

**ADELAIDE HILLS COUNCIL
MINUTES OF SPECIAL COUNCIL MEETING
TUESDAY 4 JUNE 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 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
Deryn Atkinson	A/Director Development & Regulatory Services
David Waters	Director Community Capacity
John McArthur	Manager Waste & Emergency Management
Chris Janssan	Manager Open Spaces
Jennifer Blake	Manager Communications Engagement & Events
Steven Watson	Governance & Risk Coordinator
Bernadette Walsh	Corporate Planning & Performance Coordinator
Pam Williams	Minute Secretary

1. COMMENCEMENT

The special meeting commenced at 6.30pm.

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”.

Mayor _____ 25 June 2019

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3. APOLOGIES/LEAVE OF ABSENCE

3.1 Apology

Cr Pauline Gill

3.2 Leave of Absence

Nil

3.3 Absent

Nil

4. DECLARATION OF CONFLICT OF INTEREST BY MEMBERS OF COUNCIL

4.1 Material Conflict of Interest, Cr Kirrilee Boyd, Item 8.1, Discretionary Rates Rebate

Under Section 74 of the *Local Government Act 1999* Cr Kirrilee Boyd disclosed a Material Conflict of Interest in Item 8.1, Discretionary Rates Rebate, the nature of which is as follows:

- My son is a member of the Mt Lofty Scouts Group

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

4.1.1 Perceived Conflict of Interest, Cr Malcolm Herrmann, Item 12.8, Discretionary Rates Rebate

Under Section 75A of the *Local Government Act 1999* Cr Malcolm Herrmann disclosed a Perceived Conflict of Interest in Item 8.1, Discretionary Rates Rebate, the nature of which is as follows:

- I am the Honorary Auditor for the Kersbrook Public Hall & Forreston Community Centre

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

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5. PRESIDING MEMBER'S OPENING REMARKS

Nil

6. PUBLIC FORUM

- Joe Frank re Rallies
- Tim Possingham, Adelaide Rally
- Jill Herve, Chairman of Board, Restvale & Jim Hennessy, Deputy Chair Restvale

7. PRESENTATION

7.1 Leah Maxwell, Adelaide Hills Region Waste Management Authority

8. REPORTS

8.1 Motion on Notice – Rescission and replacement of discretionary rates rebates for 2019/20

Cr Kirrilee Boyd declared a Material Conflict of Interest at Agenda Item 4 'Declaration of Interest by Members of the Council' in relation to item 8.1 and left the Chamber.

7.15pm Cr Kirrilee Boyd left the Chamber

Cr Malcolm Herrmann declared a Perceived Conflict of Interest at Agenda Item 4 'Declaration of Interest by Members of the Council' in relation to item 8.1 and remained in the Chamber and voted.

Moved Cr Malcolm Herrmann

S/- Cr John Kemp

132/19

I move that Council rescind resolution 118/19 of the 28 May 2019 Ordinary Council meeting and resolve the following:

- 1. The report be received.**
- 2. That the following applications for a discretionary rate rebate under Section 166 1) (d) of the Local Government Act 1999 be granted a 75% rate rebate for the rating years from 2019-20 until the end of the current Council term:**
 - **Scout Association of Australia (SA Branch) 9 Pye Road Balhannah – Assessment No. 6589**
 - **Scout Association of Australia (SA Branch) 99 Milan Terrace Stirling – Assessment No. 12628**
 - **Lobethal and District Aged Homes 8 Woodside Road Lobethal – Assessment No. 4670**

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3. That a discretionary rate rebate requested by the following applicants under Section 166 of the Local Government Act 1999 be declined on the basis that they do not meet the criteria set out in Council's Rating Policy:
- Stirling Hospital Inc – 20 Milan Terrace Stirling – Assessment No. 11270
 - KeyInvest – 18A Tolmer Road Woodside – Community Centre – Assessment No. 20383
 - Baptist Care (SA) Inc – 32 Wingrove Road Mylor – Assessment No. 10008
 - Scout Association of Australia (SA Branch)
 - 37 Spring Gully Road Piccadilly – Assessment No. 1069
 - 19 Spring Gully Road Piccadilly – Assessment No. 2813 – vacant land
 - Carinya Road & 21-37 Spring Gully Road Piccadilly – Assessment No. 2001
4. The applicants be formally advised of Council's decision.

Carried

Cr Malcolm Herrmann voted for the motion. The majority voted for the motion.

8.16pm Cr Malcolm Herrmann left the Chamber

8.16pm Cr Kirrilee Boyd returned to the Chamber

8.16pm The meeting adjourned for a short break

8.21pm The meeting resumed with all available members present

8.2 Adelaide Hills Region Waste Management Authority Draft 2019/20 Annual Business Plan & Budget

Moved Cr Mark Osterstock

S/- Cr John Kemp

133/19

Council resolves:

1. That the report be received and noted.
2. That Council approves the Draft Adelaide Hills Region Waste Management Authority 2019/20 Annual Business Plan (including Long Term Financial Plan) and Budget.

Carried Unanimously

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8.3 Trails Strategy Status Report

Moved Cr Ian Bailey
S/- Cr Kirsty Parkin

134/19

Council resolves that the report be received and noted.

Carried Unanimously

8.32pm Cr Malcolm Herrmann left the Chamber

8.38pm Cr Malcolm Herrmann returned to the Chamber

8.4 Road Closures Adelaide Rally Event

Administrative Action: Officers to provide information to Council after the Event on actual times roads were open and closed

Moved Cr John Kemp
S/- Cr Kirsty Parkin

135/19

Council resolves:

1. That the report be received and noted.
2. That, in relation to the Shannons Adelaide Rally 2019 and the Adelaide Rallysprint 2019, 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 3rd party property caused by the event;
 - b. Entering into a road repair agreement with Council to cover any rectification works required as a result of damage caused by the event;
 - c. Providing confirmation that affected business owners are aware of the road closures;
 - d. Providing written confirmation to confirm that the concerns raised by affected residents have been adequately addressed and that arrangements for egress and regress from those properties can be managed within the event;
 - e. 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 two events, to be held on Sunday 6 October and between Wednesday 4 December and Saturday 1 December 2019 as follows:

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Adelaide Rallysprint 2019

- a. **Sunday 6 October**
 - i. **Stage 1 - Pinkerton Gully**
Approximate closure 9:00am – 4:30pm
Gorge Road closed – from approximately King George Avenue to Pinkerton Gully Road
 - ii. **Stage 2 - Paracombe**
Approximate closure 9:00am – 4:30pm
Gorge Road closed – from approximately Batchelor Road to 500m before Torrens Valley Road
 - iii. **Stage 3 - Prairie**
Approximate closure 9:00am – 4:30pm
Gorge Road closed – from approximately Torrens Valley Road to Prairie Road

Shannons Adelaide Rally 2019

- b. **Wednesday 4 December**
 - i. **Stage 7 – Bradbury**
Approximate closure 3:00pm – 5:45pm
Mount Bold Road and Dorset Vale Road closed – from AHC boundary to Gurr Road
- c. **Thursday 5 December**
 - i. **Stage 9 & 12 – Chain of Ponds**
Approximate closure 8:00am – 2:00pm
North East Road and Tippett Road closed – from Fiddlers Hill road to 300m before Gorge Road
 - ii. **Stage 10 Corkscrew Road**
Approximate closure 8:30am – 12:15pm
Corkscrew Road closed – from Gorge Road to Montacute Road
- d. **Friday 6 December**
 - i. **Stage 16 – Norton Summit**
Approximate closure 8:30am – 12:15pm
New Norton Summit Road closed – from Coach House Drive to Lobethal Road
 - ii. **Stage 18 – Marble Hill**
Approximate closure 9:45am – 2:00pm
Gorge Road, Corkscrew Road, Montacute Road and Marble Hill Road closed – from Prairie Road to Tembys Road
 - iii. **Stage 17 – Stafford Ridge**
Approximate closure 9:00am - 12:45pm
Staffords Road and Fox Creek Road closed – from Lobethal Road to Fox Creek Rd (Mountain Bike Carpark)
 - iv. **Stage 21 – Eagle on the Hill**
Approximate closure 1:15pm – 4:45pm
Mount Barker Road closed – from AHC boundary to #350 Mount Barker Road

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- v. **Stage 20 & 23 – Stirling**
Approximate closure 11:45am – 5:15pm
Ironbank Road and Sturt Valley Road closed – from Evans Drive to Longwood Road
- vi. **Stage 19 & 22 – Ironbank**
Approximate closures 11:30am – 5:00pm
Morgan Road and Scott Creek Road – from Ironbank Road to Evans Drive
- e. **Saturday 7 December**
 - i. **Stage 28 & 30 – Gorge and Torrens**
Approximate closure 10:30am – 4:30pm
Gorge Road closed – from #664 Gorge Road to Prairie Road
 - ii. **Stage 29 – Mt Bera**
Approximate closure 11:00am – 2:45pm
Gorge Road closed – North East Road to Cudlee Creek Road
 - iii. **Stage 28 – Basket Range**
Approximate closure 8:30am – 12:15pm
Lobethal Road closed – from #374 Lobethal Road to Basket Range Road
 - iv. **Stage 27 – Carey Gully**
Approximate closure 8:45am – 12:30pm
Lobethal Road and Deviation Road closed – from Fernglen Road to Boundary Drive (South)
 - v. **Stage 25 – Mt Lofty**
Approximate closure 8:00am – 11:45am
Greenhill Road and Summit Road closed – from #661 Greenhill Road to Cleland Wildlife Park Entrance, Summit Road Crafers
- 4. **That the Council confirms that the Chief Executive Officer may use existing powers under delegation to consider, and determine whether or not to provide consent to, any proposals for minor changes to the road closures in the lead up to the event.**

Carried

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8.5 Strategic Plan Review – Key Themes Adoption

Moved Cr Chris Grant

S/- Cr Linda Green

136/19

Council resolves:

1. That the report be received and noted.
2. That the Summary of Key Challenges, Opportunities and Implications (*Appendix 1*) identified as part of the environmental scan research be noted.
3. That the draft strategic goal areas (Community, Economic, Environment and Organisational Capacity), related outcomes and key result areas included in *Appendix 2* of this report be endorsed for community consultation in Phase 2.
4. To delegate to the Chief Executive Officer, or delegate, the authority to make any formatting or content changes to the draft strategic goal areas, related outcomes and key result areas to reflect matters raised in the Council's debate on the matter prior to its release for community consultation.

Carried Unanimously

8.6 Magarey Road Renaming

Moved Cr Kirrilee Boyd

S/- Cr Kirsty Parkin

137/19

Council resolves that:

1. The report be received and noted.
2. That the southern section of Magarey Road Mount Torrens (as shown in Appendix 1) be renamed Barrett Road.

Carried Unanimously

9.08pm Cr Kirsty Parkin left the Chamber

9.10pm Cr Kirsty Parkin returned to the Chamber

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8.7 Confidential Items Review

Cr Linda Green, Cr Malcolm Herrmann and Cr Andrew Stratford declared a Material Conflict of Interest in relation to item 8.7, as their properties are connected to the Community Wastewater Management System, and left the Chamber.

9.11pm Cr Linda Green, Cr Malcolm Herrmann and Cr Andrew Stratford left the Chamber.

**Moved Cr Mark Osterstock
S/- Cr Ian Bailey**

138/19

Council resolves:

- 1. That the report be received and noted**
- 2. 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 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 for a period as specified below:**

- a. **Council Meeting 25 October 2016, CWMS Expression of Interest**

Section 90(3)(d) of the *Local Government Act 1999*, the information to be received, discussed or considered in relation to this Agenda Item is commercial information of a confidential nature (not being a trade secret) the disclosure of which –

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

The subject matter be retained in confidence until 31 December 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.

- b. **Council Meeting 25 October 2016, Community Wastewater Management Systems Review**

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Section 90(3)(b) of the *Local Government Act 1999*, the information to be received, discussed or considered in relation to this Agenda Item is information the disclosure of which –

- (i) could reasonably be expected to confer a commercial advantage on a person with whom the council is conducting, or proposing to conduct, business, or to prejudice the commercial position of the council; and
- (ii) would, on balance, be contrary to the public interest;

The subject matter be retained in confidence until 31 December 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.

- c. Council Meeting 22 August 2017, Adelaide Hills Region Waste Management Authority Tender Landfill Compactor

Section 90(3)(d) of the *Local Government Act 1999*, the information to be received, discussed or considered in relation to this Agenda Item is commercial information of a confidential nature (not being a trade secret) the disclosure of which –

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

The subject matter be retained in confidence until legal proceedings and deliberations have concluded.

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.

- d. Council Meeting 26 September 2017, Community Wastewater Management Systems Review

Section 90(3)(b) 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 –

- (iii) could reasonably be expected to confer a commercial advantage on a person with whom the council is conducting, or proposing to conduct, business, or to prejudice the commercial position of the council; and
- (iv) would, on balance, be contrary to the public interest;

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The subject matter be retained in confidence until 31 December 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.

- e. Special Council Meeting 19 June 2018, Community Wastewater Management Systems Expression of Interest Outcomes

Section 90(3)(b) of the *Local Government Act 1999*, the information to be received, discussed or considered in relation to this Agenda Item is information the disclosure of which –

- (i) could reasonably be expected to confer a commercial advantage on a person with whom the council is conducting, or proposing to conduct, business, or to prejudice the commercial position of the council; and
- (ii) would, on balance, be contrary to the public interest;

The subject matter be retained in confidence until 31 December 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.

- f. Special Council Meeting 01 August 2018, Retirement Village Review

Section 90(3)(b) of the *Local Government Act 1999*, the information to be received, discussed or considered in relation to this Agenda Item is information the disclosure of which –

- (i) could reasonably be expected to confer a commercial advantage on a person with whom the council is conducting, or proposing to conduct, business, or to prejudice the commercial position of the council; and
- (ii) would, on balance, be contrary to the public interest;

The subject matter be retained in confidence until 31 July 2023.

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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9.13pm Cr Linda Green, Cr Malcolm Herrmann and Cr Andrew Stratford returned to the Chamber.

RELEASED 22 JULY 2019

9. CONFIDENTIAL ITEM

9.1 Event Opportunity – Exclusion of the Public

Moved Cr Kirsty Parkin

S/- Cr Leith Mudge

139/19

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

- CEO, Andrew Aitken
- A/Director Development & Regulatory Services, Deryn Atkinson
- Director Corporate Services, Terry Crackett
- Director Community Capacity, David Waters
- Manager Open Spaces, Chris Janssan
- Manager Communications, Engagement & Events, Jennifer Blake
- Governance and Risk Coordinator, Steven Watson
- Minute Secretary, Pam Williams

be excluded from attendance at the meeting for Agenda Item 9.1: (Event Opportunity) in confidence.

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

Section 90(3) (j) of the *Local Government Act 1999*, the information to be received, discussed or considered in relation to this Agenda Item is information the disclosure of which –

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

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

Section 90(3) (j) of the *Local Government Act 1999*, the information to be received, discussed or considered in relation to this Agenda Item is 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/agency/business who supplied the information by disclosing specific quotes and modelling by the tenderer.

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Carried Unanimously

RELEASED 22 JULY 2019

9.1.1 Event Opportunity – Confidential Item

Moved Cr Kirsty Parkin
S/- Cr Nathan Daniell

140/19

Council resolves:

- 1. That the report be received and noted.**
- 2. To accept the offer by the South Australian Tourism Commission for the Council to host one stage start and two stage finishes for the 2020 Santos Tour Down Under, namely the Stage 2 start in Woodside and finish in Stirling on Wednesday 22 January 2020 and the Stage 3 finish in Paracombe on Thursday 23 January 2020 for a total consideration of \$45,000 plus GST, to be paid by the Council.**
- 3. To accept the offer by the South Australian Tourism Commission for the Council to host two stage finishes for the 2020 Santos Women's Tour Down Under, namely the Stage 2 finish in Birdwood on Friday 17 January 2020 and the Stage 3 finish in Stirling on Saturday 18 January 2020.**
- 4. To allocate an additional \$10,000 budget for delivery of the Santos Tour Down Under and Santos Women's Tour Down Under events to what was proposed in the Draft Annual Business Plan for 2019-20.**
- 5. That the Chief Executive Officer be authorised to act for and on behalf of the Council to execute any contracts or other documents required to progress the matter.**
- 6. That the Council notes that the Chief Executive Officer will act pursuant to the delegation provided to him in respect to considering and providing consent for road closures associated with the 2020 Santos Tour Down Under, the 2020 Santos Women's Tour Down Under and any other ancillary events, pursuant to Section 33 of the *Road Traffic Act 1961*.**

Carried Unanimously

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RELEASED 22 JULY 2019

9.1.2 Event Opportunity – Period of Confidentiality

Moved Cr Malcolm Herrmann
S/- Cr Ian Bailey

141/19

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 9.1 in confidence under sections 90(2) and 90(3) (j) of the *Local Government Act 1999*, resolves that an order be made under the provisions of sections 91(7) and (9) of the *Local Government Act 1999* 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 event agreements are signed and the race routes are announced by the relevant Minister, but not longer than 31 December 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

10. CLOSE MEETING

The meeting closed at 9.28pm.