did not participate in the debate or the vote.

19.1 East Waste Kerbside Recycling Grant – Exclusion of the Public

Moved Cr Ian Bailey
S/- Cr John Kemp

83/19

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

- CEO, Andrew Aitken
- Director Infrastructure & Operations, Peter Bice
- Director Development & Regulatory Services, Marc Salver
- Director Community Capacity, David Waters
- Executive Manager Governance & Performance, Lachlan Miller
- Manager Waste and Emergency Management, John McArthur
- Minute Secretary, Pam Williams

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be excluded from attendance at the meeting for Agenda Item 19.1: East Waste Kerbside Recycling Contract 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 could reasonably be expected to prejudice the commercial position of the person who supplied the information.

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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19.1.1 East Waste Kerbside Recycling Grant – Confidential Item

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19.1.2 East Waste Kerbside Recycling Grant – Period of Confidentiality

Moved Cr Ian Bailey
S/- Cr Mark Osterstock

85/19

Council resolves:

Subject to the CEO, or his delegate, disclosing information or any document (in whole or in part) for the purpose of implementing Council's decision(s) in this matter in the performance of the duties and responsibilities of office, Council, having considered Agenda Item 19.1 in confidence under sections 90(2) and 90(3)(d) of the *Local Government Act 1999*, resolves that an order be made under the provisions of sections 91(7) and (9) of the *Local Government Act 1999* that the report, related attachments and the minutes of Council and the discussion and considerations of the subject matter be retained in confidence until East Waste advise it is appropriate to release the information, but not longer than 28 April 2020.

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

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10.22pm Cr Green returned to the Chamber

ITEM 19.2 RELEASED 16 MAY 2019

19.2 Appointment of Independent Council Assessment Panel Members – Exclusion of the Public

Moved Cr Mark Osterstock
S/- Cr Kirsty Parkin

86/19

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

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

be excluded from attendance at the meeting for Agenda Item 19.2: (Appointment of Independent Members to Council's Assessment Panel (CAP)) in confidence.

The Council is satisfied that it is necessary that the public, with the exception of Council staff in attendance as specified above, be excluded to enable Council to consider the report at the meeting on the following grounds:

Section 90(3)(a) of the Local Government Act, the information to be received, discussed or considered in relation to this Agenda Item is information relating to the appointment of Independent Members to the Council's Assessment Panel (CAP), the disclosure of which –

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

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

Carried Unanimously

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ITEM 19.2 RELEASED 16 MAY 2019

19.2.1 Appointment of Independent Council Assessment Panel Members – Confidential item

Moved Cr Nathan Daniell

S/- Cr John Kemp

87/19

Council resolves:

1. That the report be received and noted
2. That Council appoints the following Independent Members to the Council's Assessment Panel for a two year period commencing on 1 June 2019 and expiring on 31 May 2021:
 - i. Geoff Parsons (as Independent Presiding Member)
 - ii. David Brown
 - iii. Ross Bateup
 - iv. Piers Brissenden
3. That Council appoints Karla Billington as an Additional Member pursuant to section 85 of the PDI Act with expertise in water quality, watershed protection and environmental management matters for a two year period commencing on 1 June 2019 and expiring on 31 May 2021.
4. That in the event any independent member(s) of the Council Assessment Panel are unable to obtain accreditation as referred to in the report by the designated date, then the Mayor and Councillors Kirsty Parkin and John Kemp be appointed to a selection panel, assisted by the CEO and Director Development & Regulatory Services, to undertake the short-listing and interviews of the candidate(s).
5. That in the event the process referred to in the above recommendation occurs, then the selection panel shall report their recommendations to Council at the next available meeting following the completion of the recruitment and interview process.

Carried Unanimously

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ITEM 19.2 RELEASED 16 MAY 2019

19.2.2 Appointment of Independent Council Assessment Panel Members – Period of Confidentiality

Moved Cr Malcolm Herrmann
S/- Cr Andrew Stratford

88/19

Subject to the CEO, or his delegate, disclosing information or any document (in whole or in part) for the purpose of implementing Council's decision(s) in this matter in the performance of the duties and responsibilities of office, Council, having considered Agenda Item 19.2 in confidence under sections 90(2) and 90(3)(a) of the *Local Government Act 1999* and the provisions of the *Local Government (Access to Meeting and Documents) Amendment Act 2002*, resolves that an order be made under the provisions of sections 91(7) and (9) of the *Local Government Act 1999* that the report, related attachments and the minutes of Council and the discussion and considerations of the subject matter be retained in confidence until the Community Representatives referred to in the item are appointed, but not longer than 23 June 2019.

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

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ITEM 19.3 RELEASED 16 MAY 2019

19.3 Appointment of Advisory Group Independent Members – Exclusion of the Public

Moved Cr Pauline Gill
S/- Cr Nathan Daniell

89/19

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

- CEO, Andrew Aitken
- Director Infrastructure & Operations, Peter Bice
- Director Development & Regulatory Services, Marc Salver
- Executive Manager Governance & Performance, Lachlan Miller
- Minute Secretary, Pam Williams

be excluded from attendance at the meeting for Agenda Item 19.3: (Appointment of Advisory Group Independent Members) in confidence.

The Council is satisfied that it is necessary that the public, with the exception of Council staff in attendance as specified above, be excluded to enable Council to consider the report at the meeting on the following grounds:

Section 90(3)(a) of the *Local Government Act 1999*, the information to be received, discussed or considered in relation to this Agenda Item is Information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead).

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

19.3.3 Extension of Meeting Time

Moved Cr Linda Green
S/- Cr Leith Mudge

90/19

That the meeting be extended by 10 minutes.

Carried

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ITEM 19.3 RELEASED 16 MAY 2019

19.3.1 Appointment of Advisory Group Independent Members

Moved Cr Kirrilee Boyd
S/- Cr Leith Mudge

Council resolves:

1. That the report be received and noted
2. That in relation to the Biodiversity Advisory Group, to appoint the following independent/community members for a period of two (2) years:
 - a. John Kallin
 - b. David Mussared
 - c. Eilidh Wilson
 - d. Peter Watton
 - e. Anthony Abley
 - f. Damian Stam
3. That in relation to the Cemetery Advisory Group, to appoint the following independent/community members for a period of two (2) years:
 - a. Peter Holderness
 - b. Ron Nelson
 - c. Kevin Armstrong
 - d. Robert Bonython
4. That in relation to the Rural Land Management Advisory Group
 - a. to appoint the following independent/community members for a period of two (2) years:
 - i. Cam Stafford
 - ii. Mark Whisson
 - iii. Peter Oborn
 - iv. John Mundy
 - v. Saverio Virgara
 - b. to delegate to the Chief Executive Officer to appoint representatives of the Primary Production Industry or NRM Board/Group to the Advisory Group upon recommendation of the Selection Panel.

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5. That in relation to the Sustainability Advisory Group,
- a. to appoint the following independent/community members for a period of two (2) years:
 - i. Professor Iain Hay
 - ii. Dr David Lloyd
 - iii. Ron Nelson
 - iv. Eilidh Wilson

 - b. to appoint a council member in the vacant community member position

LOST

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19.3.2 Extension of Meeting Time

Moved Cr Nathan Daniell
S/- Cr Pauline Gill

77/19

That the meeting be extended by 10 minutes.

Carried Unanimously

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ITEM 19.3 RELEASED 16 MAY 2019

19.3.3 Appointment of Advisory Group Independent Members

Moved Cr Pauline Gill

S/- Cr Chris Grant

91/19

Council resolves:

1. That the report be received and noted
2. That in relation to the Biodiversity Advisory Group, to appoint the following independent/community members for a period of two (2) years:
 - a. John Kallin
 - b. David Mussared
 - c. Eilidh Wilson
 - d. Peter Watton
 - e. Anthony Abley
 - f. Damian Stam
3. That in relation to the Cemetery Advisory Group, to appoint the following independent/community members for a period of two (2) years:
 - a. Peter Holderness
 - b. Ron Nelson
 - c. Kevin Armstrong
 - d. Robert Bonython
4. That in relation to the Rural Land Management Advisory Group
 - a. to appoint the following independent/community members for a period of two (2) years:
 - i. Cam Stafford
 - ii. Mark Whisson
 - iii. Peter Oborn
 - iv. John Mundy
 - v. Saverio Virgara
 - b. to delegate to the Chief Executive Officer to appoint representatives of the Primary Production Industry or NRM Board/Group to the Advisory Group upon recommendation of the Selection Panel.

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5. That in relation to the Sustainability Advisory Group,
- a. to appoint the following independent/community members for a period of two (2) years:
 - i. Professor Iain Hay
 - ii. Dr David Lloyd
 - iii. Ron Nelson
 - iv. Eilidh Wilson

 - b. to delegate to the Chief Executive Officer to appoint a fifth community member to the Advisory Group upon recommendation of the Selection Panel.

Carried Unanimously

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ITEM 19.3 RELEASED 16 MAY 2019

19.3.4 Appointment of Advisory Group Independent Members

Moved Cr Mark Osterstock
S/- Cr Kirsty Parkin

92/19

Subject to the CEO, or his delegate, disclosing information or any document (in whole or in part) for the purpose of implementing Council's decision(s) in this matter in the performance of the duties and responsibilities of office, Council, having considered Agenda Item 19.3 in confidence under sections 90(2) and 90(3)(a) of the *Local Government Act 1999*, resolves that an order be made under the provisions of sections 91(7) and (9) of the *Local Government Act 1999* that the report and the minutes of Council and the discussion and considerations of the subject matter be retained in confidence until the candidates have been advised of Council's decision but no later than 23 June 2019.

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

20. NEXT MEETING

The next ordinary meeting of the Adelaide Hills Council will be held on Tuesday 28 May 2019 from 6.30pm at 63 Mt Barker Road, Stirling.

21. CLOSE MEETING

The meeting closed at 10.43pm.