

**ADELAIDE HILLS COUNCIL
MINUTES OF SPECIAL COUNCIL MEETING
TUESDAY 30 JUNE 2020
ZOOM VIRTUAL MEETING ROOM**

In Attendance

Presiding Member: Mayor Jan-Claire Wisdom (via audio/visual link)

Members:

Councillor Ian Bailey (via audio/visual link)
Councillor Kirrilee Boyd (via audio/visual link)
Councillor Nathan Daniell (via audio/visual link)
Councillor Pauline Gill (via audio/visual link)
Councillor Chris Grant (via audio/visual link)
Councillor Linda Green (via audio/visual link)
Councillor Malcolm Herrmann (via audio/visual link)
Councillor John Kemp (via audio/visual link)
Councillor Leith Mudge (via audio/visual link)
Councillor Mark Osterstock (via audio/visual link)
Councillor Kirsty Parkin (via audio/visual link)
Councillor Andrew Stratford (via audio/visual link)

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
Mike Carey	Manager Financial Services
Melissa Bright	Manager Economic Development
David Collins	Manager Sustainable Assets
Ashley Curtis	Manager Civil Services
Kira-Marie Laverty	Corporate Planning & Performance Coordinator
Renee O'Connor	Sport & Recreation Planner
Steve Smith	Technical Officer Civil Services
Pam Williams	Minute Secretary

1. COMMENCEMENT

The special meeting commenced at 6.35pm.

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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. DECLARATION OF CONFLICT OF INTEREST BY MEMBERS OF COUNCIL

4.1 Material Conflict of Interest, Cr Andrew Stratford, Item 7.1, 2020 – 2021 Annual Business Plan and Budget

Under Section 74 of the *Local Government Act 1999* Cr Andrew Stratford disclosed a Material Conflict of Interest in Item 7.1, 2020 – 21 Annual Business Plan and Budget Adoption in relation to Annual Service Charges, the nature of which is as follows:

- My property is connected to the CWMS system

4.2 Material Conflict of Interest, Cr Malcolm Herrmann, Item 7.1, 2020 – 2021 Annual Business Plan and Budget

Under Section 74 of the *Local Government Act 1999* Cr Malcolm Herrmann disclosed a Material Conflict of Interest in Item 7.1, 2020 – 21 Annual Business Plan and Budget Adoption in relation to Annual Service Charges, the nature of which is as follows:

- I own a property which is connected to the Birdwood CWMS system and I may suffer a benefit or disbenefit

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4.3 Material Conflict of Interest, Cr Linda Green, Item 7.1, 2020 - 2021 Annual Business Plan and Budget

Under Section 74 of the *Local Government Act 1999* Cr Linda Green disclosed a Material Conflict of Interest in Item 7.1, 2020 – 21 Annual Business Plan and Budget Adoption in relation to Annual Service Charges, the nature of which is as follows:

- My property is connected to the CWMS system

5. PRESIDING MEMBER'S OPENING REMARKS

I advise Council that a Code of Conduct for Council Members complaint has been received. In accordance with clause 4.9 of the *Code of Conduct Complaint Handling Procedure* I have determined that the alleged conduct is behaviour which falls under Part 2 of the Code and further under clause 4.12, I have determined to dismiss the complaint as it lacks substance and the complainant has been advised accordingly.

Consistent with clause 4.16 of the Procedures I am bringing the existence of the complaint to Council's attention and a report will be provided to the next meeting of Council.

6. DEPUTATION

6.1 Simon Jones, Stirling Business Association

7. BUSINESS OF THE MEETING

7.1 Annual Business Plan & Budget Adoption

Moved Cr John Kemp
S/- Cr Leith Mudge

124/20

Council resolves:

1. That the report be received and noted

- 1.1 Pursuant to and in accordance with Section 123(6) of the *Local Government Act 1999* ("the Act") and Regulation 6 of the *Local Government (Financial Management) Regulations 2011* and having considered all submissions and consultation feedback received, the Annual Business Plan (Appendix 1) as laid before Council for the financial year ending 30 June 2021 be adopted.

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1.2 Pursuant to and in accordance with Section 123(7) of the Act and Regulation 7 of the *Local Government (Financial Management) Regulations 2011*, having considered the Budget in conjunction with, and determined the Budget to be consistent with, the Council's Annual Business Plan, the Budget for the financial year ending 30 June 2021 as laid before the Council at this meeting, be adopted.

1.3 Determination and Adoption of Valuations – 2020-21

1.3.1 Rates assessed on rateable land in the area of the Council will be based on the capital value of land for all rateable land.

1.3.2 Pursuant to Section 167(2)(a) of the Act the most recent valuations of the Valuer General available to the Council of the capital value of land within the Council area, be adopted for rating purposes for the financial year ending 30 June 2021, totalling \$10,694,400,700.

1.4 Determination of Basis for Differential Rating

Having taken into account the general principles of rating contained in Section 150 of the Act and the requirements of Section 153(2) of the Act, and in order to raise the amount in paragraph 1.2 pursuant to Section 152(1)(c) of the Act the Council declares that general rates for the financial year ending 30 June 2021 will consist of two components:

- 1. one being based on the value of the land;**
- 2. the other being a fixed charge**

Pursuant to Sections 153(1)(b) and 156(1)(a) of the Act the Council declares the following differential general rates for the financial year ending 30 June 2021 on rateable property within the Council area, based upon the capital value of the land and varying according to land use categories in accordance with Regulation 14 of the *Local Government (General) Regulations 2013*:

1.4.1 On rateable land assigned Category (a), (g), (h) & (i) (Residential, Primary Production, Vacant and Other), a rate of 0.2453 cents in the dollar of the capital value of such land;

1.4.2 On rateable land assigned Category (b), (c), (d), (e) and (f) (Commercial – Shop, Office and Other and Industrial – Light and Other) a rate of 0.2821 cents in the dollar of the capital value of such land.

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1.5 Declaration of General Rates – Annual Fixed Charge

Pursuant to Section 152(1)(c)(ii) of the Act, the Council declares a fixed charge of \$682 in respect of all rateable land in the Council area for the financial year ending 30 June 2021.

1.6 Imposition of Regional Landscape Levy

In accordance with the Landscape South Australia Act 2019 (formerly under Section 95 of the *Natural Resource Management Act 2004*), and Section 154 of the Act, in order to reimburse the Council the amount contributed to the Hills and Fleurieu Regional Landscape Board based upon contributions previously made to the Mt Lofty Natural Resource Management Board and the SA Murray-Darling Basin Natural Resource Management Board, the Council declares the following separate rates based upon the capital value of rateable land for the financial year ending 30 June 2021:

- 1.6.1** 0.009288 cents in the dollar on all rateable land in the Council area and in the area of Adelaide and Mt Lofty Ranges Region;
- 1.6.2** 0.02465 cents in the dollar on all rateable land in the Council area and in the area of the SA Murray-Darling Basin Region.

1.7 Annual Service Charge

This item was discussed at 7.1.1

1.8 Rebates

1.8.1 Rate Cap

Pursuant to Section 153(3) and (4) of the Act, the Council has determined to fix a maximum increase in general rates to be charged on any rateable land within its area which constitutes the principal place of residence of a principal ratepayer upon application by the principal ratepayer, in circumstances where:

- the general rates payable for the financial year ending 30 June 2021 exceed the general rates paid in the previous year by 15% or more

and where the increase in general rates is not as a result of:

- (i) improvements made to the property worth more than \$20,000; or
- (ii) a change to the land use of the property since 1 January 2019; or
- (iii) a change in ownership of the rateable property since 1 January 2019;

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the amount of any cap being the difference between the amount of general rates in monetary terms imposed for the 2020-21 financial year and the amount of rates in monetary terms (after any rebate was applied) for the 2019-20 financial year plus 15% of those rates.

Principal ratepayers with multiple assessments (such as primary producers) will be entitled to the rate cap only in respect of the assessment containing the principal place of residence of the principal ratepayer.

1.8.2 Primary Production Rebate

Pursuant to Section 166(1)(b) of the Act, Council continues to offer, for 2020-21, upon application, a discretionary Primary Production Rebate of 10% on the differential rate to those ratepayers in the business of primary production who do not have a notional capital value assessment of their property

1.9 Separate Rates

Declaration of Separate rate – Stirling Business Separate Rate

1.9.1 Pursuant to Section 154 of the Act for the financial year ending 30 June 2021 in order to raise the amount of \$95,000 to carry out the activity of promoting and enhancing business viability, profitability, trade and commerce in that part of the Council's area comprising rateable land within the precinct known as the District Centre (Stirling) Zone and businesses fronting both sides of Mt Barker Road east of the District Centre (Stirling) Zone to Pine Street, excluding land attributed a land use category 1 (residential) and government owned land, the Council declares a differential separate rate of 0.0941 cents in the dollar on all other land uses based on the capital value of the rateable land within that part of the Council area.

1.9.2 In exercise of the powers contained in Section 158(1)(a) of the Act the minimum amount that is payable by way of the Stirling Business separate rate is \$280 (affecting all properties within the area to which the separate rate applies for which the capital value is below \$297,556).

1.9.3 In exercise of the powers contained in Section 158(1)(b) of the Act the amount that would otherwise be payable by way of rates in respect of the Stirling Business separate rate is altered by fixing the maximum amount of the separate rate payable at \$2,500 (affecting all properties within the area to which this separate rate applies which have a capital value in excess of \$2,656,748).

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1.10 Payment of Rates

1.10.1 That pursuant to the provisions of Section 181 of the Act, the above rates including charges which have been imposed for the financial year ending 30 June 2021 are payable by four equal (or approximately equal) quarterly instalments (unless otherwise agreed with the principal ratepayer), falling due during the months of September and December 2020 and March and June 2021.

1.10.2 In exercise of the powers contained in section 44 of the Act, the Council delegates to the Chief Executive Officer

- the power pursuant to Section 181(2) of the Act to determine the day on which each instalment falls due in the months specified in part 1.10.1 of this resolution; and,
- the power pursuant to Section 181(4)(b) of the Act, to enter into agreements with principal ratepayers relating to the payment of rates in any case of hardship or financial difficulty.

1.11 Adoption of Rating Policy

1.11.1 With an effective date of 1 July 2020, to revoke the 25 June 2019 Rating Policy and adopt the Rating Policy, in Appendix 2 of the 2020-21 Annual Business Plan in Appendix 1 of this report.

1.11.2 That the Chief Executive Officer, or delegate, be authorised to make any formatting, nomenclature or other minor changes to the Policy prior to the effective date.

1.12 Borrowings

Council resolves to:

1.12.1 borrow the sum up to \$10.0m for the purpose of funding the 2020-21 Budget incorporating \$5m to repay Council's interest only debenture loan 23.

1.12.2 authorise the Chief Executive to negotiate and agree the interest rate and any terms and conditions of the above borrowing arrangements in accordance with the Treasury Policy as adopted by Council.

1.12.3 execute a new discounted Convertible Cash Advance Debenture Facility of \$4.6m at an discounted interest rate of 0.75% off the standard variable rate with the Local Government Financial Authority for a three-year term from date

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of establishment, noting the exemption from Procurement Policy for this transaction

- 1.12.4 authorise the affixation of the common seal as necessary to give effect to Council's resolutions in this matter and that this be undertaken by the Mayor and the Chief Executive Officer.

1.13 Carry Forwards

Council resolves as a result of the 2019-20 Budget Review 3 to endorse the adopted carry forward of capital income of \$1.774m and capital expenditure of \$1.454m to the 2020-21 financial year and update the associated budgets accordingly (as per *Appendix 5*).

2. That the CEO be authorised to:
1. Make any formatting, nomenclature or other minor changes to the Plan prior to being released for published and
 2. Determine the publishing timings, processes and related media promotion while ensuring consistency and compliance with the provisions of applicable legislation.
3. Council resolves to support the lodgement of an application to the State Emergency Relief Fund under the Community Strength and Resilience Initiative – Major Asset grant program for the purpose of the replacement and upgrade of the play space at Lobethal Bushland Park.

Subject to the grant application being successful, Council allocates an amount of up to \$150,000 as a 50% funding contribution. If such allocation is required, it will be allocated as part of a Budget Review process.

Carried

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7.1.1 Annual Service Charge

Cr Malcolm Herrmann, Cr Linda Green and Cr Andrew Stratford declared a Material Conflict of Interest at Agenda Item 4 'Declaration of Interest by Members of the Council' in relation to item 7.1.1.

7.22pm Crs Herrmann, Green and Stratford left the meeting.

**Moved Cr Leith Mudge
S/- Cr Kirsty Parkin**

125/20

Pursuant to Section 155 of Act, for the financial year ending 30 June 2021 the Council imposes the following annual service charges based on the nature of the service and the level of usage of the service:

1.7.1 In respect of all land to which the Council provides or makes available the prescribed services known as:

- **the Woodside Community Wastewater Management System**
- **the Woodside Extension Community Wastewater Management System**
- **the Birdwood and Mt Torrens Community Wastewater Management System**
- **the Kersbrook Township Community Wastewater Management System**
- **the Charleston Community Wastewater Management System**
- **the Verdun Community Wastewater Management System**
- **the Mt Lofty Ward Community Wastewater Management System**

an annual service charge of \$884 in respect of land which is occupied and an annual service charge of \$450 in respect of land which is vacant.

Carried Unanimously

7.29pm Crs Herrmann, Green & Stratford returned to the meeting.

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7.2 Draft Fees & Charges

Under Section 74 of the *Local Government Act 1999* Cr Andrew Stratford disclosed a Material Conflict of Interest in Item 7.2 Draft Fees & Charges, the nature of which is as follows:

- My property is connected to the CWMS system

Under Section 74 of the *Local Government Act 1999* Cr Malcolm Herrmann disclosed a Material Conflict of Interest in Item 7.2 Draft Fees & Charges, the nature of which is as follows:

- I own a property which is connected to the Birdwood CWMS system and I may suffer a benefit or disbenefit

Under Section 74 of the *Local Government Act 1999* Cr Linda Green disclosed a Material Conflict of Interest in Item 7.2 Draft Fees & Charges, the nature of which is as follows:

- My property is connected to the CWMS system

7.36pm Cr Green left the meeting

7.43pm Crs Herrmann and Stratford left the meeting

Moved Cr Leith Mudge

S/- Cr John Kemp

126/20

Council resolves:

- 1. That the report be received and noted.**
- 2. To adopt the 2020-21 Fees and Charges Schedule included at Appendix 1 to apply on and from 1 July 2020.**
- 3. Council notes that the statutory fees will be included on the schedule of fees and charges available for public inspection subsequent to being gazetted.**

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FORMAL MOTION

Moved Cr Mark Osterstock
S/- Cr Kirsty Parkin

127/20

That the motion be put.

Carried

The motion was put.

Carried Unanimously

7.58pm Crs Herrmann, Green & Stratford returned to the meeting.

7.3 Discretionary Rate Rebate

Moved Cr Leith Mudge
S/- Cr Malcolm Herrmann

127/20

Council resolves:

1. That the report be received and noted.
2. That a discretionary rate rebate requested by the following applicant 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*:
 - **Oakbank Racing Club Inc**
 - Dorset Lane & 46 Oakwood Road & Shillabeer Road Oakbank – Assessment No. 17886 – racecourse
 - 46 Oakwood Road Oakbank – Assessment No. 17887 – dwelling
 - Dorset Lane Oakbank – Assessment No. 17853 – communication lease
3. That the Oakbank Racing Club Inc. be formally advised that although unsuccessful for a rate rebate they can avail themselves of Council's ratepayer hardship provisions which could result in a flexible payment plan and/or rate postponement without penalty for the 2020-21 financial year.

Carried Unanimously

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7.4 Adelaide Hills Tourism 3 year Funding Agreement 2020

Moved Cr Kristy Parkin
S/- Cr Kirrilee Boyd

128/20

Council resolves:

1. That the report be received and noted
2. That the three year funding agreement with the Adelaide Hills Tourism (as contained in Appendix 1), to provide funding of \$106,125 pa (GST exclusive) for 2020/21 and increased annually by an amount equal to the increase in the Consumer Price Index for Adelaide for the 12 months to the end of the preceding December, be approved and that the Chief Executive Officer be authorised to make any minor changes or variations to the Agreement before execution by both parties or during the life of the Agreement.
3. That the Chief Executive Officer be authorised to execute the Agreement on behalf of Council.

Carried Unanimously

7.5 Stirling Business Association 3 year Funding Agreement 2020

Moved Cr Mark Osterstock
S/- Cr John Kemp

129/20

Council resolves:

1. That the report be received and noted.
2. That the three year funding agreement, as contained in Appendix 1, with the Stirling Business Association be approved and that the Chief Executive Officer be authorised to make any minor changes or variations to the Agreement before execution by both parties or during the life of the Agreement.
3. That the Chief Executive Officer be authorised to execute the Agreement on behalf of Council.
4. That the Chief Executive Officer be authorised to appoint a representative, who shall not be a member of the Stirling Business Association management committee, to attend regular meetings of the association for the purposes of Annexure A of the Funding Agreement.

Carried Unanimously

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8. CONFIDENTIAL ITEM

8.1 Sealed Roads Renewal Contract – Exclusion of the Public

Moved Cr Ian Bailey

S/- Cr Leith Mudge

130/20

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
- Manager Civil Services, Ashley Curtis
- Technical Officer Civil Services, Steve Smith
- Minute Secretary, Pam Williams

be excluded from attendance at the meeting for Agenda Item 8.1: (Sealed Roads Renewal Contract) in confidence.

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

Section 90(3) (k) of the *Local Government Act 1999*, the information to be received, discussed or considered in relation to this Agenda Item is tenders for the supply of goods, the provision of services or the carrying out of works; the disclosure of which could reasonably be expected to prejudice the commercial position of the business who supplied the information by disclosing specific quotes and modelling by the tenderer.

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

Carried Unanimously

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RELEASED 07 SEPTEMBER 2020

8.1.1 Sealed Roads Renewal Contract – Confidential Item

Moved Cr Mark Osterstock

S/- Cr John Kemp

131/20

Council resolves:

- 1. That the report be received and noted**
- 2. To enter into a contract with AAA Asphalt for the provision of asphalt road resealing services for a minimum of three years, subject to future approved Annual Business Plans and Budgets.**
- 3. To enter into a contract with Fulton Hogan for the provision of sprayed seal road resealing services for a minimum of three years, subject to future approved Annual Business Plans and Budgets.**
- 4. To recognise that these two contracts as outlined in 2 and 3 above over the next 3 years will combine up to the value of \$4,102,000 during this period.**
- 5. To authorise the CEO to sign all necessary documents to give effect to this resolution.**

Carried Unanimously

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8.1.2 Sealed Roads Renewal Contract – Period of Confidentiality

Moved Cr Malcolm Herrmann
S/- Cr Ian Bailey

132/20

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 8.1 in confidence under sections 90(2) and 90(3)(k) 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 until the contracts are signed, but not longer than 12 months.

Pursuant to section 91(9)(c) of the *Local Government Act 1999*, Council delegates the power to revoke the confidentiality order either partially or in full to the Chief Executive Officer.

Carried Unanimously

9. CLOSE MEETING

The meeting closed at 8.35pm.