

**ADELAIDE HILLS COUNCIL  
MINUTES OF ORDINARY COUNCIL MEETING  
TUESDAY 28 AUGUST 2018  
63 MT BARKER ROAD STIRLING**

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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 Nathan Daniell Councillor John Kemp	Mt Lofty
Councillor Lynton Vonow Councillor Andrew Stratford	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 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
Ashley Curtis	Manager Civil Services
Natalie Westover	Manager Property Services
Melanie Bright	Manager Economic Development
Steven Watson	Governance & Risk Coordinator
Renee O'Connor	Sport & Recreation Planner
Steven Brooks	Biodiversity Officer
Lynne Griffiths	Community & Cultural Development Officer
Pam Williams	Minute Secretary

**1. COMMENCEMENT**

The meeting commenced at 6.33pm.

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Mayor \_\_\_\_\_ 25 September 2018

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**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”.

**3. APOLOGIES/LEAVE OF ABSENCE**

**3.1 Apology**

Nil

**3.2 Leave of Absence**

Nil

**3.3 Absent**

Nil

**4. MINUTES OF PREVIOUS MEETINGS**

**4.1 Council Meeting – 24 July 2018**

Moved Cr Ian Bailey

S/- Cr Linda Green

**186/18**

**That the minutes of the Ordinary Council meeting held on 24 July 2018 as supplied, be confirmed as an accurate record of the proceedings of that meeting.**

<b>Carried Unanimously</b>
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**4.2 Special Council Meeting – 17 July 2018**

Moved Cr Nathan Daniell

S/- Cr Lynton Vonow

**187/18**

**That the minutes of the Ordinary Council meeting held on 17 July 2018 as supplied, be confirmed as an accurate record of the proceedings of that meeting.**

<b>Carried Unanimously</b>
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**4.3 Special Council Meeting – 1 August 2018**

Moved Cr Jan-Claire Wisdom  
S/- Cr Linda Green

**188/18**

**That the minutes of the Ordinary Council meeting held on 1 August 2018 as supplied, be confirmed as an accurate record of the proceedings of that meeting.**

<b>Carried Unanimously</b>
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**4.4 Special Council Meeting – 14 August 2018**

Moved Cr Ian Bailey  
S/- Cr Jan-Claire Wisdom

**189/18**

**That the minutes of the Ordinary Council meeting held on 14 August 2018 as supplied, be confirmed as an accurate record of the proceedings of that meeting.**

<b>Carried Unanimously</b>
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**5. DECLARATION OF CONFLICT OF INTEREST BY MEMBERS OF COUNCIL**

**5.1 Material Conflict of Interest, Mayor Bill Spragg – Item 12.13, OmbudsmanSA Final Investigation Report**

Under Section 74 of the *Local Government Act 1999* Mayor Bill Spragg disclosed a Material Conflict of Interest in Item 12.13, OmbudsmanSA Final Investigation Report, the nature of which is as follows:

- I was the source of the original complaint which lead to the referral to the Ombudsman.

Mayor Bill Spragg intends to leave the Chamber when this matter is discussed.

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**5.2 Material Conflict of Interest, Cr Ian Bailey – Item 12.3, Community Grants 2018 - 2019**

Under Section 74 of the *Local Government Act 1999* Cr Ian Bailey disclosed a Material Conflict of Interest in Item 12.3, Community Grants 2018 – 2019, the nature of which is as follows:

- I am President of Piccadilly CFS Management Committee and this group has been recommended for a grant.

Cr Bailey intends to leave the Chamber when this matter is discussed.

**5.3 Material Conflict of Interest, Cr Malcolm Herrmann – Item 12.7, CWMS Review**

Under Section 74 of the *Local Government Act 1999* Cr Malcolm Herrmann disclosed a Material Conflict of Interest in Item 12.7, CWMS Review, the nature of which is as follows:

- I jointly own a property serviced by a CWMS scheme.

Cr Malcolm Herrmann intends to leave the Chamber when this matter is discussed.

**5.4 Material Conflict of Interest, Cr Malcolm Herrmann – Item 12.13, OmbudsmanSA Final Investigation Report**

Under Section 74 of the *Local Government Act 1999* Cr Malcolm Herrmann disclosed a Material Conflict of Interest in Item 12.13, OmbudsmanSA Final Investigation Report, the nature of which is as follows:

- I am the subject of the Ombudsman report.

Cr Malcolm Herrmann intends to leave the Chamber when this matter is discussed.

**5.5 Material Conflict of Interest, Cr Linda Green – Item 12.7, CWMS Review**

Under Section 74 of the *Local Government Act 1999* Cr Linda Green disclosed a Material Conflict of Interest in Item 12.7, CWMS Review, the nature of which is as follows:

- I own a property and occupy that property that has a CWMS connection, and therefore may benefit or suffer a loss (direct).

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

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**5.6 Material Conflict of Interest, Cr Andrew Stratford – Item 12.7, CWMS Review**

Under Section 74 of the *Local Government Act 1999* Cr Andrew Stratford disclosed a Material Conflict of Interest in Item 12.7, CWMS Review, the nature of which is as follows:

- I own property connected to the CWMS system.

Cr Andrew Stratford intends to leave the Chamber when this matter is discussed.

**5.7 Actual Conflict of Interest, Mayor Bill Spragg – Item 12.6, Community & Recreation Facility Grants**

Under Section 75A of the *Local Government Act 1999* Mayor Bill Spragg disclosed an Actual Conflict of Interest in Item 12.6, Community & Recreation Facility Grants, the nature of which is as follows:

- My wife is President of the Montacute Progress Association

Mayor Bill Spragg intends to participate in discussions and will vote, if required, when this item is discussed.

**5.8 Perceived Conflict of Interest, Cr Malcolm Herrmann – Item 12.3, Community Grants 2018 - 2019**

Under Section 75A of the *Local Government Act 1999* Cr Malcolm Herrmann disclosed a **Perceived** Conflict of Interest in Item 12.3, Community Grants 2018 – 2019, the nature of which is as follows:

- I am Patron or member of organisations subject of the report which may or may not receive a grant

Cr Malcolm Herrmann intends to participate in discussions and vote when this item is discussed.

**5.9 Perceived Conflict of Interest, Cr Malcolm Herrmann – Item 12.6, Community & Recreation Facility Grants**

Under Section 75A of the *Local Government Act 1999* Cr Malcolm Herrmann disclosed a **Perceived** Conflict of Interest in Item 12.6, Community & Recreation Facility Grants, the nature of which is as follows:

- I am Patron or member of organisations subject of the report which may or may not receive a grant

Cr Malcolm Herrmann intends to participate in discussions and vote when this item is discussed.

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**5.10 Perceived Conflict of Interest, Cr Andrew Stratford – Item 12.3, Community Grants 2018 - 2019**

Under Section 75A of the *Local Government Act 1999* Cr Andrew Stratford disclosed a Perceived Conflict of Interest in Item 12.3, Community Grants 2018 - 2019, the nature of which is as follows:

- I am the Club representative on the Woodside Recreation Ground

Cr Andrew Stratford intends to participate in discussions and vote when this item is discussed.

**6. PRESIDING MEMBER'S OPENING REMARKS**

- This is last ordinary meeting of Council before Caretaker Period, commencing 18 September 2018.
- Nominations for candidates for LG Elections commence 4 September 2018.

**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 Deloraine Road Kersbrook**

Moved Cr Malcolm Herrmann  
S/- Cr Ian Bailey

**190/18**

**Council resolves that the petition signed by 11 signatories, about the condition of Deloraine Road Kersbrook, be received and noted.**

<b>Carried Unanimously</b>
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**8.2 Deputations**

- Tim Possingham, Sporting Car Club of South Australia re Rally
- Joe Frank, road closures for conduct of racing car activities on public roads

**8.3 Public Forum**

7.07pm Cr Linda Green left the Chamber

Mr Steve Steggles re development application and lodgement of submission

7.13pm Cr Linda Green returned to the Chamber

Mr Joe Frank re Festival & Events Policy

**9. PRESENTATIONS**

Nil

**10. QUESTIONS ON NOTICE**

**10.1 Footpath Corner Merrion Tce & Mt Barker Road Stirling – Cr John Kemp**

The footpath adjacent to the service station at this intersection has not been available for use for many months and it appears there is no progress being made to make it usable. What power does Council have to rectify this situation?

**OFFICER'S RESPONSE – Peter Bice, Director Infrastructure & Operations**

A contractor was engaged by Council Staff on 16 August 2018 with a view to rectification works being undertaken week beginning 27 August 2018.

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**11. MOTIONS ON NOTICE**

**11.1 Footpath Assessment and Renewal**

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

**191/18**

That

1. In supporting its adopted Asset Management Policy, the Council gives priority to the renewal of footpaths in areas of high utilisation (utilising Council Priority Map Rating - High to Low) and low condition rating.
2. When considering new/upgraded footpaths that priority be given to locations of high utilisation (utilising Council Priority Map Rating - High to Low) with locations having no footpath being the highest priority.
3. When prioritising footpath investment utilises the principles above which align and support Council's Policies and Strategic documents.

VARIATION with the leave of the meeting

**That**

1. **In supporting its adopted Asset Management Policy, the Council gives priority to the renewal of footpaths in areas of high utilisation (utilising Council Priority Map Rating - High to Low) and low condition rating.**
2. **When considering new/upgraded footpaths that priority be given to locations of high utilisation (utilising Council Priority Map Rating - High to Low) with locations having no footpath being the highest priority.**
3. **When prioritising footpath investment utilises the principles above which align and support Council's Policies and Strategic documents.**
4. **Future priority mapping to include hospitals and aged care facilities.**

<b>Carried Unanimously</b>
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**11.2 Kangaroo Management on Public Lands**

Moved Cr Malcolm Herrmann  
S/- Cr Ron Nelson

**192/18**

That the Chief Executive Officer writes to the Minister for Primary Industries and Regional Development (The Hon. Tim Whetstone MP) and the Minister for the Environment and Water (The Hon. David Speirs MP) seeking advice on what the government policy is on the management of kangaroos on public land.

<b>Carried Unanimously</b>
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**11.3 Kenton Valley Memorial Park**

Moved Cr Malcolm Herrmann  
S/- Cr Linda Green

**193/18**

That the Chief Executive Officer, in consultation with residents and community groups, investigates and provides a report by 31 March 2019, on future management options for the Kenton Valley Memorial Park.

<b>Carried Unanimously</b>
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**11.4 Randell's Workers' Cottages**

Moved Cr Malcolm Herrmann  
S/- Cr Ian Bailey

**194/18**

I move that the Chief Executive Officer, in consultation with residents and interest groups, investigates and provides a report by 31 March 2019 on future management options for Randell's Workers' Cottages, 1 Beavis Court Gumeracha.

<b>Carried Unanimously</b>
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**11.5 Traditional Aboriginal Names of Localities and Places**

**Moved Cr Lynton Vonow  
S/- Cr John Kemp**

**195/18**

I move that Council requests that the Administration prepare a report on the potential for dual naming, incorporating traditional Aboriginal place names alongside existing place names, of localities and places in the district.

That, considering the report, resourcing for signage be considered for the 2019-20 budget.

VARIATION with the leave of the meeting

**I move that Council requests that the Administration prepare a report on the potential for dual naming, incorporating traditional Aboriginal place names alongside existing place names, of localities and places in the Adelaide Hills Council district.**

**That, considering the report, resourcing for signage be considered for the 2019-20 budget.**

<b>Carried Unanimously</b>
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**12. OFFICER REPORTS – DECISION ITEMS**

**12.1 Shannons Adelaide Rally Support for Road Closure**

Mr Tim Possingham, Sporting Car Club of South Australia, answered questions from Council Members

**Moved Cr John Kemp  
S/- Cr Nathan Daniell**

**196/18**

**Council resolves:**

- 1. That the report be received and noted.**
- 2. That, in relation to the Shannons Adelaide Rally 2018, Council's support of the event is contingent on the organisers, to the satisfaction of the Chief Executive Officer:**
  - a. Providing evidence of satisfactory insurance to cover any damage to 3<sup>rd</sup> party property caused by the event;**

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- b. Providing confirmation that affected business owners are aware of the road closures;
  - c. Providing written confirmation to confirm that the concerns raised by affected residents have been addressed and that arrangements for egress and regress from those properties can be managed within the event;
  - d. Written confirmation from the organisers that they will erect advance notices of road closures on the affected roads, at least 3 weeks prior to the event.
3. That subject to the requirements of 2. being undertaken, Council provides consent for road closure orders in relation to the Shannons Adelaide Rally 2018, to be held between Wednesday 28 November and Saturday 1 December 2018 as follows:

**Wednesday 28 November**

- a. **Stage 4 – Summit Road**  
Approximate closure 3:00pm-6:30pm  
**Summit Road** - from Greenhill Road, Summertown to Cleland Wildlife Park entrance, Crafers.

**Friday 30 November**

- b. **Stage 16 & 20 – Chain of Ponds**  
Approximate closure 9:15am-1:15pm & 1:45pm-5:30pm  
North East Road - from Fidlers Hill Road, Millbrook to Tippet Road, Chain of Ponds.
- c. **Stage 17 & 21 – Mt Bera Reverse**  
Approximate closure 9:45am-1:30pm & 2:00pm-5:45pm  
Gorge Road - from Cudlee Creek Road, Cudlee Creek to North East Road, Gumeracha.
- d. **Stage 18 & 22 – Castambul**  
Approximate closure 10:00am-1:45pm & 2:30-5:45pm  
Gorge Road, Corkscrew Road & Montacute Road – from Torrens Hill Road, Cudlee Creek to 503 Gorge Road, Montacute.
- e. **Stage 23 – Gorge Road**  
Approximate closure 2:30pm-6:55pm  
Gorge Road – from Range Road South and Greenhill Road intersection to Torrens Hill Road and Gorge Road Intersection.

**Saturday 1 December**

- f. **Stage 24 – Mt Lofty**  
Approximate closure 8:30am-12:30pm  
Greenhill Road and Summit Road – from Greenhill Recreation Park, Greenhill Road Council boundary to Cleland Wildlife Park entrance, Crafers.

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- g. Stage 29 – Mt Lofty Short**  
Approximate closure 1:00-4:45pm  
Greenhill Road and Summit Road – from Yanagin Road and Greenhill Road intersection to Cleland Wildlife Park entrance, Crafers.
- h. Stage 25 & 30 – Ironbank**  
Approximate closure 9:30am-1:15pm & 1:45pm-5:30pm  
Morgan Road and Scott Creek Road – From Evans Drive, Heathfield to Ironbank Road, Ironbank.
- i. Stage 26 & 31 – Stirling**  
Approximate closure 9:45am-1:45pm & 2:00pm-5:45pm  
Sturt Valley Road and Ironbank Road – From Evans Drive, Ironbank to Longwood Road, Heathfield.
- j. Stage 28 – Basket Range Reversed**  
Approximate closure 10:15am-2:15pm  
Lobethal Road – From 376 Lobethal Road, Ashton to Basket Range Road, Basket Range.
- k. Stage 27 – Old Basket Range Reversed**  
Approximate closure 10:00am-2:00pm  
Lobethal Road and Deviation Road – From Fernglen Road to Boundary Drive (South).
- l. Stage 32 – Norton Summit**  
Approximate closure 2:15pm-6:30pm  
New Norton Summit Road – From Glen Stuart Road, Magill to Lobethal Road, Norton Summit.
- 4. That the Chief Executive Officer be authorised to negotiate and execute the agreements identified in 2 and sign all necessary documentation to give effect to these agreements.**
- 5. That the Chief Executive Officer be authorised to consider and respond to requests for consent to minor changes to the timing and extent of the road closures listed in this resolution.**

<b>Carried</b>
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8.06pm Cr Kemp left the Chamber  
8.07pm Cr Kemp returned to the Chamber

8.06pm Cr Herrmann left the Chamber  
8.08pm Cr Herrmann returned to the Chamber

**12.2 Household Hazardous Waste Disposal**

Justin Lang, Manager Local Government and Infrastructure Green Industries SA, was in the Gallery to answer any questions from the Council.

**Moved Cr Ian Bailey**  
**S/- Cr Ron Nelson**

**197/18**

**Council resolves:**

- 1. That the report be received and noted.**
- 2. That the Council supports, in principle, acceptance of funding from Green Industries SA to establish and operate a Household Chemical and Paint Drop-off Facility at the Heathfield Resource Recovery Centre.**
- 3. That delegation is given to the CEO to negotiate and if to their satisfaction, enter into a funding agreement between Green Industries SA and the Adelaide Hills Region Waste Management Authority and Adelaide Hills Council for a Household Chemical and Paint Drop-off Facility at the Heathfield Resource Recovery Centre.**
- 4. A future report to be provided to Council on the outcome of the negotiation with Green Industries SA, the Adelaide Hills Region Waste Management Authority and Adelaide Hills Council.**

<b>Carried Unanimously</b>
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Cr Ian Bailey declared a Material Conflict of Interest at Agenda Item 5 'Declaration of Interest by Members of the Council' in relation to Item 12.3 and left the Chamber.

8.15pm Cr Jan-Claire Wisdom left the Chamber

Cr Malcolm Herrmann declared a Perceived Conflict of Interest at Agenda Item 5 'Declaration of Interest by Members of the Council' in relation to Item 12.3.  
Cr Herrmann remained in the Chamber and voted.

Cr Andrew Stratford declared a Perceived Conflict of Interest at Agenda Item 5 'Declaration of Interest by Members of the Council' in relation to Item 12.3.  
Cr Stratford remained in the Chamber and voted.

8.16pm Cr Jan-Claire Wisdom returned to the Chamber

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**12.3 Community Grants 2018 – 2019**

Moved Cr Ron Nelson  
S/- Cr Jan Loveday 198/18

Council resolves:

1. That the report be received and noted.
2. That Council award Community Grants totalling \$45,847 as follows:

Organisation	Summary	Amount awarded \$
Woodside Bowling Club	Purchase of a St John wall mounted defibrillator for the bowling club and surrounding sport clubs	2,295.00
Aldgate Table Tennis Club Inc.	Replace old table tennis tables and nets for club and community use	2,500.00
Upper Sturt CFS Brigade	Purchase portable fridge to keep food and water cool for consumption and first aid purposes	1,685.00
Friends of Scott Creek Conservation Park	Continuing restoration work of native habitat in park and woody weed control	2,500.00
Hills Radio	Equipment for Outside Broadcast Bus to support volunteers broadcasting community events	1,982.00
Top of the Torrens Gallery	Installation of reverse cycle air conditioner for gallery	2,500.00
Oakbank Golf Club	Installation of exhaust fan for kitchen	1,980.00
Birdwood Parks & Sporting Clubs Association	Supply and installation of outdoor seating at Birdwood Park	2,500.00
Mylor Netball Club	Upgrading and replacing netball poles, protectors, court squeegee and training equipment such as bibs and balls	2,500.00

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<b>Forest Range Recreation Ground Incorporated</b>	<b>Refurbishment of public toilet in community park</b>	<b>2,000.00</b>
<b>Aldgate Brigade of the SA Country Fire Service</b>	<b>Purchase portable fridge to keep food and water cool for consumption and first aid purposes</b>	<b>2,500.00</b>
<b>Uraidla Netball Club</b>	<b>Purchase St John wall mounted defibrillator for Netball club and surrounding sport clubs</b>	<b>2,500.00</b>
<b>Mt Lofty Kindergym Inc.</b>	<b>Purchase of upgraded lighter gym equipment for easier movement</b>	<b>2,500.00</b>
<b>Mylor Citizens Friendship Club of Mylor Inc.</b>	<b>Replacement of kitchen stove and range hood in Cotton Memorial Hall</b>	<b>2,470.00</b>
<b>Lights of Lobethal</b>	<b>Refurbish Santa's Cave with updated props</b>	<b>2,500.00</b>
<b>Piccadilly CFS</b>	<b>Purchase external defibrillator for use on fire truck</b>	<b>2,410.00</b>
<b>Adelaide Hills Masters Cycling Club Inc.</b>	<b>Improved on site recording of race events and volunteer Safety through purchase of laptop and gazebo to support activities off site.</b>	<b>2,400.00</b>
<b>The Warrawong Sanctuary Foundation</b>	<b>Purchase of animal carriers, display stands and falconry gloves to facilitate community wildlife education</b>	<b>2,100.00</b>
<b>Adelaide Hills Outdoor Playgroup</b>	<b>Create and build an outdoor nature play space with main feature a water course</b>	<b>2,025.00</b>
<b>Mt Lofty Districts Historical Society Inc.</b>	<b>Design digital platform and purchase digital recorder to store historical materials available to professional and amateur researchers</b>	<b>2,000.00</b>

<b>Carried Unanimously</b>
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Cr Malcolm Herrmann voted in the affirmative  
Cr Andrew Stratford voted in the affirmative

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

8.22pm Cr Bailey returned to the Chamber

**12.4 Reconciliation Action Plan Working Group**

The Executive Manager Governance & Risk, as Returning Officer, called for nominations. Nominations were received for Cr Ian Bailey and Cr John Kemp. There being two nominations for one position, the Returning Officer indicated that an election was necessary.

Arising from the election process, the Returning Officer declared Cr Ian Bailey elected.

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

**199/18**

**Council resolves:**

- 1. That the report be received and noted.**
- 2. To endorse a regional approach to the establishment of a Reconciliation Action Plan Working Group in partnership with Mount Barker District Council.**
- 3. Subject to a commitment to the same effect by the Mount Barker District Council, adopt the draft Terms of Reference as contained in *Appendix 1*.**
- 4. To authorise the Chief Executive Officer to make any minor alterations to the Terms of Reference as may be required.**
- 5. To appoint Cr Ian Bailey to the Reconciliation Action Plan Working Group for the remainder of the current term of Council.**

<b>Carried Unanimously</b>
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**12.5 Proposal to enter 11 AHC Reserves into Heritage Agreements 2018**

Moved Cr John Kemp  
S/- Cr Lynton Vonow

**200/18**

1. That the report be received and noted.
2. That the Biodiversity Officer be authorised to enter:
  - a. Doris Coulls Reserve, 152 Old Mt Barker Road, Aldgate
  - b. Heathfield Waste Facility, 32 Scott Creed Road, Heathfield
  - c. Kiley Reserve, 15 Kiley Road, Aldgate
  - d. Shanks Reserve, 1 Shanks Road, Aldgate
  - e. Stock Reserve, Stock Road, Mylor
  - f. Leslie Creek Reserve, Leslie Creek Road, Mylor
  - g. Mi Mi Reserve, 125 Aldgate Valley Road, Mylor
  - h. Aldgate Valley 2 Reserve, 114 Aldgate Valley Road, Mylor
  - i. Kyle Road Nature Reserve, Kyle Road, Mylor
  - j. Carey Gully Water Reserve, Deviation Road, Carey Gully
  - k. Heathfield Stone Reserve, 215 Longwood Road, Heathfield

all being of significant biodiversity value, into Heritage Agreements.

3. That the Heritage Agreements retain the existing dog access arrangements in place for each of those reserves.

<b>Carried Unanimously</b>
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Mayor Bill Spragg declared an Actual Conflict of Interest at Agenda Item 5 'Declaration of Interest by Members of the Council' in relation to Item 12.6.

Mayor Bill Spragg remained in the Chamber and was not required to vote.

Cr Malcolm Herrmann declared a Perceived Conflict of Interest at Agenda Item 5 'Declaration of Interest by Members of the Council' in relation to Item 12.6.

Cr Malcolm Herrmann remained in the Chamber and voted.

8.52pm Cr Jan Loveday left the Chamber

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**12.6 Community & Recreation Facility Grants**

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

**201/18**

**Council resolves:**

- 1. That the report be received and noted**
- 2. That Council approve the 14 Community & Recreation Facility Grant application recommendations, totalling \$97,741 as recommended in Appendix 1.**

<b>Carried Unanimously</b>
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Cr Malcolm Herrmann voted in the affirmative.

Mayor Bill Spragg was not required to vote.

**12.6.1 Short Adjournment**

**Moved Cr Ian Bailey  
S/- Cr Andrew Stratford**

**202/18**

**That the Council meeting adjourn for a short break.**

<b>Carried Unanimously</b>
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9.05pm Cr Loveday returned to the Chamber

9.05pm The Council meeting resumed

Cr Andrew Stratford, Cr Linda Green and Cr Malcolm Herrmann declared a Material Conflict of Interest at Agenda Item 5 'Declaration of Interest by Members of the Council' in relation to Item 12.7.

9.05pm Cr Andrew Stratford, Cr Linda Green and Cr Malcolm Herrmann left the Chamber.

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**12.7 Community Wastewater Management Systems Review – Update and Consultation Outcomes**

Moved Cr John Kemp  
S/- Cr Lynton Vonow

203/18

Council resolves that:

1. The report be received and noted
2. The CEO undertakes a request for tender process for the divestment of Council's CWMS assets to inform Council's decision to sell or retain these assets.
3. The resolution to undertake a request for tender process is subject to there being no matters of material impact identified through further due diligence and request for tender preparation activities, as determined by the CEO.
4. Subject to Council resolving to proceed to a request for tender for the divestment of Council's CWMS assets, the CEO be delegated to prepare and approve an evaluation plan for the purposes of assessing responses received including but not limited to the following criteria:
  - CWMS customer pricing and fees
  - Sale price for CWMS assets
  - Respondents financial capacity
  - Respondents operational capacity and capability
  - Network investment and expansion
5. That ongoing analysis be undertaken on continued Council ownership of CWMS assets for request for tender comparison purposes to inform future decision making.
6. The Prudential Review Report and the Probity Report be received and noted.
7. The Council acknowledges that whilst S48 of the Local Government Act 1999 does not require a prudential review to be undertaken, the report in relation to this project is consistent with the provisions of S48.
8. The Administration is to continue to work collaboratively with the City of Onkaparinga and Rural City of Murray Bridge for the potential divestment of Council's CWMS.
9. That probity advisory services continue to be maintained throughout the CWMS review process.
10. That a further report be provided to Council detailing the outcomes of the second stage request for tender and evaluation process with recommended next steps.

<b>Carried Unanimously</b>
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9.17pm Cr Andrew Stratford, Cr Linda Green and Cr Malcolm Herrmann returned to the Chamber.

**12.8 Mobile Food Vending**

Moved Cr Ian Bailey  
S/- Cr Linda Green

**204/18**

**Council resolves:**

1. That the report be received and noted.
2. That Council adopt the Mobile Food Vending Business Location Rules contained in Appendix 1 of this report with an effective date of 1 September 2018.
3. That Council adopt the Mobile Food Vending Business pre-approved sites and site specific rules contained in Appendix 2 of this report with an effective date of 1 September 2018.
4. That the Chief Executive Officer be authorised to approve or revoke, in accordance with the Location Rules, sites for the pre-approved sites list and 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.

<b>Carried Unanimously</b>
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**12.9 Regional Transport Study Funding Request**

Moved Cr Malcolm Herrmann  
S/- Cr Kirrilee Boyd

**205/18**

**Council resolves:**

1. That the report be received and noted.
2. To endorse the provision of \$10,000 from the Chief Executive Officer's contingency allocation to contribute to the regional transport study into passenger transport linkages between Adelaide and Mount Barker and beyond.

<b>Carried Unanimously</b>
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**12.10 Road Closures Young Driver Awareness Course 2018-2019**

Moved Cr Andrew Stratford  
S/- Cr Ian Bailey

206/18

Council resolves:

1. That the report be received and noted.
2. That pursuant to Section 33(1) of the *Road Traffic Act 1961* and Clause G of the Instrument of General Approval of the Minister dated 22 August 2013, to:
  - a. Declare that the Driver Education Program that is to take place on Newman Road, Charleston is an event to which Section 33 of the *Road Traffic Act 1961* applies.
  - b. Make an order directing that a section of Newman Road, Charleston, between Five Lanes Road and Lewis Road, be closed to traffic for the period between 9.00am and 6.00pm on Thursday 11 October 2018, and 9.00am and 6.00pm Wednesday 17 April 2019.
  - c. Make an order directing that persons taking part in the event be exempt from the duty to observe the Australian Road Rules Rule 238 (Pedestrians travelling along a road)
  - d. Make an order directing that all vehicles except emergency and participant vehicles and local residents living at the named section of Newman Road, be excluded from the closed section of road for the period of the closure.

<b>Carried Unanimously</b>
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**12.11 Road Widening – Oakwood Road Oakbank**

Moved Cr Andrew Stratford  
S/- Cr Lynton Vonow

207/18

Council resolves:

1. That the report be received and noted
2. To purchase the area of land, being 104.6m<sup>2</sup>, identified in red on the plan attached as *Appendix 2 ("Land")* from the owners of the adjoining land at 2 Oakwood Road Oakbank in consideration of fencing and asphalt works with an estimated value of \$5,285 plus all reasonable costs to vest the land as public road, including lodgement fees and stamp duty costs totalling approximately \$3,000 (and thus a total value of approximately \$8,285).
3. That the Mayor and CEO be authorised to sign all necessary documentation to effect this resolution.

<b>Carried Unanimously</b>
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**12.12 Revocation of Community Land Lobethal Retirement Village**

**Moved Cr Malcolm Herrmann**

**S/- Cr Ron Nelson**

**208/18**

**Council resolves:**

- 1. That the report be received and noted**
- 2. That the community land classification over the land comprised in Certificate of Title Volume 6017 Folio 705 being Allotment 202 in Deposited Plan No. 75850 be revoked.**

<b>Carried Unanimously</b>
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Mayor Bill Spragg and Cr Malcolm Herrmann declared a Material Conflict of Interest at Agenda Item 5 'Declaration of Interest by Members of the Council' in relation to Item 12.13.

9.34pm Mayor Bill Spragg and Cr Malcolm Herrmann left the Chamber .

**12.13 OmbudsmanSA- Final Investigation Report – Cr Herrmann**

Executive Manager Governance & Performance, Lachlan Miller, advised Council that he had a Conflict of Interest at item 12.13 and that he had sought and was granted approval to continue to act from the CEO, Andrew Aitken pursuant to s120(2) of the *Local Government Act 1999*. Further, he confirmed that he has advised the Council of this conflict prior to providing advice pursuant to s120(4).

**Moved Cr John Kemp**

**S/- Cr Linda Green**

**209/18**

**Council resolves:**

- 1. That the report be received and noted**
- 2. To note that having investigated the alleged breach of the Code of Conduct for Council Members, the Ombudsman finds that:**
  - a. Cr Malcolm Herrmann has breached the provisions of section 63 of the *Local Government Act 1999* and clause 3.2 of Part 3 of the Code of Conduct for Council Members and further, that Cr Herrmann acted in a manner that appears to be contrary to law within the meaning of section 25(1)(a) of the *Ombudsman Act 1972*; and**

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- b. Further investigation into whether Cr Herrmann breached clause 3.4 of Part 3 of the Code of Conduct for Council Members is unnecessary and unjustifiable pursuant to the *Ombudsman Act 1972*.
3. To require Cr Herrmann to attend training on Council's *Records & Information Management Policy* and the *State Records Act 1997* by 26 September, 2018.
4. To revise clause 4.1.1 of Council's *Records & Information Management for Council Members Procedure* to read as follows: 'Email correspondence is to be conducted via the Council Member's corporate email account.'

<b>Carried Unanimously</b>
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9.52pm Mayor Spragg returned to the Chamber

9.52pm Cr Kirrilee Boyd left the Chamber

9.53pm Cr Malcolm Herrmann returned to the Chamber

**12.14 Status Report – Council Resolutions Update**

Moved Cr Lynton Vonow  
S/- Cr John Kemp

**210/18**

**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
7/12/2016	Special Council	276/16	Retirement Villages Review
28/11/2017	Ordinary Council	285/17	Road Widening - Murray Road Inglewood
27/02/2018	Ordinary Council	39/18	Community Loans Policy
24/04/2018	Ordinary Council	87/18	By-Law Making
24/04/2018	Ordinary Council	90/18	Road Widening Edward Avenue Crafers
22/05/2018	Ordinary Council	116/18	Caretaker Policy

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26/06/2018	Ordinary Council	140/18	Review of Confidential Items Register
26/06/2018	Ordinary Council	151/18	Special Event - Confidential Item
26/06/2018	Ordinary Council	139/18	Enforcement Policy
17/07/2018	Special Council	154/18	By-law Consultation Submissions
17/07/2018	Special Council	157/18	Revocation Community Land - Dunnfield Development Mt Torrens
24/07/2018	Ordinary Council	160/18	Petition Skatepark near Lobethal
24/07/2018	Ordinary Council	165/18	Volunteer Management Policy
24/07/2018	Ordinary Council	167/18	Road Widening - Edward Avenue Crafers
24/07/2018	Ordinary Council	168/18	Street Lighting Policy Review
24/07/2018	Ordinary Council	169/18	Flags & Tributes Policy
24/07/2018	Ordinary Council	170/18	Review of Physical Models for Major Development Policy
24/07/2018	Ordinary Council	171/18	Council Member Training & Development Policy
1/08/2018	Special Council	178/18	LG Rate Oversight Amendment Bill 2018

**Carried Unanimously**

**12.14.2 Extension of Meeting Time**

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

**211/18**

**That the Council meeting be extended for 30 minutes until 10.30pm.**

**Carried Unanimously**

9.54pm Cr Boyd returned to the Chamber



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**13. OFFICER REPORTS - INFORMATION ITEMS**

**13.1 Customer Service Standards Report – Quarter 4, 2017-18**

Moved Cr John Kemp

S/- Cr Jan-Claire Wisdom

**212/18**

**That the report be received and noted.**

<b>Carried Unanimously</b>
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9.57pm Cr Daniell left the Chamber and did not return

**14. MISCELLANEOUS ITEMS**

**15. QUESTIONS WITHOUT NOTICE**

- Cr Kirrilee Boyd – planting of trees to disguise stobie pole near petrol station on Merrion Terrace
- Cr Ian Bailey – climber on stobie pole
- Cr Malcolm Herrmann – cycle tracks for visitors to Hills
- Cr Andrew Stratford – memorial plinth near RSL Hall

10.07pm Cr John Kemp left the Chamber and did not return.

**16. MOTIONS WITHOUT NOTICE**

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

**16.1 Review of Community Grants Policy**

Moved Cr Ron Nelson

S/- Cr Ian Bailey

**213/18**

**That the community grants policy be reviewed before the next round of community grants.**

<b>Carried Unanimously</b>
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**17. REPORTS**

**17.1 Council Member Activities**

**Mayor Bill Spragg**

- 31 July, LGA Candidate session, Adelaide
- 3 August, meeting with Josh Teague, Member for Heysen, Stirling
- 15 August, meeting with a Basket Range resident, Stirling
- 18 August, Mosh Comedy night with the City of Adelaide Lady Mayoress, Burnside
- 20 August, meeting with Dr Richard Harvey, Member for Newland, Stirling
- 22 August, interview with Courier journalist, Montacute
- 26 August, Montacute CFS station opening, Montacute
- 26 August, SALA exhibition at Marble Hill ruins, Marble Hill
- Tuesday 28th August, meeting with Stirling RSL members re- Memorial, Stirling

**Cr Malcolm Herrmann**

- 3 August, SALA Launch Arts Hub, Lobethal
- 8 August, Rotary Club, Lobethal
- 20 August, AGM RSL, Gumeracha
- 22 August, Federation Park Master Plan, Gumeracha
- 27 August, Top of the Torrens Gallery, Birdwood

**Cr John Kemp**

- 11 -12 August, Better Boards Conference, Adelaide
- 21 August, Heysen Friends of Nature Forum, Aldgate

**Cr Linda Green**

- 30 July, presentation at Hahndorf by Tourism Minister
- 3 August, SALA opening Lobethal Woollen Mills

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

**Cr Malcolm Herrmann**

- 16 August, Gawler River Flood Management Authority, Gawler

**Cr Linda Green**

- 17 August, East Waste Board meeting

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**17.3 CEO Report**

Andrew Aitken, Chief Executive Officer, provided Council with a verbal Corporate Update.

- Footpath upgrades - Frick Street Lobethal and Murray Street Gumeracha
- Cr Val Hall's Memorial seat, Gumeracha
- Land Division Inverbrackie
- Dog registrations
- Food safety training
- Short course trail series success

**18. REPORTS OF COMMITTEES****18.1 Council Assessment Panel – 8 August 2018**

Moved Cr Linda Green

S/- Cr Jan Loveday

**214/18**

That the minutes of the Council Assessment Panel meeting of 8 August 2018 as distributed, be received and noted.

<b>Carried Unanimously</b>
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**18.2 Special Strategic Planning & Development Policy Committee – 14 August 2018**

Moved Cr Malcolm Herrmann

S/- Cr Lynton Vonow

**215/18**

That the minutes of Strategic Planning & Development Policy Committee meeting of 14 August 2018 as distributed, be received and noted.

<b>Carried Unanimously</b>
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**18.3 Audit Committee – 13 August 2018**

Moved Cr Malcolm Herrmann

S/- Cr Ian Bailey

**216/18**

That the minutes of Audit Committee meeting of 13 August 2018 as distributed, be received and noted.

<b>Carried Unanimously</b>
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**18.4 CEO Performance Review Panel – 9 August 2018**

Moved Cr Jan Loveday  
S/- Cr Jan-Claire Wisdom

**217/18**

That the minutes of the CEO Performance Review Panel meeting of 9 August 2018 as distributed, be received and noted.

<b>Carried Unanimously</b>
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**19. CONFIDENTIAL ITEMS**

**19.1 CEO Performance and Remuneration Reviews – Exclusion of the Public**

Moved Cr Linda Green  
S/- Cr Lynton Vonow

**218/18**

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 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 19.1: (CEO Performance and Remuneration Reviews) 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), being the personal affairs of the Chief Executive Officer, in that details of his performance review and remuneration package will be discussed.

<b>Carried Unanimously</b>
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**19.1.1 Extension of Meeting Time**

**Moved Cr Jan-Claire Wisdom**

**S/- Cr Jan Loveday**

**219/18**

**That the Council meeting be extended for 10 minutes until 10.43pm.**

<b>Carried Unanimously</b>
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**19.1.2 CEO Performance and Remuneration Reviews – Confidential Item**

**RELEASED 31 AUGUST 2018**

Moved Cr Linda Green  
S/- Cr Jan-Claire Wisdom

**220/18**

**Council resolves:**

- 1. That the report be received and noted**
- 2. That the CEO ‘exceeded expectations’ in relation to the 2018 CEO Performance Review.**
- 3. That Council increase the CEO’s TEC Package by 3.5% to commence from 1 July 2018, having given due consideration to the following matters:**
  - 3.1 CPI increases**
  - 3.2 Remuneration Report, specifically the comparisons of Group 2 Councils’ CEO remuneration**
  - 3.3 The Panel’s assessment of the CEO’s performance for 2017/18 as ‘exceeding expectations’**
  - 3.4 The extended period of high performance by the CEO during his tenure with Council.**

<b>Carried</b>
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**19.1.3 CEO Performance and Remuneration Reviews – Period of Confidentiality**

Moved Cr Malcolm Herrmann

S/- Cr Linda Green

221/18

Subject to the CEO, or his delegate, disclosing information or any document (in whole or in part) for the purpose of implementing the Panel's decision(s) in this matter in the performance of the duties and responsibilities of office, the Panel, having considered at Agenda Item 19.1 in confidence under sections 90(2) and 90(3)(a) 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, related attachments and the minutes of Council and the discussion and considerations of the subject matter be retained in confidence until the CEO has been advised in writing or by 31 August 2018, whichever is earlier.

Pursuant to section 91(9)(c) of the Local Government Act 1999, that Council delegates the power to revoke the confidentiality order to the Chief Executive Officer, or his sub-delegate.

<b>Carried Unanimously</b>
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**20. NEXT MEETING**

The next ordinary meeting of the Adelaide Hills Council will be held on Tuesday 25 September 2018 from 6.30pm at 63 Mt Barker Road, Stirling.

**21. CLOSE MEETING**

The meeting closed at 10.43pm.

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**CODE OF CONDUCT COUNCIL RESPONSE**

I accepted the provisional report dated 13 June 2018, with a comment requesting clarification as to what was acceptable training. The Ombudsman has since advised that it is for the council to determine the scope of the training.

I am happy to undertake any training that the Council determines I should. Further, I am pleased that the Ombudsman considered that **“further investigation into whether I had breached clause 3.4 of Part 3 of the Code of Conduct is unnecessary and unjustifiable pursuant to the Ombudsman Act “(page 13 of Ombudsman report dated 26 July 2018)**

To ensure that the Council minutes reflect the Ombudsman’s findings in full, I request that the council resolve to insert where appropriate:

“to note that the Ombudsman finds that further investigation into whether Cr. Malcolm Herrmann had breached clause 3.4 of Part 3 of the Code of Conduct is unnecessary and unjustifiable pursuant to the Ombudsman Act.”

I reiterate, I never had any intention to breach any Code of Conduct, other legislation or Council policies. I look forward to working constructively with elected members and continuing to represent the residents and businesses of the Torrens Valley Ward (soon to be the Valleys Ward).

**Cr Malcolm Herrmann**