

**ADELAIDE HILLS COUNCIL
MINUTES OF ORDINARY COUNCIL MEETING
TUESDAY 27 FEBRUARY 2018
63 MT BARKER ROAD STIRLING**

In Attendance:

Presiding Member: Mayor Bill Spragg

Members:

Councillor	Ward
Councillor Ron Nelson Councillor Jan-Claire Wisdom	Manoah
Councillor Ian Bailey Councillor Jan Loveday	Marble Hill
Councillor Kirrilee Boyd Councillor John Kemp	Mt Lofty
Councillor Lynton Vonow	Onkaparinga Valley
Councillor Linda Green Councillor Malcolm Herrmann	Torrens Valley

In Attendance:

Andrew Aitken	Chief Executive Officer
Terry Crackett	Director Corporate Services
Peter Bice	Director Engineering & Assets
Marc Salver	Director Strategy & Development
David Waters	Director Community & Customer Service
Lachlan Miller	Executive Manager Governance & Performance
Natalie Westover	Manager Property Services
Mike Carey	Manager Financial Services
Chris Janssan	Manager Open Space
John McArthur	Manager Waste, Health & Regulatory Services
Renee O'Connor	Sport & Recreation Planner
Pam Williams	Minute Secretary

1. COMMENCEMENT

The meeting commenced at 6.32pm.

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

Cr Nathan Daniell

3.2. Leave of Absence

Moved Cr Ian Bailey

25/18

S/- Cr Ron Nelson

That Leave of Absence be granted to Cr Andrew Stratford from 27 February – 20 March 2018.

Carried Unanimously

3.3. Absent

3.3.1. Formal Advice to Council on passing of Cr Val Hall

Andrew Aitken, CEO, formally advised Council of the passing of Cr Val Hall on 20 February 2018 and conveyed the Administration's condolences to Cr Hall's family.

4. MINUTES OF PREVIOUS MEETINGS

4.1. Council Meeting – 23 January 2018

Moved Cr Malcolm Herrmann

26/18

S/- Cr Jan-Claire Wisdom

That the minutes of the ordinary meeting held on 23 January 2018 as supplied, be confirmed as an accurate record of the proceedings of that meeting.

Carried Unanimously

5. DECLARATION OF CONFLICT OF INTEREST BY MEMBERS OF COUNCIL

Nil

6. PRESIDING MEMBER'S OPENING REMARKS – Mayor Bill Spragg

I would like to dedicate my opening remarks to the memory of Councillor Val Hall.

Cr Hall served her community for almost 19 years on Council, firstly on the District Council of Gumeracha and subsequently the amalgamated Adelaide Hills Council.

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Val was also a member of numerous community groups including Lions, the Gumeracha Hall Committee and the Lights of Lobethal. Her diligence in representing the community will be sorely missed.

Val was a no-nonsense Councillor, often cutting to the chase when debates dragged on for too long. She championed an increased focus on community services and was instrumental in the appointment of Liz Bok as the first manager of community services.

As a mark of respect, I would like us all to observe one minute's silence to honour the passing of our colleague, Councillor Val Hall.

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

8.1.1. Greenhill Tennis Court

Moved Cr Ian Bailey
S/- Cr Linda Green

27/18

Council resolves that the petition signed by 146 signatories, requesting an upgrade to the Greenhill Tennis Court, be received and noted.

Carried Unanimously

8.1.2. Reduction of Speed Limit, Jungfer Road, Charleston

Moved Cr Malcolm Herrmann
S/- Cr Lynton Vonow

28/18

Council resolves that the petition signed by 16 signatories, requesting a reduction of the speed limit on Jungfer Road Charleston to a maximum of 60kph, be received and noted.

Carried Unanimously

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8.2. Deputations

Dick Cuttle, Rotary Club of Onkaparinga, re plan for area around BMX Track, Woodside
Kim Jordan, Establishment of Arts & Heritage Hub, Lobethal

8.3. Public Forum

Michel Gray re Arts & Heritage Hub
Andy Fischer re road closures & Mobile Food Vending Businesses
Daniel Kelly re Arts & Heritage Hub

9. PRESENTATIONS

Nil

10. QUESTIONS ON NOTICE**10.1. B Double Truck Access to Lobethal – Cr Linda Green**

What has been the response to the short term suggestions, raised by residents at the Lobethal meeting on 7 February 2018, to reduce risks in relation to the conditional B-double access to Thomas Foods International at Lobethal?

OFFICER'S RESPONSE – Peter Bice, Director Engineering & Assets

The Department of Planning, Transport and Infrastructure (DPTI) held a community meeting in regards to the Lobethal Freight Access Upgrade Project on 7 February 2018, at the Lobethal Centennial Hall. A range of suggestions were raised, both in relation to the Freight Access Upgrade Project impacts, but also the Conditional B-Double Access to Thomas Foods International (TFI).

Whilst issues around vehicle behaviour and general traffic levels prior to and following increased activity are not solely related to the conditional B-double access (or the upgrade project), they are being addressed in liaison with SAPOL, Truck Drivers, and the National Heavy Vehicle Regulator to improve compliance of heavy vehicle drivers with speed limits and stop signs, and driver behaviour.

- Adelaide Hills Council (AHC) staff are currently exploring potential safety upgrades to Frick St (which is under the care and control of AHC), including lowering the speed limit, installing parking bays, construction of footpaths, and widening the entrance to the street.
- Footpath construction is also currently being scoped for consideration along Terlinga St, Mount Torrens
- Vegetation clearance along the route is being scheduled (especially where impact is occurring or signs aren't visible e.g. Simpson Rd/Springwood Rd)

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- Improvements to communication are being made in regard to the Freight Access Upgrade Project, including updating the Project webpage with key information and promotion of relevant contact details
- An assessment of potential signage which could be installed is also underway (e.g. "Slow", "Don't use exhaust brakes")

10.2. Impact on Waste Disposal & Recycling Programs – Cr Malcolm Herrmann

What is the estimated impact on Council's waste disposal and recycling programs and waste management budget (if any) which will result from the 2017 China import ban?

OFFICER'S RESPONSE – John McArthur, Manager Waste Healthy & Regulatory Services

Council's Regional Subsidiary, East Waste, responsible for the management of our kerbside waste collection and recyclables, has confirmed that there are no imminent changes in this regard.

However, if there was to be a change from the current arrangements resulting from the China recyclables import ban (dubbed 'China Sword'), this would need further consideration by the waste industry and local government sector generally. It is considered that at that time collaborative lobbying would be required from the two aforementioned sectors seeking State Government action to find alternative markets for the reuse of these recyclables. The key issue here is to ensure that this 'resource' does not result in disposal/diversion to landfill as this is likely to have environmental and financial repercussions for our community and Council. Note that Council currently collects just under 4,000 tonnes of recyclables per annum in addition to approximately 9,000 tonnes per annum of landfill waste.

Council currently receives around \$120,000 per annum for recyclables collected. However, it is noted that in the past Council did pay around \$60,000 per annum to dispose of the recyclables. It remains to be seen what the actual impact may be in this regard, if any, as a result of the 'China Sword' action. Staff and East Waste will continue to monitor the situation and will provide further updates if the current situation changes.

10.3. SA Housing Trust Properties & Rates – Cr Malcolm Herrmann

What is the estimated impact (if any) on council's rate income from the State Government decision to transfer management of SA Housing Trust properties to the not-for profit sector?

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OFFICER'S RESPONSE – Mike Carey, Manager Financial Services

Adelaide Hills Council currently has 25 properties in the name of the SA Housing Trust (SAHT) which raise rates totalling just under \$38k for the 2017-18 financial year.

The impact on Council will depend on whether SAHT dispose of any properties and also if any new owner is eligible for a mandatory rebate under Section 161 of the *Local Government Act 1999* (namely Community Housing Associations).

SAHT has already disposed of 11 properties with our Council area over the past 2-3 years and all of those have transferred to private ownership and not to organisations eligible for a mandatory rebate.

In a worst case scenario, if all the remaining SAHC properties were transferred to a Community Housing Authority that is eligible for a Section 161 rebate under the *Local Government Act 1999*, then a mandatory rebate of 75% applies and an amount in the order of \$30k is at risk.

11. MOTIONS ON NOTICE

11.1. Traffic Safety Measures Checker Hill Road Kersbrook

Moved Cr Malcolm Herrmann
S/- Cr Linda Green

29/18

That the CEO writes to Department Planning Transport & Infrastructure (DPTI) requesting a review of safety at the intersection of Checker Hill and Little Para Roads, Kersbrook, such a review to include the feasibility of providing dedicated right and left hand turning lanes into Checker Hill Road.

Carried Unanimously

11.2. Master Plan Woodside Recreation Ground

Moved Cr Lynton Vonow
S/- Cr Jan-Claire Wisdom

30/18

That the master planning exercise for the Woodside Recreation Ground, as resolved by Council at its 28 November 2017 meeting (275/17), be expanded to include the adjoining recreation and car parking precinct between Tiers Road and Langbein Avenue, Woodside.

Carried Unanimously

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12. OFFICER REPORTS – DECISION ITEMS

12.1. Arts & Heritage Hub

Moved Cr Jan-Claire Wisdom
S/- Cr John Kemp

31/18

Council resolves:

1. That the report be received and noted.
2. That the Business Development Framework for the establishment of an Arts and Heritage Hub in the Old Woollen Mill at Lobethal, contained in Appendix 1, be noted.
3. That the Administration proceeds with the establishment of an Arts and Heritage Hub using the Business Development Framework as a guide.
4. That the development of a Hub Evaluation Framework, as envisaged in the Business Development Framework, occur as early as possible and include key performance and results targets, and mechanisms for review of the implementation by Council to ensure alignment with budget allocations and strategic objectives.
5. That \$50,000 be allocated to the 2017-18 Operating Budget from the Chief Executive Officer's contingency provision to enable the initial actions to be taken.
6. The CEO provides a progress report on the implementation of the Business Development Framework within 6 months from the date of appointment of the Director.

Carried Unanimously

8.03pm Cr Wisdom left the Chamber

12.2. AHBTC Plan of Division & Divestment

Moved Cr Linda Green
S/- Cr Ian Bailey

32/18

Council resolves:

1. That the report be received and noted
2. That the plan of division for the Southern Site, as shown in Appendix 1, be approved.
3. That the Chief Executive Officer be authorised to execute all documents necessary for the division of the land and the subsequent sale of the new allotments created in the land division of the Southern Site.

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Carried Unanimously

12.3. Development Assessment Fee Waiver Request Johnston Memorial Park Committee

Moved Cr Malcolm Herrmann
S/- Cr John Kemp

33/18

Council resolves:

1. That the report be received and noted
2. That a maximum of \$515.75 in development fees be authorised to be waived for the Johnston Memorial Park Committee Inc. for Development Application 473/18/18 in accordance with Council's Development Application Fee Waiver Policy.

Carried Unanimously

8.07pm Cr Wisdom returned to the Chamber

12.4. Mobile Food Vending Businesses

Moved Cr John Kemp
S/- Cr Linda Green

34/18

Council resolves:

1. That the report be received and noted.
2. Council adopt the Mobile Food Vending Business Location Rules contained in Appendix 2 of this report with an effective date of 1 March 2018.
3. The Fees and Charges Register be updated to include the following Mobile Food Vending Business permit fees:
 - a) Monthly Fee \$100
 - b) Annual Fee \$1,000
4. That further consultation as outlined in this report be undertaken with key stakeholders and the community on Council's adopted Mobile Food Vending Business Location Rules.

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5. That the Chief Executive Officer be authorised to make any formatting or non-significant grammatical and/or content changes to the Mobile Food Vending Business Location Rules for publication purposes during the period of its currency.
6. A further report be provided to Council outlining the outcome of the further consultation undertaken and subject to the consultation outcome, present refined Mobile Food Vending Business Location Rules for adoption.

Carried

12.5. Budget Review 2

Moved Cr Malcom Herrmann
S/- Cr John Kemp

35/18

Council resolves to:

1. Receive and note the report.
2. Adopt the Operating Budget variations presented in Budget Review 2, which have no impact on the overall budget and continue to provide for an adjusted Operating Surplus for the 2017-18 financial year of \$1.986m.
3. Adopt the proposed Capital Program amendments that reduce net capital expenditure by \$1.536m and together with the amendments adopted by Council at its meeting on 23 January 2018 result in a revised Capital Works Program totalling \$16.703m.
4. Adopt a reduced Net Borrowings amount of \$4.030m for 2017-18 as a result of operating budget and capital program amendments.

Carried Unanimously

8.30pm Cr Herrmann left the Chamber

8.31pm Cr Herrmann returned to the Chamber

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12.6. Long Term Financial Plan 2018 Update

Moved Cr John Kemp **36/18**
S/- Cr Ron Nelson

That Council:

- 1. Receives and notes the report.**
- 2. Endorse the Draft Long Term Financial Plan, as contained in Appendix 1 for community consultation in accordance with Section 122 of the *Local Government Act 1999*.**

Carried Unanimously

12.7. CWMS Easement, Gale Street, Woodside

Moved Cr Linda Green **37/18**
S/- Cr John Kemp

Council resolves:

- 1. That the report be received and noted**
- 2. That resolution 2a of 10/2017 be rescinded**
- 3. No further action be taken to secure the registration of an easement for sewerage purposes over 2 Gale Street Woodside.**

Carried Unanimously

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12.8. Sale of Closed Road, Kenton Valley

Moved Cr Malcolm Herrmann
S/- Cr John Kemp

38/18

Council resolves:

1. That the report be received and noted
2. To sell the land comprised in Certificate of Title Volume 6191 Folio 686 known as Closed Road A in Road Plan No. 1793 and identified on the plan attached as Appendix 1 (Land) for the amount of \$9,640 (exclusive of GST) to the adjoining land owner Iain Ross Hunt and Valerie Ann Hunt
3. To delegate to the Chief Executive Officer to sign all documentation necessary to effect the sale of the Land.

Carried Unanimously

12.9. Community Loans Policy

Moved Cr Ian Bailey
S/- Cr Linda Green

39/18

Council resolves that:

1. The report be received and noted
2. The Community Loans Policy as provided at Appendix 1 be endorsed for community consultation.
3. A loan of \$15,000 be provided to Mt Torrens Centenary Park Incorporated for the completion of drainage works subject to the finalisation of a loan agreement with Council that is executed under Council's seal.
4. That the Mayor and Chief Executive Officer be authorised to execute all documents necessary, including applying the Council Seal (as required), for the establishment of a loan agreement with Mt Torrens Centenary Park Incorporated.

Carried Unanimously

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12.10. Council Member Allowances & Benefits Policy

Moved Cr John Kemp
S/- Cr Jan Loveday

40/18

Council resolves:

1. That the report be received and noted
2. With an effective date of 13 March 2018, to revoke the 9 December 2014 *Council Member Allowances and Benefits Policy* and to adopt the *Council Member Allowances and Benefits Policy*, as contained in Appendix 1.

Carried Unanimously

12.11. Local Government Election Timetable

Moved Cr Kirrilee Boyd
S/- Cr Ian Bailey

41/18

Council resolves:

1. That the report be received and noted.
2. Council adopts the indicative 2018 Local Government Election Schedule as contained in the report.

Carried Unanimously

12.12. Rural Property Addressing Consultation Outcome

Moved Cr Malcolm Herrmann
S/- Cr Kirrilee Boyd

42/18

Council resolves:

1. That the report be received and noted.
2. That in keeping with the City of Tea Tree Gully Council resolution dated 13 February 2018, and having considered the Adelaide Hills Council report entitled "Rural Property Addressing – Range Road North, Range Road South and Churchett Road Outcomes Report" and dated 27 February 2018, which includes the feedback from the residents, Council resolves to implement the rural property addressing system to the Adelaide Hills Council residents to ensure that the numbering is consistent and the correct numbers are displayed to assist emergency services, service providers and the general public locating properties.

Carried

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12.13. Reappointment of Independent Chairperson of Gawler River Floodplain Management Authority

Moved Cr Malcolm Herrmann
S/- Cr Kirrilee Boyd

43/18

Council resolves:

1. That the report be received and noted.
2. That Council endorses the recommendation of the Gawler River Floodplain Management Authority Board to reappoint Mr Ian Baldwin to the position of Chairperson of the GRFMA for a period of two years with effect from 15 February 2018.

Carried Unanimously

12.14. Status Report – Council Resolutions Update

Moved Cr Linda Green
S/- Cr Lynton Vonow

44/18

That:

That Council resolves:

1. The Council Action List be received and noted
2. The following completed items be removed from the Action List:

Date	Meeting	No	Heading
22/09/2015	Council	140/15	Highercombe Golf Course - relocating 5 Allotments
26/04/2017	Council	84/17	Arts & Heritage Hub
22/08/2017	Council	188/17	Code of Conduct Complaint - Cr Hall
12/12/2017	Council	299/17	Draft Waste & Resource Recovery Service Policy
12/12/2017	Council	311/17	Australia Day Awards 2018 - Confidential Item
12/12/2017	Council	312/17	Australia Day Awards 2018 - Period of Confidentiality

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23/01/2018	Council	6/18	Section 43 Members - Southern & Hills LGA Board Member position until November 2019
23/01/2018	Council	7/18	Section 43 Members - Southern & Hills LGA Board Member position until November 2018
23/01/2018	Council	8/18	Section 43 Members - Southern & Hills LGA - Deputy Board Member position until 9 November 2018
23/01/2018	Council	10/18	By-Law Review
23/01/2018	Council	12/18	Highercombe Golf Course
23/01/2018	Council	13/18	ICT & IS Strategic Plan 2017 - 2020
23/01/2018	Council	21/18	Confidential - Independent Members Audit Committee & CEO PRP
23/01/2018	Council	22/18	Confidential - Presiding Member Audit Committee
23/01/2018	Council	23/18	Period of Confidentiality - Independent Members Audit Committee & CEO PRP

Carried Unanimously

13. OFFICER REPORTS – INFORMATION ITEMS

13.1. Hender Reserve Heritage Agreement 2018

**Moved Cr John Kemp 45/18
S/- Cr Kirrilee Boyd**

Council resolves that the report be received and noted.

Carried Unanimously

13.2. Q2 Service Standard Report

**Moved Cr Lynton Vonow 46/18
S/- Cr Jan-Claire Wisdom**

Council resolves that the report be received and noted.

Carried Unanimously

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14. MISCELLANEOUS ITEMS

Nil

15. QUESTIONS WITHOUT NOTICE

Local Government Act Regulations (9):

Any member may ask a question without notice at a meeting. The presiding member may allow the reply to a question without notice to be given at the next meeting. A question without notice and the reply will not be entered in the minutes of the relevant meeting unless the members present at the meeting resolve that an entry should be made.

Cr Vonow – Election Signs and By-law

Cr Wisdom – Election Signs

Cr Bailey – Cr Hall’s years of service & LGA Certificate of Service

Cr Green – B Double Access vegetation clearance timelines

Cr Kemp – Pedestrian Crossing Stirling Hospital area

16. MOTIONS WITHOUT NOTICE

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

16.1. Vale Cr Val Hall

Moved Cr Ian Bailey

47/18

S/- Cr Linda Green

That Council expresses its recognition of Cr Val Hall’s contribution on Council over 2 decades representing the community. Her service is admired and appreciated and will not be forgotten.

Cr Hall will be missed, and we express our sincere condolences to Val’s family.

Carried Unanimously

16.2. Investigation of Speed Limit Jungfer Road Charleston

Moved Cr Malcolm Herrmann

48/18

S/- Cr Lynton Vonow

That the CEO investigate the request for a reduction of the speed limit to a maximum of 60kph on Jungfer Road Charleston and, should the investigation justify a change, make the appropriate submissions to the Department Planning Transport & Infrastructure.

Carried Unanimously

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16.3. Naming of Council-Owned Premises in Lobethal – AHBTC

Moved Cr Malcolm Herrmann
S/- Cr Linda Green

49/18

That the CEO, after consultation with interested parties, provide a report to Council on a recommended name for the Council-owned premises at the AHBTC, Lobethal, by 31 October 2018.

Carried Unanimously

17. REPORTS

17.1. Council Member Activities

Cr John Kemp

- 26 January – Australia Day celebrations and Citizenship, Mylor & Stirling

Cr Malcolm Herrmann

- 4 February - Top of the Torrens Gallery exhibition launch, Birdwood
- 7 February - B Double Public meeting hosted by DPTI, Lobethal
- 8 February - Residents Association, Kersbrook
- 12 February - Community Shed, Kersbrook
- 14 February - Opening of Men's Shed, Mount Pleasant
- 21 February - Commonwealth Games Relay received Baton, Lobethal
- 25 February - Inaugural Beer and Bite Festival, Gumeracha
- 26 February - RSL meeting, Gumeracha

Cr Ron Nelson

- 19 January - Community Planning For Recovery
- 8 February - Scott Creek Progress Association
- 21 February - Queens Baton Relay

Cr Jan-Claire Wisdom

- 26 January - Australia Day, Mylor and Stirling
- 30 January - Brighton Sculpture Exhibition (for Mayor), Brighton
- 21 February - Commonwealth Baton Relay, Stirling Oval
- 26 February - AFL Community Camp Annual Dinner (for Mayor), Strathalbyn

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Cr Kirrilee Boyd

- 26 February - Adelaide Hills Climate Action Group

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

Cr Malcolm Herrmann

- 15 February - Gawler River Flood Management Authority, Freeling

Cr Jan-Claire Wisdom

- 9 February – SHLGA, Kangaroo Island

Cr Linda Green

- 22 February – East Waste Board Meeting

17.3. CEO Report

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

- Retirement of Mike Flehr, Senior Strategic and Policy Planner
- Primary Production Lands Policy formulation with DPTI
- Local Heritage DPA
- Road, Footpath & CWMS upgrades
- Bollards for market at Stirling
- GRFMA advice from Minister
- National Tourism Awards to Adelaide Hills Convention Centre, Hahndorf
- Rural Property Addressing, AHC & City of Tea Tree Gully
- Vale Cr Val Hall

9.49pm Cr Kemp left the Chamber

18. REPORTS OF COMMITTEES

18.1. Council Assessment Panel – 14 February 2018

**Moved Cr Ian Bailey
S/- Cr Lynton Vonow**

50/18

That the minutes of the Council Assessment Panel meeting of 14 February 2018 as supplied, be received and noted.

Carried Unanimously

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18.2. Strategic Planning & Development Policy Committee
Nil

18.3. Audit Committee – 20 February 2018

Moved Cr Malcolm Herrmann

51/18

S/- Cr Jan Loveday

That the minutes of the Audit Committee meeting of 20 February 2018 as supplied, be received and noted.

Carried Unanimously

18.4. CEO Performance Review Panel

Nil

9.51pm Cr Kemp returned to the Chamber

9.51pm Cr Kemp left the Chamber

Extension of Meeting Time

Moved Cr Linda Green

52/18

S/- Cr Jan-Claire Wisdom

That the meeting be extended to 10.30pm.

Carried Unanimously

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19. CONFIDENTIAL ITEMS

19.1. Retirement Village Review – Exclusion of the Public

RELEASED 05 NOVEMBER 2018

Moved Cr Ian Bailey
S/- Cr Kirrilee Boyd

53/18

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 Engineering & Assets, Peter Bice
- Director Strategy & Development, Marc Salver
- Director Corporate Services, Terry Crackett
- Director Community & Customer Service, David Waters
- Executive Manager Governance & Performance, Lachlan Miller
- Manager Property Services, Natalie Westover
- Consultant, Justin Hazell from Colliers International
- Minute Secretary, Pam Williams

be excluded from attendance at the meeting for Agenda Item 19.1: (Retirement Village Review) 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) (b) of the *Local Government Act 1999*, the information to be received, discussed or considered in relation to this Agenda Item includes commercial information of a confidential nature the disclosure of which could reasonably be expected to confer a commercial advantage on a person with who, the Council is conducting business, or proposing to conduct business, or to prejudice the commercial position of Council and the person who supplied the information by disclosing specific quotes and calculations and 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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9.53pm Cr John Kemp returned to the Chamber

RELEASED 05 NOVEMBER 2018

19.1.1. Retirement Village Review – Confidential Item

Moved Cr John Kemp
S/- Cr Jan Loveday

54/18

Council resolves:

1. That the report be received and noted
2. To commence a divestment process to sell the retirement village portfolio being the villages located at:
 - a) Balhannah – 13 Junction Road (CT 5106-613) comprising 7 units
 - b) Bridgewater – 1 Second Avenue (CT 5488-788 & CT 5278-536) comprising 6 units
 - c) Crafers – 2 Station Road (CR 5563-828) comprising 6 units
 - d) Gumeracha – 5 Albert Street (CT 5800-272) comprising 14 units
 - e) Lobethal – 3 Jeffrey Street (CT 6017-705) comprising 14 units
 - f) Woodside – 11 Nairne Road (CT 5463-774) comprising 16 units

in accordance with the:

 - Essential Criteria (*Appendix 2*)
 - Sale Process and Marketing Strategy (*Appendix 3*)
3. To make an application to the State Government, Crown Lands Department, to freehold the land on which the Crafers Retirement Village is located at 2 Station Road Crafers contained in Crown Record Volume 5563 Folio 828
4. To make application to Renewal SA (as the successor to South Australian Housing Trust) to surrender the lease over the Lobethal Retirement Village and bring to an end the remaining obligations under the joint venture agreement
5. That a further report be presented to Council detailing the outcome of the sales and marketing process and if successful, presenting the preferred purchaser and full details of the proposed sale for consideration
6. To delegate to the Chief Executive Officer to undertake appropriate actions and sign all necessary documents to give effect to this resolution.

Carried Unanimously

**ADELAIDE HILLS COUNCIL
MINUTES OF ORDINARY COUNCIL MEETING
TUESDAY 27 FEBRUARY 2018
63 MT BARKER ROAD STIRLING**

RELEASED 05 NOVEMBER 2018

19.1.2. Retirement Village Review – Period of Confidentiality

Moved Cr Linda Green
S/- Cr Ian Bailey

55/18

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)(b) of the *Local Government Act 1999*, resolves that an order be made under the provisions of sections 91(7) and (9) of the *Local Government Act 1999* that the report, related attachments and the minutes of Council and the discussion and considerations of the subject matter be retained in confidence until the sale has been finalised, but not longer than 12 months.

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

RELEASED 18 NOVEMBER 2020

19.2. Adelaide Hills Swimming Centre Shade Sail – Exclusion of the Public

Moved Cr Malcolm Herrmann
S/- Cr Ron Nelson

56/18

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 Engineering & Assets, Peter Bice
- Director Strategy & Development, Marc Salver
- Director Corporate Services, Terry Crackett
- Director Community & Customer Service, David Waters
- Executive Manager Governance & Performance, Lachlan Miller
- Manager Property Services, Natalie Westover
- Minute Secretary, Pam Williams

be excluded from attendance at the meeting for Agenda Item 19.2: (Adelaide Hills Swimming Centre, Woodside – Shade Sail) in confidence.

**ADELAIDE HILLS COUNCIL
MINUTES OF ORDINARY COUNCIL MEETING
TUESDAY 27 FEBRUARY 2018
63 MT BARKER ROAD STIRLING**

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

Section 90(3) (i) of the *Local Government Act 1999*, the information to be received, discussed or considered in relation to this Agenda Item is information relating to actual litigation, or litigation that the council or council committee believes on reasonable grounds will take place, involving the council or an employee of the council, the disclosure of which could reasonably be expected to prejudice the commercial position of person/agency/business involved with any litigation that may be undertaken.

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

Carried Unanimously

**ADELAIDE HILLS COUNCIL
MINUTES OF ORDINARY COUNCIL MEETING
TUESDAY 27 FEBRUARY 2018
63 MT BARKER ROAD STIRLING**

RELEASED 18 NOVEMBER 2020

19.2.1. Adelaide Hills Swimming Centre Shade Sail – Confidential Item

Moved Cr John Kemp
S/- Cr Jan-Claire Wisdom

57/18

Council resolves:

- 1. That the report be received and noted**
- 2. That Council does all reasonable things, including initiating legal proceedings, to recover losses associated with an alleged breach of contract by Shade Form Australia due to a substantial structural failure of the Shade Sail they supplied and installed at the Adelaide Hills Swimming Centre at Woodside.**
- 3. That the Chief Executive Officer be delegated to undertake all necessary actions to effect this resolution.**

Carried Unanimously

**ADELAIDE HILLS COUNCIL
MINUTES OF ORDINARY COUNCIL MEETING
TUESDAY 27 FEBRUARY 2018
63 MT BARKER ROAD STIRLING**

RELEASED 18 NOVEMBER 2020

19.2.2. Adelaide Hills Swimming Centre Shade Sail – Period of Confidentiality

Moved Cr Malcolm Herrmann
S/- Cr Ian Bailey

58/18

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) (i) of the *Local Government Act 1999*, resolves that an order be made under the provisions of sections 91(7) and (9) of the *Local Government Act 1999* that the report and the minutes of Council and the discussion and considerations of the subject matter be retained in confidence until the matter is determined but not longer than 12 months.

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

19.3. Appointment of External Auditor – Exclusion of the Public

RELEASED 27 FEBRUARY 2019

Moved Cr Ian Bailey
S/- Cr Malcolm Herrmann

59/18

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 Engineering & Assets, Peter Bice
- Director Strategy & Development, Marc Salver
- Director Corporate Services, Terry Crackett
- Director Community & Customer Service, David Waters
- Executive Manager Governance & Performance, Lachlan Miller
- Minute Secretary, Pam Williams

**ADELAIDE HILLS COUNCIL
MINUTES OF ORDINARY COUNCIL MEETING
TUESDAY 27 FEBRUARY 2018
63 MT BARKER ROAD STIRLING**

be excluded from attendance at the meeting for Agenda Item 19.3: Appointment of External Auditor 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 the 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) that would, on balance, be contrary to the public interest, the disclosure of which could reasonably be expected to prejudice the commercial position of the business which supplied the information and to confer a commercial advantage on a third party.

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

Carried Unanimously

**ADELAIDE HILLS COUNCIL
MINUTES OF ORDINARY COUNCIL MEETING
TUESDAY 27 FEBRUARY 2018
63 MT BARKER ROAD STIRLING**

19.4. Appointment of External Auditor – Confidential Item

RELEASED 27 FEBRUARY 2019

Moved Cr Malcolm Herrmann
S/- Cr Jan Loveday

60/18

Council resolves:

- 1. That the report be received and noted**
- 2. To appoint Galpins Accountants, Auditors and Business Consultants for the provision of external audit services for a period of three (3) years commencing with the audit for the financial year ending 30 June 2018, with an option of a further period of up to two (2) years, with an indicative cost for the initial three (3) years of \$64,000.**
- 3. To delegate to the Chief Executive Officer to conduct the final negotiations with regard to the composition and pricing of the external audit contract and to execute all required documentation to give effect to Council's appointment of the external auditor.**

Carried Unanimously

**ADELAIDE HILLS COUNCIL
MINUTES OF ORDINARY COUNCIL MEETING
TUESDAY 27 FEBRUARY 2018
63 MT BARKER ROAD STIRLING**

RELEASED 27 FEBRUARY 2019

19.5. Appointment of External Auditor – Period of Confidentiality

Moved Cr Ian Bailey
S/- Cr Lynton Vonow

61/18

Subject to the CEO, or his delegate, disclosing information or any document (in whole or in part) for the purpose of implementing the Council's decision(s) in this matter in the performance of the duties and responsibilities of office, the Council, having considered Agenda Item 19.3 in confidence under sections 90(2) and 90(3)(d) of the *Local Government Act 1999*, that an order be made under the provisions of sections 91(7) and (9) of the *Local Government Act 1999* that the report of the Council and the discussion and considerations of the subject matter be retained in confidence until the completion of the contract.

Pursuant to section 91(9)(c) of the *Local Government Act 1999*, the 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 27 March 2018 from 6.30pm at 63 Mt Barker Road, Stirling.

21. CLOSE MEETING

The meeting closed at 10.26pm.