

**ADELAIDE HILLS COUNCIL
MINUTES OF SPECIAL COUNCIL MEETING
TUESDAY 8 SEPTEMBER 2020
63 MT BARKER ROAD STIRLING**

In Attendance

Presiding Member: Acting Mayor Nathan Daniell

Members:

Councillor Ian Bailey
Councillor Kirrilee Boyd
Councillor Pauline Gill
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
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
Pam Williams	Minute Secretary

1. COMMENCEMENT

The special meeting commenced at 7.03pm.

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”.

Acting Mayor _____ 22 September 2020

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3. APOLOGIES/LEAVE OF ABSENCE

3.1 Apology

Nil

3.2 Leave of Absence

Mayor Jan-Claire Wisdom (24 August to 25 September 2020) approved 25 August 2020.

3.3 Absent

Nil

4. DECLARATION OF CONFLICT OF INTEREST BY MEMBERS OF COUNCIL

4.1 Perceived Conflict of Interest, Cr Malcolm Herrmann - Item 7.2 S41 Membership - Audit Committee

Under Section 75A of the *Local Government Act 1999* Cr Malcolm Herrmann disclosed a Perceived Conflict of Interest in Item 7.2 S41 Membership - Audit Committee, the nature of which is as follows:

- If I am reappointed as a Presiding Member of this Committee, I am eligible for an additional Councillor allowance

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

4.2 Material Conflict of Interest, Cr Pauline Gill - Item 7.1, Election of Deputy Mayor

Under Section 74 of the *Local Government Act 1999* Cr Pauline Gill disclosed a Material Conflict of Interest in Item 7.1, Election of Deputy Mayor, the nature of which is as follows:

- If I am appointed as Deputy Mayor, I will receive an additional allowance

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

4.3 Material Conflict of Interest, Cr Nathan Daniell - Item 7.1, Election of Deputy Mayor

Under Section 74 of the *Local Government Act 1999* Cr Nathan Daniell disclosed a Material Conflict of Interest in Item 7.1, Election of Deputy Mayor, the nature of which is as follows:

- If I am appointed as Deputy Mayor, I will receive a pecuniary benefit under S73 due to receiving a monetary benefit/loss depending on the outcome of the vote

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

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5. PRESIDING MEMBER'S OPENING REMARKS

Acting Mayor Daniell reminded members that there would be regular adjournments to allow for voting for various positions.

6. MOTION ON NOTICE

6.1 Woodforde/Rostrevor Boundary Reform Freedom of Information Release

Moved Cr Mark Osterstock
S/- Cr Pauline Gill

184/20

That Council resolves to:

- 1.1. Receive the documents contained in Appendix 1, offered to Council by Cr Mark Osterstock as the product of a Freedom of information (FOI) request in his private capacity to Campbelltown City Council. The documents are in satisfaction of the FOI application dated 23 June 2020 and released in a determination dated 20 August 2020 with the following requested information:
 - 1.1.1. Copies of ALL correspondence (including yet not limited to email correspondence) received from, or to, residents residing in Rostrevor (Adelaide Hills Council), and Woodforde (Adelaide Hills Council), relating to the issue of 'boundary realignment' and
 - 1.1.2. From, or to, any person, business, government or non-government agency, in relation to the issue of 'boundary realignment', and
 - 1.1.3. From, or to, any or all Elected Members of Council in relation to the issue of 'boundary realignment' (10 November 2018 – 23 June 2020, inclusive).
 - 1.1.4. Copies of all correspondence (including yet not limited to email correspondence) from any member of the Council Administration to any one, or all, of the Elected Members of Council, concerning requests from Adelaide Hills Council for a deputation on the issue of 'boundary realignment', particularly in relation to the 2nd June 2020 deputation that Council received from the Adelaide Hills Council. (01 February 2020 – 23 June 2020, inclusive).
 - 1.1.5. Copies of all correspondence (including yet not limited to email correspondence) from any Elected Members of Council, to any person, concerning requests from Adelaide Hills Council for a deputation on the issue of 'boundary realignment', particularly in relation to the 2nd June 2020 deputation that Council received from the Adelaide Hills Council (01 February 2020 – 23 June 2020, inclusive).
- 1.2. The Chief Executive Officer prepare a report for a future meeting analysing the contents of the released documents to identify any points of interest and/or implications in relation to the Campbelltown City Council's current Rostrevor/Woodforde boundary change proposal.

Carried Unanimously

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7. BUSINESS OF THE MEETING

7.1 Election of Deputy Mayor

Moved Cr Malcolm Herrmann
S/- Cr Leith Mudge

185/20

Council resolves:

- 1. That the report be received and noted.**
- 2. To determine that the method of selecting the Deputy Mayor be by an indicative vote to determine the preferred person utilising the process set out in this Agenda report.**
- 3. To adjourn the Council meeting for the purposes of seeking nominations for and, if necessary, conducting an indicative vote to determine the preferred person for the Deputy Mayor's role and for the meeting to resume once the results of the indicative vote have been declared.**

Carried Unanimously

7.21pm The Council meeting adjourned

7.30pm The Council meeting resumed

Acting Mayor Nathan Daniell declared a Material Conflict of Interest at Agenda Item 5 'Declaration of Interest by Members of the Council' in relation to Item 7.1.1.

7.31pm Acting Mayor Daniell vacated the Chair, left the Chamber and did not participate in the vote.

Cr Mark Osterstock assumed the Chair.

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7.1.1 Election of Deputy Mayor

Moved Cr Leith Mudge
S/- Cr Kirsty Parkin

Council resolves to appoint Cr Nathan Daniell to the position of Deputy Mayor for a 24 month term to commence 27 November 2020 until the conclusion of the current Council term.

LOST

Moved Cr Ian Bailey
S/- Cr Kirrilee Boyd

186/20

Council resolves to appoint Cr Nathan Daniell to the position of Deputy Mayor for a 12 month term to commence 27 November 2020 until 26 November 2021 inclusive.

Carried Unanimously

7.43pm Acting Mayor Nathan Daniell returned to the Chamber and resumed the Chair

7.2 Audit Committee Membership – Council Members

Moved Cr John Kemp
S/- Cr Linda Green

187/20

Council resolves:

- 1. That the report be received and noted**
- 2. To determine that the method of selecting the Audit Committee Members to be by an indicative vote to determine the preferred persons for the two Council Member positions utilising the process set out in this Agenda report.**
- 3. To adjourn the Council meeting for the purposes of seeking nominations for and, if necessary, conducting an indicative vote to determine the preferred persons for the Audit Committee Member roles and for the meeting to resume once the results of the indicative vote have been declared.**

Carried Unanimously

7.44pm The Council meeting adjourned

7.46pm The Council meeting resumed

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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 7.2, S41 Membership – Audit Committee.

Cr Leith Mudge declared an Actual Conflict of Interest at Agenda Item 5 'Declaration of Interest by Members of the Council' in relation to Item 7.2, S41 Membership – Audit Committee, as he may benefit if the motion is carried.

7.46pm Cr Malcolm Herrmann and Cr Leith Mudge left the Chamber.

7.2.1 Audit Committee Membership – Appointment of Council Members

Moved Cr Ian Bailey
S/- Cr John Kemp

188/20

Council resolves to appoint Cr Malcolm Herrmann and Cr Leith Mudge as members of the Audit Committee for a 24 month term to commence from 27 November 2020 until the conclusion of this Council term.

Carried Unanimously

7.47pm Cr Malcolm Herrmann & Cr Leith Mudge returned to the Chamber.

7.3 Audit Committee Membership – approval to commence recruitment of Independent Member

Moved Cr Mark Osterstock
S/- Cr Malcolm Herrmann

189/20

Council resolves:

1. That the report be received and noted
2. That in relation to the Audit Committee:
 - a. To undertake a recruitment process for the selection of one Independent Ordinary Member for the Audit Committee for a term commencing 1 November 2020 and concluding 30 April 2022 (inclusive).
 - b. To appoint Cr Malcolm Herrmann, Cr Leith Mudge and the CEO (or delegate) as members of the Audit Committee Independent Member Selection Panel.

Carried Unanimously

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7.4 CEO Performance Review Panel Membership – Council Members

Moved Cr Mark Osterstock

S/- Cr Malcolm Herrmann

190/20

Council resolves:

- 1. That the report be received and noted.**
- 2. To determine that the method of selecting the Chief Executive Officer Performance Review Panel Members to be by an indicative vote to determine the preferred persons for the two Council Member positions utilising the process set out in this Agenda report.**
- 3. To adjourn the Council meeting for the purposes of seeking nominations for and, if necessary, conducting an indicative vote to determine the preferred persons for the Chief Executive Officer Performance Review Panel Member roles and for the meeting to resume once the results of the indicative vote have been declared.**

Carried Unanimously

7.50pm The Council meeting adjourned

7.54pm Cr Mark Osterstock declared a Perceived Conflict of Interest in relation to Item 7.4.1, S41 Membership – CEO Performance Review Panel, as he may receive a pecuniary benefit if he nominates as the Presiding Member at a future meeting and left the Chamber.

7.4.1 CEO Performance Review Panel Membership – Council Members

Moved Cr Kirsty Parkin

S/- Cr Ian Bailey

191/20

Council resolves to appoint Cr Mark Osterstock and Cr Chris Grant as members of the Chief Executive Officer Performance Review Panel for a 24 month term to commence from 27 November 2020 until the conclusion of this Council Term.

Carried Unanimously

7.55pm Cr Osterstock returned to the Chamber

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7.5 S43 Regional Subsidiary Membership

Moved Cr Malcolm Herrmann
S/- Cr Kirsty Parkin

192/20

That Council resolves:

1. That the report be received and noted.
2. To determine that the method of selecting the respective Regional Subsidiary Board Members to be by an indicative vote to determine the preferred persons for the relevant positions utilising the process set out in this Agenda report.
3. To adjourn the Council meeting for the purposes of seeking nominations for and, if necessary, conducting an indicative vote to determine the preferred persons for the respective Regional Subsidiary Board Member roles and for the meeting to resume once the results of the indicative voting for all of the Board Member roles have been declared.

Carried Unanimously

7.55pm The Council meeting adjourned

8.08pm The Council meeting resumed

7.5.1 S43 Regional Subsidiary Membership – Appointment of Members

Moved Cr Kirrilee Boyd
S/- Cr Chris Grant

193/20

4. That in relation to the Eastern Waste Management Authority Board:
 - a. To appoint Cr Linda Green to the Board Member position for a term to commence from 27 November 2020 and conclude at the end of the current Council term (inclusive)
 - b. To appoint John McArthur to the Deputy Board Member position for a term to commence from 27 November 2020 and conclude on 23 December 2022 (inclusive).

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5. That in relation to the Adelaide Hills Region Waste Management Authority Board:
- a. To appoint Cr Ian Bailey to the Board Member (Council Member) position for a term to commence from 27 November 2020 and conclude at the end of the current Council term (inclusive)
 - b. To appoint Marc Salver to the Board Member (Council Officer) position for a term to commence from 27 November 2020 and conclude on 23 December 2022 (inclusive)
 - c. To appoint Cr John Kemp to the Deputy Board Member position for a term to commence from 27 November 2020 and conclude at the end of the current Council term.
6. That in relation to the Gawler River Floodplain Management Authority Board:
- a. To note that the Chief Executive Officer has nominated Ashley Curtis to the Board Member (Chief Executive Officer) position for a term to commence from 27 November 2020 and conclude on 23 December 2022 (inclusive)
 - b. To appoint Cr Malcolm Herrmann to the Board Member (Council Member) position for a term to commence from 27 November 2020 and conclude at the end of the current Council term (inclusive)
 - c. To appoint Cr Ian Bailey as a Deputy Board Member to the Board Member (Council Member) position for a term to commence from 27 November 2020 and conclude at the end of the current Council term (inclusive).
7. That in relation to the Southern & Hills Local Government Association Board:
- a. To appoint Mayor Jan-Claire Wisdom to the Board Member (Council Member) position for a term to commence from 27 November 2020 and conclude at the end of the current Council term (inclusive)
 - b. To appoint Lachlan Miller to the Deputy Board Member position for a 2 year term to commence from 27 November 2020 to 23 December 2022 (inclusive)
8. To authorise the Chief Executive Officer to lodge all required documentation to give effect to Council's resolutions on Regional Subsidiary Membership.

Carried Unanimously

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8.5 Advisory Group Membership – Council Members

Moved Cr Linda Green
S/- Cr Mark Osterstock

194/20

Council resolves:

- 1. That the report be received and noted**
- 2. With an effective date of 18 December 2020 to revoke the respective Terms of Reference for the following Advisory Groups and to adopt the revised Terms of Reference:**
 - a. Bushfire Advisory Group (Appendix 2)**
 - b. Biodiversity Advisory Group (Appendix 3)**
 - c. Cemetery Advisory Group (Appendix 4)**
 - d. Property Advisory Group (Appendix 5)**
 - e. Rural Land Management Advisory Group (Appendix 6)**
 - f. Sustainability Advisory Group (Appendix 7)**
- 3. To determine that the method of selecting the Advisory Group Members to be by an indicative vote to determine the preferred persons for the various positions utilising the process set out in this Agenda report.**
- 4. To adjourn the Council meeting for the purposes of seeking nominations for and, if necessary, conducting an indicative vote to determine the preferred persons for the Advisory Group Council Member roles and for the meeting to resume once the results of the indicative vote have been declared.**

Carried Unanimously

8.10pm The Council meeting adjourned
8.27pm The Council meeting resumed

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8.5.1 Advisory Group Membership – Appointment of Council Members

Moved Cr Linda Green

S/- Cr Pauline Gill

195/20

Council resolves to appoint the following Council Member as members of the respective Advisory Groups to commence the term on 18 December 2020 and conclude at the end of the current Council term.

- a. Bushfire Advisory Group – (up to 2 Council Members) – Cr Pauline Gill & Cr Chris Grant
- b. Biodiversity Advisory Group – (3 Council Members) – Cr Kirrilee Boyd, Cr Chris Grant & Cr John Kemp
- c. Cemetery Advisory Group - (up to 4 Council Members) – Cr Ian Bailey, Cr Pauline Gill & Cr Malcolm Herrmann
- d. Property Advisory Group - (up to 4 Council Members) – Cr Malcolm Herrmann, Cr Kirsty Parkin, Cr John Kemp & Cr Ian Bailey
- e. Rural Land Management Advisory Group - (up to 4 Council Members) – Cr John Kemp, Cr Chris Grant & Cr Ian Bailey
- f. Sustainability Advisory Group - (up to 4 Council Members) – Cr Nathan Daniell, Cr Kirrilee Boyd, Cr Chris Grant & Cr Leith Mudge.

Carried Unanimously

8.6 Reconciliation Working Group Membership – Council Member

Moved Cr Mark Osterstock

S/- Cr Ian Bailey

196/20

Council resolves:

- 1. That the report be received and noted.
- 2. To determine that the method of selecting a Council Member for the Reconciliation Working Group be by an indicative vote to determine the preferred person utilising the process set out in this Agenda report.
- 3. To adjourn the Council meeting for the purposes of seeking nominations for and, if necessary, conducting an indicative vote to determine the preferred person(s) for the Reconciliation Working Group role and for the meeting to resume once the results of the indicative vote have been declared.

Carried Unanimously

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8.6.2 Reconciliation Working Group Membership – Appointment of Council Member

Moved Cr Mark Osterstock
S/- Cr Kirsty Parkin

197/20

That Cr Kirrilee Boyd be appointed to the Reconciliation Working Group to commence from 17 December 2020 and conclude at the end of the current Council term.

Carried Unanimously

9. CONFIDENTIAL ITEMS

Nil

10. CLOSE MEETING

The meeting closed at 8.30pm.