

**ADELAIDE HILLS COUNCIL  
MINUTES OF ORDINARY COUNCIL MEETING  
TUESDAY 26 NOVEMBER 2019  
63 MT BARKER ROAD STIRLING**

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In Attendance

**Presiding Member:** Mayor Jan-Claire Wisdom

**Members:**

Councillor Ian Bailey
Councillor Nathan Daniell
Councillor Pauline Gill
Councillor Chris Grant
Councillor Linda Green
Councillor Malcolm Herrmann
Councillor Leith Mudge
Councillor Mark Osterstock
Councillor Kirsty Parkin
Councillor Andrew Stratford

In Attendance:

Andrew Aitken	Chief Executive Officer
Terry Crackett	Director Corporate Services
Peter Bice	Director Infrastructure & Operations
Marc Salver	Director Development & Regulatory Services
David Waters	Director Community Capacity
Lachlan Miller	Executive Manager Governance & Performance
Steven Watson	Governance & Risk Coordinator
Renee O'Connor	Sport & Recreation Planner
Lynn Griffiths	Community & Cultural Development Officer
Jess Charlton	Coordinator Service Strategy & Innovation
Pam Williams	Minute Secretary

**1. COMMENCEMENT**

The meeting commenced at 6.31pm.

**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 John Kemp

**3.2 Leave of Absence**

Cr Kirrilee Boyd (22 October 2019 to 31 December 2019) approved 22 October 2019.

**3.3 Absent**

Nil

**4. MINUTES OF PREVIOUS MEETINGS**

**4.1 Council Meeting – 22 October 2019**

Moved Cr Malcolm Herrmann

S/- Cr Chris Grant

275/19

**That the minutes of the Ordinary Council meeting held on 22 October 2019 as supplied, be confirmed as an accurate record of the proceedings of that meeting.**

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

**5.1 Material Conflict of Interest, Cr Leith Mudge, Item 12.8 Code of Conduct Final Report Cr Leith Mudge**

Under Section 74 of the *Local Government Act 1999* Cr Leith Mudge disclosed a Material Conflict of Interest in Item 12.8, Code of Conduct Final Report Cr Leith Mudge, the nature of which is as follows:

- I have a material conflict of interest as I may gain a benefit or suffer a loss if the matter is decided in a particular manner.

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

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**5.2 Perceived Conflict of Interest, Cr Leith Mudge, Item 12.1 Pomona Road Bike Track Trial**

Under Section 75A of the *Local Government Act 1999* Cr Leith Mudge disclosed a Perceived Conflict of Interest in Item 12.1, Pomona Road Bike Track Trial, the nature of which is as follows:

- My son is a keen mountain biker and uses this track. He is also a member of the Inside Line Downhill Mountain Bike Club and I have acted as a volunteer marshall and shuttle bus driver at a competition.

Cr Mudge intends to participate in the discussions and vote when this item is discussed.

- I believe that I can separate in my mind any perceived personal interest in this matter from the greater public interest and successfully act in the public interest. I will participate in the debate and vote.

**5.3 Perceived Conflict of Interest, Cr Leith Mudge, Item 12.2 2019/2020 Community Development Grants**

Under Section 75A of the *Local Government Act 1999* Cr Leith Mudge disclosed a Perceived Conflict of Interest in Item 12.2, 2019/2020 Community Development Grants, the nature of which is as follows:

- I am a member of the Anglican Parish of Stirling that applied for one of these grants

Cr Mudge intends to participate in the discussions and vote when this item is discussed.

- I believe that I can separate in my mind any perceived personal interest in this matter from the greater public interest and successfully act in the public interest. I will participate in the debate and vote.

**5.4 Material Conflict of Interest, Cr Chris Grant, Item 12.2 2019/2020 Community Development Grants, the nature of which is as follows:**

Under Section 74 of the *Local Government Act 1999* Cr Chris Grant disclosed a Material Conflict of Interest in Item 12.2, 2019/2020 Community Development Grants, the nature of which is as follows:

- I work for National Trust SA who may gain a financial advantage for Item 12.2 decision (a grant).

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

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**5.5 Perceived Conflict of Interest, Cr Andrew Stratford, Item 12.11, Review of Confidential Items**

Under Section 75A of the *Local Government Act 1999* Cr Andrew Stratford disclosed a Perceived Conflict of Interest in Item 12.11, Review of Confidential Items, the nature of which is as follows:

- I have a property which is connected to the CWMS

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

- I believe I can responsibly and fairly deal with this item without prejudice.

**5.6 Perceived Conflict of Interest, Cr Andrew Stratford, Item 12.13, Proposed Draft Practice Direction – Building Inspections**

Under Section 75A of the *Local Government Act 1999* Cr Andrew Stratford disclosed a Perceived Conflict of Interest in Item 12.2, Proposed Draft Practice Direction – Building Inspections, the nature of which is as follows:

- I own a construction company which may be subject to the fees mentioned in this report

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

**5.7 Perceived Conflict of Interest, Cr Linda Green, Item 12.11, Review of Confidential Items**

Under Section 75A of the *Local Government Act 1999* Cr Linda Green disclosed a Perceived Conflict of Interest in Item 12.11, Review of Confidential Items, the nature of which is as follows:

- I have a property which is connected to the CWMS

Cr Green intends to participate in the discussions and vote when this item is discussed.

- The item is not making a decision about CWMS it is about whether we should release the items from confidence.

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**5.8 Perceived Conflict of Interest, Cr Malcolm Herrmann, Item 12.3, 2019/20 Community & Recreation Facility Grants**

Under Section 75A of the *Local Government Act 1999* Cr Malcolm Herrmann disclosed a Perceived Conflict of Interest in Item 12.3, Review of Confidential Items, the nature of which is as follows:

- I am the Patron of the Birdwood Football and Netball Club

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

- I am not on the Board of Management and will not receive any benefit or disbenefit from the decision.

**5.9 Perceived Conflict of Interest, Cr Malcolm Herrmann, Item 12.11, Review of Confidential Items**

Under Section 75A of the *Local Government Act 1999* Cr Andrew Stratford disclosed a Perceived Conflict of Interest in Item 12.11, Review of Confidential Items, the nature of which is as follows:

- My property, 10 Pool Street Birdwood is connected to the CWMS

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

- No benefit or disbenefit will accrue to me resulting from the decision.

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

- Mayor Jan-Claire Wisdom thanked Council Members for attending the various Remembrance Ceremonies throughout District on 11 November.
- She also thanked the CFS for their strategic and effective actions on the 20 November catastrophic fire day.
- Mayor Wisdom advised Council that the 2019 Uraidla Show held on 3 November was another very successful fair and that she was very pleased to help sell the Big Issue in Stirling on 25 November.

**7. QUESTIONS ADJOURNED/LYING ON THE TABLE**

**7.1 Questions Adjourned**

Nil

**7.2 Questions Lying on the Table**

Nil

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**8. PETITIONS/DEPUTATIONS/PUBLIC FORUM****8.1 Petitions****8.1.1 Genetically Manipulated (GM) Crops**

Moved Cr Mark Osterstock

S/- Cr Pauline Gill

**276/19**

1. Council resolves that the petition signed by 28 signatories, requesting Council to take action to ensure that Genetically Manipulated (GM) Crops are not grown in our region, be received and noted.
2. That the Head Petitioner be provided with a copy of Council's submission to the State Government.

<b>Carried Unanimously</b>
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**8.2 Deputations****8.2.1 Adelaide Hills Skateboard Community – Fraser Fuller****8.2.2 Stirling Tennis Club – Neil Sandercock****8.3 Public Forum**

Nil

**9. PRESENTATIONS**

Nil

**10. QUESTIONS ON NOTICE****10.1 Road Rallies & Road Dilapidation Reports – Cr Malcolm Herrmann**

1. Were dilapidation reports undertaken on the roads prior to the commencement of the rally?
2. Were dilapidation reports undertaken after the completion of the rally, and if so, how long after the rally?
3. What were the results of those reports?
4. If work was required to reinstate the roads to their former condition, has this work been done, by whom and at what cost?

Officer's Response – Jennifer Blake, Manager Communications, Engagement & Events

1. At its meeting held on 28 May 2019, Council resolved to approve the closure of certain roads to facilitate the staging of the Adelaide Hills Rally in September 2019. One of the conditions of approval was that Ultimate Motorsport Events (UME) enters into a road repair agreement and to undertake a road dilapidation report of the routes prior to and subsequent to the event.

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2. A dilapidation report was undertaken by Council staff and a representative from UME the week before the race which ran from Friday 20 to Sunday 22 September 2019.
3. Council staff conducted a drive along the route on Monday 23 September 2019 to determine if there was any obvious damage and found no evidence of such. There were no reports or complaints to Council regarding damage to the road surface along the route or anywhere else in the Council area.
4. A formal post-race dilapidation inspection was undertaken by Council staff and a representative from UME on 31 October 2019. No damage was recorded as needing repair.

**10.2 Woodside BMX Track – Cr Andrew Stratford**

1. What is the reason for Council not supporting a request for the 'Love Woodside' group in their recent attempts for facility improvements at the Woodside BMX track?
2. What is the formal classification of this land?
3. Is Council able to provide support for their requests for improvements to the facilities as recommendations through to other relevant Government authorities?

Officer's Response – Natalie Westover, Manager Property Services

1. The land is owned by The Commissioner of Highways and is leased to the Council. Under the terms of the lease (clause 10 as detailed below), improvements to the land cannot be made without the consent of the Commissioner.

10. And also that the Lessee shall not erect on the said land or any part thereof any buildings structures erections fencing or other improvements or alter or add to any buildings structures erections fencing or other improvements which are or may hereafter be on the said land without the consent in writing of the Commissioner first obtained. The Lessee shall submit for the approval of the Commissioner the plans and specifications of any proposed construction alteration or variation or such improvements.

The Love Woodside Group requested approval from the Department of Transport and Infrastructure (DPTI) to make improvements to the land in the form of seating, toilets and park shelters. DPTI did not provide consent to their request. DPTI communicated to Council their position and that they would not provide consent to any further infrastructure.

2. The land is owned by The Commissioner of Highways. The land was leased to the then District Council of Onkaparinga in 1983 for the purposes of a BMX track. The lease also included some adjoining parcels of land which were to be used for the purposes of car parking and stock agistment. The lease does not have an end date although either party can provide the other with three (3) months' notice of their intention to terminate.

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3. At the time of preparing the response to this Question on Notice, Council staff were scheduled to meet with staff from DPTI on Thursday, 21 November to discuss the current lease arrangements and to seek clarification as to what infrastructure will be permitted by DPTI where that infrastructure supports the approved use as a BMX track.

**10.3 Public Toilet Facilities – Cr Andrew Stratford**

1. Are there any regulations - in particular from a planning or health perspective, that Council needs to apply and comply with in regard to existing public use toilets?
2. Does Council have a policy position, or a service standard on the condition of these facilities and / or the provisions provided within these existing public toilets?

Officer's Response – Natalie Westover, Manager Property Services

Information has been sought from the Council's Manager Development Services and Environment Health Team Leader in responding to this question.

The Institute Hall has existing use rights as a public building and the need to upgrade the toilet facilities is only triggered by major alterations or a change of use. Such an upgrade would require a development application to be lodged and assessed for planning and building rules consent.

In regard to the Public Health Legislation there is a Code of Practice for The Provision of Facilities for Sanitation and Personal Hygiene which is a prescribed code of practice under Section 109 of the *SA Public Health Act 2011*. The Code requires that facilities for sanitation and personal hygiene must be maintained in a clean and hygienic condition.

Toilets that are recognised as having high use by the community due to their location are cleaned daily. In some instances, where toilets service both the general public and a hall, additional cleans have been requested by hall committees where there are larger functions being held at the hall and these have been accommodated where able so that the toilets are cleaned again later in the day prior to the event.

Council staff are very responsive to reports by community members of unsanitary conditions and have cleaners attend at the earliest opportunity.

Council does not currently have a policy position or service standards in relation to its public toilets.

Council has allocated budgetary resources in this financial year to enable a review/audit of the Council's public toilets. It is anticipated that the outcome of this review/audit will be the development of a policy position that will include service standards and how Council assesses location and type of public toilet facilities.



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**11. MOTIONS ON NOTICE****11.1 Water Usage from Bores**

Moved Cr Malcolm Herrmann

S/- Cr Kirsty Parkin

277/19

1. That the CEO investigates any circumstances where Council provides water to or receives water from a person/organisation.
2. Following the investigation, a report detailing, among other things, any contractual arrangements, costs, risks and liabilities, be provided to Council by 30 April 2020.

<b>Carried Unanimously</b>
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**12. OFFICER REPORTS – DECISION ITEMS****12.1 Pomona Road Bike Trial**

Cr Leith Mudge declared a Perceived Conflict of Interest at Agenda Item 5 'Declaration of Interest by Members of the Council' in relation to Item 12.1.

Cr Mudge remained in the chamber and voted.

Moved Cr Pauline Gill

S/- Cr Ian Bailey

278/19

**Council resolves:**

1. That the report be received and noted.
2. Allow the Pomona BMX Track to remain in place for the Community, and suggested improvements be reviewed by staff and considered as part of future Annual Business Planning processes.

<b>Carried Unanimously</b>
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Cr Leith Mudge voted in favour of the motion.

The majority of Councillors voted in favour of the motion.

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**12.2 2019/2020 Community Development Grants**

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

Cr Mudge remained in the Chamber and voted.

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

7.26pm Cr Grant left the Chamber.

**Moved Cr Kirsty Parkin**

**S/- Cr Pauline Gill**

**279/19**

**Council resolves:**

- 1. That the report be received and noted**
- 2. That Council approves the 21 Community Development Grant application recommendations for 2019/20 totalling \$44,109.90 as recommended in Appendix 1.**

<b>Organisation</b>	<b>Project</b>	<b>Amount Awarded</b>
Gumeracha Main Street Project Inc	Graphic design of a tourist map and first print run	\$949.50
The Sustainability Fair Inc.	Purchase AV equipment that can be operated from a solar power trailer	\$2,021.00
Gumeracha Tennis Club	Purchase of equipment including a blow vac, pressure washer, court squeegees	\$2,500.00
National Trust of South Australia	Hardware for trail markers, interpretive sign, brochures and brochure dispenser at Engelbrook Reserve	\$2,500.00
Kersbrook Soldiers Memorial Park	Purchase garden tools and equipment including chainsaws, powered pruning tools , whipper snippers	\$2,500.00
Adelaide Hills Photography Club Inc	Purchase of laptop computer	\$1,500.00
Gumeracha Sporting Club	Contribution to purchase of deep fryer	\$2,500.00
Sustainable Communities SA Inc. for Adelaide Hills Science Hub	Science and environment event costs, local landscape and biodiversity focus, Peramangk Kurna workshop, citizen scientist activities	\$2,099.00

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<b>Organisation</b>	<b>Project</b>	<b>Amount Awarded</b>
Longwood Bradbury Progress Association	Purchase and install a storage shed	\$2,500.00
Woodside Tennis Club	Purchase chairs, shelving, kitchen equipment (fridge), and curtains	\$2,450.00
Active Fitness & Lifestyle Group	Purchase of a square device and tablet to provide EFTPOS payment receiving ability	\$1,052.00
Trees for Life	Purchase seedlings and designing, printing and installing a "butterfly-land" sign at the walking trail along Piccadilly Road, Crafers	\$2,500.00
Kersbrook Public Hall Incorporated	Purchase replacement trolley BBQ and accessories	\$992.40
Mylor Uniting Church	Purchase of changeable message signboard to promote community activities and advertise CFS Op Shop	\$2,000.00
Scott Creek Forest Playgroup	Purchase of portable shelter and natural preschool play equipment for nature play	\$2,500.00
Cleland Wildlife Park Volunteers	Purchase specific equipment and PPE related to volunteer lead planting and collection of plant matter suitable for Koala consumption	\$2,500.00
Old School Community Garden	Replacing old raised garden beds with water efficient wicking beds	\$2,500.00
Stirling Business Association	Purchase tables, chairs and sandbags for box trailer used at Stirling Laneways and community events	\$2,500.00
Mt Lofty Districts Community & Sports Club	Removal of non-native weeds and plants from site (southern end Heathfield oval), the purchase of native plants, transport of the plants to the site and provision of personal protective equipment	\$1,096.00
Onkaparinga Cricket Club	Improve facilities and safety through the purchase of cricket net pitch matting	\$2,500.00
Basket Range Table Tennis	Purchase of 3 table tennis tables, nets and equipment to support the establishment of a table tennis club at Basket Range Hall	\$2,450.00

**Carried Unanimously**

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Cr Leith Mudge voted in favour of the motion.  
The majority of Councillors voted in favour of the motion.

7.32pm Cr Chris Grant returned to the Chamber.

**12.3 2019/2020 Community & Recreation Facility Grants**

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.

**Moved Cr Linda Green  
S/- Cr Pauline Gill**

**280/19**

**Council resolves:**

- 1. That the report be received and noted.**
- 2. That Council approve the 18 Community and Recreation Facility Grant application recommendations for 2019/20, totalling \$105,000 as recommended in Appendix 1.**

<b>Organisation</b>	<b>Project</b>	<b>Amount Awarded</b>
Onkaparinga Valley Football Club	Goal safety fence refurbishment	\$5,000
Lobethal Netball Club	Upgrade LED lighting to courts	\$7,500
Aldgate Church of Christ	Carpark improvement	\$5,000
Northern Hills Pony Club	Concrete floor for new shed	\$6,500
Paracombe Recreation Grounds	Hall access upgrade	\$6,000
Lenswood Ranges Cricket Club	Oval fencing	\$4,000
Upper Sturt Soldiers Memorial Hall	Old Post Office restoration	\$4,500
Adelaide Hills Social Club	Driveway works	\$1,500
Lobethal Recreation Ground Sports Club	Clubroom toilet renovation	\$7,000
Charleston Community Centre	Court lighting	\$7,000
Kersbrook Soldiers Memorial Park	Clubroom solar energy project	\$5,000
Lobethal Football Club	Oval lighting upgrade	\$15,000
Uraidla Cricket Club	Cricket net upgrade	\$2,000
Scott Creek Progress Association	Hall airconditioning	\$7,000
Gumeracha Tennis Club	New clubroom and storage facility	\$8,000
Torrens Valley Soccer Club	Waste water management system tank	\$4,000
Mylor Valley Pony Club	Grounds upgrade	\$7,000
Birdwood Football Netball Club	Goal safety fence	\$3,000
<b>TOTAL</b>		<b>\$105,000</b>

**Carried Unanimously**

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Cr Malcolm Herrmann voted in favour of the motion.  
The majority of Councillors voted in favour of the motion.

**12.4 Unreasonable Complainant Conduct, Internal Review, Request for Services and Complaint Handling Policies**

Moved Cr Mark Osterstock  
S/- Cr Nathan Daniell

281/19

Council resolves:

1. That the report be received and noted
2. With an effective date of 9 December 2019, to approve the 'Unreasonable Complainant Conduct Policy' as contained in Appendix 1.
3. With an effective date of 9 December 2019, to revoke the 28 March 2017 'Internal Review of Council Decisions Policy' and to approve the 'Internal Review of Council Decisions Policy' as contained in Appendix 2 with the following change to the last dot point of 6.3, first sentence, to read as: "except in extremely limited circumstances a merits review will be conducted".
4. With an effective date of 9 December 2019, to revoke the 13 June 2017 'Request for Services Policy' and to approve the 'Request for Services Policy' as contained in Appendix 3.
5. With an effective date of 9 December 2019, to revoke the 27 March 2018 'Complaint Handling Policy' and to approve the 'Complaint Handling Policy' as contained in Appendix 4.
6. That the Chief Executive Officer, or delegate, be authorised to make any formatting, nomenclature or other minor changes to the policies during the period of their currency.

<b>Carried</b>
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**12.5 2018 – 2019 General Purpose Financial Statements**

Moved Cr Malcolm Herrmann  
S/- Cr Kirsty Parkin

282/19

Council resolves:

1. That the report be received and noted.
2. That, in accordance with Section 127 of the *Local Government Act 1999* and the *Local Government (Financial Management) Regulations 1999*, Council adopts the General Purpose Financial Statements for the financial year ended 30 June 2019.
3. To authorise the Mayor and CEO to sign the General Purpose Financial Statements for the financial year ended 30 June 2019.

<b>Carried Unanimously</b>
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**12.6 2018 – 2019 End of Year Financial Results**

Moved Cr Linda Green  
S/- Cr Leith Mudge

**283/19**

**Council resolves that:**

- 1. the report be received and noted.**
- 2. the 2018-19 End of Year Financial Results in comparison to budget have been appropriately considered by Council.**

<b>Carried Unanimously</b>
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8.12pm Cr Osterstock left the Chamber  
8.14pm Cr Osterstock returned

**12.7 Annual Reports 2018 – 2019**

Moved Cr Malcolm Herrmann  
S/- Cr Leith Mudge

**284/19**

**Council resolves:**

- 1. That the report be received and noted.**
- 2. The 2018-19 Annual Report, as contained in Appendix 1, be adopted.**
- 3. That the Chief Executive Officer be authorised to make minor content, formatting or design changes necessary for publication purposes.**

<b>Carried Unanimously</b>
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**12.8 Code of Conduct Final Report – Cr Leith Mudge**

Cr Leith Mudge declared a Material Conflict of Interest at Agenda Item 5 'Declaration of Interest by Members of the Council' in relation to Item 12.8.

8.17pm Cr Mudge left the Chamber.

Moved Cr Mark Osterstock

S/- Cr Kirsty Parkin

1. That Council receives the report and notes the final investigation report and recommendation of the Local Government Governance Panel.
2. Council determines that Cr Leith Mudge's actions on 19 April 2019 were in breach of clauses 2.2, 2.3, 2.4, 2.5 and 2.6 of the Code of Conduct for Council Members.
3. That Council, having considered the report, resolves to take no further action, having regard to the fact that;
  - a. Cr Mudge has already issued a public apology for his inappropriate conduct via both social media, shortly after the incident in question, and in open Council on 23 April 2019, which was subsequently incorporated into the minutes.
  - b. Cr Mudge has already undertaken additional training in respect to the Council Members Code of Conduct Policy and Social Media Guidelines.
4. That the CEO schedule a workshop by 30 June 2020 with regards to the possibility of Council developing a policy position regarding the use of social media.

Lost
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Moved Cr Linda Green

S/- Cr Pauline Gill

**285/19**

**Council resolves:**

1. **That the report be received and noted**
2. **To note the *Final Investigation Report* of the Local Government Governance Panel at Appendix 1 and Cr Leith Mudge's submission at Appendix 2.**
3. **To determine that Cr Leith Mudge's actions on 19 April 2019 were in breach of clauses 2.2, 2.3, 2.4, 2.5 and 2.6 of the Code of Conduct for Council Members.**
4. **To censure Cr Leith Mudge for breaching clauses 2.2, 2.3, 2.4, 2.5 and 2.6 of the Code of Conduct for Council Members.**
5. **To request a report be prepared by the Administration regarding the development of a policy position for the use of social media.**

Carried
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9.00pm Cr Leith Mudge returned to the Chamber.

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**12.9 Budget Review 1**

*Administrative Action – Director Infrastructure & Operations to provide a response out of session to the Mid Hills Netball Association re their request for funding assistance, and investigate further solid waste education for residents.*

**Moved Cr Mark Osterstock**

**S/- Cr Malcolm Herrmann**

**286/19**

**Council resolves:**

- 1. That the report be received and noted.**
- 2. To adopt the Operating Budget variations presented in Budget Review 1 resulting in no change to the Operating Surplus of \$411k for the 2019-20 financial year.**
- 3. Subject to receiving matching grant funding for polystyrene foam recycling from Green Industries SA the current allocation of \$30,000 for soft plastic recycling at the Heathfield Resource Recovery Centre be redirected to providing a polystyrene foam recycling service.**
- 4. To adopt the proposed Capital Works adjustments increasing capital income by \$519k and capital expenditure by \$670k.**
- 5. To adopt the proposed deferral of capital projects expenditure of \$1.726m for intended inclusion in the 2020/21 year.**
- 6. To adopt the change in Council's current Net Borrowing Result from \$5.010m to \$3.433m as a result of the proposed Capital Program amendments.**

<b>Carried</b>
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**12.9.1 Adjournment of Meeting**

**Moved Cr Malcolm Herrmann**

**S/- Cr Ian Bailey**

**287/19**

**That the Council meeting adjourn for a short break at 9.16pm.**

<b>Carried Unanimously</b>
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9.30pm The Council Meeting resumed without Cr Kirsty Parkin.



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**12.10 Strategic Plan Proposed Priorities for Consultation**

**Moved Cr Mark Osterstock**

**S/- Cr Ian Bailey**

Council resolves:

1. That the report be received and noted.
2. That the draft strategic goal areas (Community, Economic, Environment and Organisational), related objectives and priorities included in *Appendix 1* of this report be endorsed for community consultation.
3. 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 objectives and priorities to reflect matters raised in the Council's debate on the matter prior to its release for community consultation.

**AMENDMENT**

**Moved Cr Nathan Daniell**

**S/- Cr Chris Grant**

**288/19**

2. That the draft strategic goal areas (Community, Economic, Environment and Organisational), related objectives and priorities included in *Appendix 1* of this report be endorsed for community consultation with the deletion of priority E5.2 - "Explore opportunities to expand township district boundaries and rezone land to medium to low-density residential".

<b>Carried</b>
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**MOTION AS AMENDED**

**289/19**

Council resolves:

1. That the report be received and noted.
2. That the draft strategic goal areas (Community, Economic, Environment and Organisational), related objectives and priorities included in *Appendix 1* of this report be endorsed for community consultation with the deletion of priority E5.2 "Explore opportunities to expand township district boundaries and rezone land to medium to low-density residential".
3. 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 objectives and priorities to reflect matters raised in the Council's debate on the matter prior to its release for community consultation.

<b>Carried</b>
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9.59pm Cr Chris Grant left the Chamber  
10.00pm Cr Chris Grant returned to the Chamber

10.01pm Cr Pauline Gill left the Chamber and did not return

**12.10.2 Extension of Meeting Time**

Moved Cr Linda Green  
S/- Cr Nathan Daniell

**290/19**

**That the Council Meeting be extended by up to 20 minutes.**

<b>Carried Unanimously</b>
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**12.11 Review of Confidential Items**

Moved Cr Ian Bailey  
S/- Cr Mark Osterstock

**291/19**

**Council resolves that the report be received and noted.**

1. Pursuant to Section 91(7) of the *Local Government Act 1999*, Council orders that the following document(s) (or part) shall be kept confidential, being document(s) (or part) relating to a matter dealt with by the Council on a confidential basis under Sections 90(2) and 90(3)(d) of the Act:

- The Report of 22 October 2019, Item No. 19.1, Electricity Procurement Contract Post 31 December 2019 for below 160 MWh sites

**On the grounds that the document(s) (or part) relates to tenders for the supply of goods, the provision of services or the carrying out of works. Specifically, the present matter relates to a tender for Electricity Supply. This order shall operate until further order of the Council and will be reviewed at least annually in accordance with the Act.**

2. 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>Carried Unanimously</b>
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**Review of Confidential Items – Electricity Procurement 28 May 2019**

Moved Cr Malcolm Herrmann  
S/- Cr Chris Grant

292/19

1. Pursuant to Section 91(7) of the *Local Government Act 1999*, Council orders that the following document(s) (or part) shall be kept confidential, being document(s) (or part) relating to a matter dealt with by the Council on a confidential basis under Sections 90(2) and 90(3)(d) of the Act:

- The Report of 28 May 2019, Item No. 19.1, Electricity Procurement

On the grounds that the document(s) (or part) relates to tenders for the supply of goods, the provision of services or the carrying out of works. Specifically, the present matter relates to a tender for Electricity Supply. This order shall operate until further order of the Council and will be reviewed at least annually in accordance with the Act.

2. 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>Carried Unanimously</b>
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**12.11.2 Review of Confidential Items – CWMS Expression of Interest Outcomes 19 June 2018**

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 12.11.4.  
Cr Herrmann remained in the Chamber and voted.

Cr Linda Green declared a Perceived Conflict of Interest at Agenda Item 5 'Declaration of Interest by Members of the Council' in relation to Item 12.11.4.  
Cr Green 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 12.11.4.  
Cr Stratford remained in the Chamber and voted.

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Moved Cr Mark Osterstock  
S/- Cr Ian Bailey

293/19

1. Pursuant to Section 91(7) of the *Local Government Act 1999*, Council orders that the following document(s) (or part) shall be kept confidential, being document(s) (or part) relating to a matter dealt with by the Council on a confidential basis under Sections 90(2) and 90(3)(b) of the Act:

- The Report of 19 June 2018, Item No. 6.1, CWMS Expression of Interest Outcomes

On the grounds that the document(s) (or part) relates to tenders for the supply of goods, the provision of services or the carrying out of works. Specifically, the present matter relates to a tender for CWMS Services. This order shall operate until further order of the Council and will be reviewed at least annually in accordance with the Act.

2. 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>Carried Unanimously</b>
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Cr Herrmann, Cr Green & Cr Stratford voted in favour of the motion.

The majority of Councillors voted in favour of the motion.

### **12.11.3 Review of Confidential Items – CWMS Review 26 September 2017**

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 12.11.5  
Cr Herrmann remained in the Chamber and voted.

Cr Linda Green declared a Perceived Conflict of Interest at Agenda Item 5 'Declaration of Interest by Members of the Council' in relation to Item 12.11.5  
Cr Green 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 12.11.5  
Cr Stratford remained in the Chamber and voted.

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Moved Cr Chris Grant  
S/- Cr Linda Green

294/19

1. Pursuant to Section 91(7) of the *Local Government Act, 1999*, Council orders that the following document(s) (or part) shall be kept confidential, being document(s) (or part) relating to a matter dealt with by the Council on a confidential basis under Sections 90(2) and 90(3)(b) of the Act:
  - The Report of 26 September 2017, Item No. 19.2, Community Wastewater Management Systems Review

On the grounds that the document(s) (or part) relates to tenders for the supply of goods, the provision of services or the carrying out of works. Specifically, the present matter relates to a tender for CWMS Services. This order shall operate until further order of the Council and will be reviewed at least annually in accordance with the Act.
2. 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>Carried Unanimously</b>
----------------------------

Cr Herrmann, Cr Green & Cr Stratford voted in favour of the motion.

The majority of Councillors voted in favour of the motion.

#### **12.11.4 Review of Confidential Items – CWMS Review 28 February 2017**

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 12.11.6  
Cr Herrmann remained in the Chamber and voted.

Cr Linda Green declared a Perceived Conflict of Interest at Agenda Item 5 'Declaration of Interest by Members of the Council' in relation to Item 12.11.6  
Cr Green 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 12.11.6  
Cr Stratford remained in the Chamber and voted.

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Moved Cr Nathan Daniell

S/- Cr Chris Grant

295/19

1. Pursuant to Section 91(7) of the *Local Government Act, 1999*, Council orders that the following document(s) (or part) shall be kept confidential, being document(s) (or part) relating to a matter dealt with by the Council on a confidential basis under Sections 90(2) and 90(3)(b) of the Act:

- The Report of 28 February 2017, Item No. 19.2, Community Wastewater Management Systems Review

On the grounds that the document(s) (or part) relates to tenders for the supply of goods, the provision of services or the carrying out of works. Specifically, the present matter relates to a tender for CWMS Services. This order shall operate until further order of the Council and will be reviewed at least annually in accordance with the Act.

2. 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>Carried Unanimously</b>
----------------------------

Cr Herrmann, Cr Green & Cr Stratford voted in favour of the motion.

The majority of Councillors voted in favour of the motion.

**12.11.5 Review of Confidential Items – CWMS Expression of Interest 25 October 2015**

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 12.11.4.  
Cr Herrmann remained in the Chamber and voted.

Cr Linda Green declared a Perceived Conflict of Interest at Agenda Item 5 'Declaration of Interest by Members of the Council' in relation to Item 12.11.4.  
Cr Green 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 12.11.4.  
Cr Stratford remained in the Chamber and voted.

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Moved Cr Chris Grant

S/- Cr Nathan Daniell

296/19

1. Pursuant to Section 91(7) of the *Local Government Act 1999*, Council orders that the following document(s) (or part) shall be kept confidential, being document(s) (or part) relating to a matter dealt with by the Council on a confidential basis under Sections 90(2) and 90(3)(d) of the Act:
  - The Report of 25 October 2015, Item No. 19.1, CWMS Expression of Interest

On the grounds that the document(s) (or part) relates to tenders for the supply of goods, the provision of services or the carrying out of works. Specifically, the present matter relates to a tender for CWMS Services. This order shall operate until further order of the Council and will be reviewed at least annually in accordance with the Act.
2. 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>Carried Unanimously</b>
----------------------------

Cr Herrmann, Cr Green & Cr Stratford voted in favour of the motion.

The majority of Councillors voted in favour of the motion.

#### 12.11.6 Review of Confidential Items – AHRWMA 22 April 2014

Moved Cr Linda Green

S/- Cr Chris Grant

297/19

1. Pursuant to Section 91(7) of the *Local Government Act 1999*, Council orders that the following document(s) (or part) shall be kept confidential, being document(s) (or part) relating to a matter dealt with by the Council on a confidential basis under Sections 90(2) and 90(3)(b)(d)(i) of the Act:
  - The Report of 22 April 2014, Item No. 18.2, Adelaide Hills Regional Waste Management Authority

On the grounds that the document(s) (or part):

  - (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.

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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.

Specifically, the present matter relates to Council considering an offer from a competitor with regard to where to take its waste stream, and to consider the long term implications and options in relation to the Regional Waste Management Authority of which it is a member, and due to the fact that the competitor has initiated legal proceedings against the aforementioned Authority where Council disposes of its waste. This order shall operate until further order of the Council and will be reviewed at least annually in accordance with the Act.

2. 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>Carried</b>
----------------

**12.11.7 Bringing Items Forward**

Moved Cr Linda Green  
S/- Cr Ian Bailey

**298/19**

Council resolves to move Item 12.13, Proposed Draft Practice Direction – Building Inspections, to this point in the meeting.

<b>Carried Unanimously</b>
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**12.13 Proposed Draft Practice Direction – Building Inspections**

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 12.13.

10.09pm Cr Stratford left the Chamber.

**Moved Cr Leith Mudge  
S/- Cr Linda Green**

**299/19**

**Council resolves:**

- 1. That the report be received and noted**
- 2. That the submission on the Draft Practice Direction regarding Building Inspections be approved for forwarding to the State Planning Commission**
- 3. That the Chief Executive Officer be authorised to make any formatting, nomenclature or other minor changes to the submission as may be required prior to forwarding the submission to the State Planning Commission.**

<b>Carried Unanimously</b>
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10.12pm Cr Stratford returned to the Chamber

**12.12 Status Report – Council Resolutions Update**

Not considered.

**13. OFFICER REPORTS - INFORMATION ITEMS**

**13.1 Quarterly Council Performance Report – Quarter 1, 2019 – 2020**

**Moved Cr Linda Green  
S/- Cr Chris Grant**

**300/19**

**Council resolves that the report be received and noted.**

<b>Carried Unanimously</b>
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**13.1.1 Bringing Items Forward**

**Moved Cr Linda Green  
S/- Cr Ian Bailey**

**301/19**

**Council resolves to move Item 19.1, Confidential Item Appointment of Audit Committee Independent Members, to this point in the meeting.**

<b>Carried</b>
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**RELEASED 19 February 2020**

**19.1 Appointment of Audit Committee Independent Members – Exclusion of the Public**

Moved Cr Malcom Herrmann  
S/- Cr Ian Bailey

302/19

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

- CEO, Andrew Aitken
- Director 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
- Governance & Risk Coordinator, Steven Watson
- Minute Secretary, Pam Williams

be excluded from attendance at the meeting for Agenda Item 19.1: (Audit Committee Independent Member Appointments) 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), because it would disclose the personal details of candidates who have expressed an interest to be on the Audit Committee.

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.

<b>Carried</b>
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**RELEASED 19 February 2020**

**19.1.1 Appointment of Audit Committee Independent Members – Confidential Item**

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

**303/19**

**Council resolves:**

- 1. That the report be received and noted**
- 2. That in relation to the Audit Committee Independent Membership:**
  - a. To appoint Peter Brass to the position of Audit Committee Independent Member for a term to commence from 1 December 2019 until 30 November 2021 (inclusive).**
  - b. To appoint David Moffatt to the position of Audit Committee Independent Member for a term to commence from 1 December 2019 until 30 November 2021 (inclusive).**

<b>Carried Unanimously</b>
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**RELEASED 19 February 2020**

**19.1.2 Appointment of Audit Committee Independent Members – Period of Confidentiality**

Moved Cr Malcolm Herrmann  
S/- Cr Ian Bailey

304/19

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

<b>Carried unanimously</b>
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**14. MISCELLANEOUS ITEMS**

Nil

**15. QUESTIONS WITHOUT NOTICE**

Nil

**16. MOTIONS WITHOUT NOTICE**

Nil

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**17. REPORTS**

**17.1 Council Member Function or Activity on the Business of Council**

**Mayor Jan-Claire Wisdom**

- 23 October, Hills Radio interview on Volunteers, Mt Barker
- 25 October, SHLGA Board Meeting, Stirling
- 27 October, Houghton Fair, Houghton
- 27 October, Stirling Fringe Promotional video, Stirling
- 28 October, Citizenship ceremony, Stirling
- 30 & 31 October, LGA AGM, Adelaide
- 02 November, Strawberry Fair, Upper Sturt
- 02 November, Cancer Council Relay, Balhannah
- 03 November, Uraidla Show, Uraidla
- 04 November, GAROC Board meeting, Adelaide
- 06 November, Houghton Oval development, Houghton
- 11 November, Remembrance Day, Stirling
- 11 November, Remembrance Day dedication, Kersbrook
- 17 November, Meals on Wheels Stirling 50 yrs, Heathfield
- 18 November, Meeting Mt Lofty Botanic Gardens, Stirling
- 19 November, Media voice over for Council promotion, Stirling
- 20 November, Media Advertiser re bushfires by phone
- 21 November, LGASA Board meeting, Adelaide
- 21 November, Highercombe Golf Club, Highercombe
- 22 November, Stirling Hospital opening of new wing, Stirling
- 25 November, Selling in support of The Big Issue, Stirling

**Cr Pauline Gill**

- 23 October, Rural Land Management Advisory Group meeting
- 27 October, Houghton Spring Fair
- 28 October, Citizenship Ceremony
- 30 October, LGASA Conference and Dinner
- 31 October, LGASA AGM
- 31 October, ALGWA-SA AGM
- 3 November, Kersbrook Primary School Family Fun Day
- 7 November, Kersbrook Residents Association meeting
- 11 November, Houghton Remembrance Day service
- 11 November, Opening of Memorial Gates at Kersbrook Soldiers Memorial Park
- 13 November, Lenswood Forest Range Community Association meeting
- 18 November, Birdwood High School Presentation Night on behalf of the Mayor
- 21 November, Highercombe Golf Club Meet and Greet night

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**Cr Kirsty Parkin**

- 31 October, ALGWA SA Branch AGM
- 22 October, Stirling East Primary School re climate change

**Cr Leith Mudge**

- 31 October, South Eastern Freeway - Managed Motorway Community Information Session, Stirling Library, Stirling
- 2 November, Concert and met residents at Woodside Lodge Retirement Village, Woodside
- 3 November, Bridgewater Country Fire Service Open Day, Bridgewater
- 3 November, Uraidla Show and Sustainability Fair, Uraidla
- 11 November, Remembrance Day Ceremony, Aldgate War Memorial, Aldgate RSL, Aldgate
- 21 November, Highercombe Golf Club Meet and Greet, Paracombe

**Cr Linda Green**

- 4 & 25 November, Lobethal Lights committee meeting, Lobethal
- 6 November, Houghton Oval stakeholder meeting, Houghton
- 11 November, Kersbrook Park Remembrance Gate opening, Kersbrook
- 17 November, Stirling Meals on Wheels 50th Birthday, Heathfield
- 21 November, Highercombe meet and greet, Highercombe Golf course

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

**Cr Linda Green**

- 18 November, Farewell dinner for Brian Cunningham (previous Chair of East Waste), Norwood

**17.3 CEO Report**

Not considered

**18. REPORTS OF COMMITTEES**

Not considered

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**19. CONFIDENTIAL ITEMS**

**RELEASED 19 February 2020**

**19.1 Appointment of Audit Committee Independent Members – Exclusion of the Public**

This item was discussed earlier in the agenda.

**19.2 Appointment of Audit Committee Independent Members – Confidential Item**

This item was discussed earlier in the agenda.

**19.3 Appointment of Audit Committee Independent Members – Period of Confidentiality**

This item was discussed earlier in the agenda.

**20. NEXT ORDINARY MEETING**

The next ordinary meeting of the Adelaide Hills Council will be held on Tuesday 17 December 2019 from 6.30pm at 63 Mt Barker Road, Stirling.

**21. CLOSE MEETING**

The meeting closed at 10.21pm.