

**ADELAIDE HILLS COUNCIL
MINUTES OF ORDINARY COUNCIL MEETING
TUESDAY 27 OCTOBER 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 (6.32pm)
Councillor Leith Mudge
Councillor Mark Osterstock
Councillor Andrew Stratford

In Attendance:

Andrew Aitken	Chief Executive Officer
Terry Crackett	Director Corporate Services
John McArthur	Acting 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
Sharon Leith	Acting Manager Sustainability Waste & Emergency Management
Natalie Westover	Manager Property Services
Deryn Atkinson	Manager Development Services
Chris Janssan	Manager Open Space
David Collins	Manager Strategic Assets
Renee O'Connor	Sport & Recreation Planner
Josh Spiers	Community & Social Planning Officer
Steven Watson	Governance & Risk Coordinator
Pam Williams	Minute Secretary

1. COMMENCEMENT

The meeting commenced at 6.30pm.

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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”.

6.32pm Cr John Kemp attended the meeting

3. APOLOGIES/LEAVE OF ABSENCE

3.2 Apology

Nil

3.3 Leave of Absence

- Cr Kirsty Parkin (19 October to 2 November 2020) approved 22 September 2020
- Mayor Jan-Claire Wisdom (26 September to 26 October 2020) approved 22 September 2020

Moved Cr Kirrilee Boyd

S/- Cr Linda Green

221/20

That Leave of Absence be granted for Mayor Jan-Claire Wisdom from 27 October to 20 November 2020.

Carried Unanimously

3.4 Absent

Nil

4. MINUTES OF PREVIOUS MEETINGS

4.1 Council Meeting – 22 September 2020

Moved Cr Malcolm Herrmann

S/- Cr Pauline Gill

222/20

That the minutes of the Ordinary Council meeting held on 22 September 2020 as supplied, be confirmed as an accurate record of the proceedings of that meeting.

Carried Unanimously

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5. DECLARATION OF CONFLICT OF INTEREST BY MEMBERS OF COUNCIL

5.1 Perceived Conflict of Interest, Cr Leith Mudge - Item 12.3 Mylor BMX Consultation Findings

Under Section 75A of the *Local Government Act 1999* Cr Leith Mudge disclosed a Perceived Conflict of Interest in Item 12.3 Mylor BMX Consultation Findings, the nature of which is as follows:

- My son is a keen mountain biker and I have recently become a recreational mountain biker and have ridden the Aldgate Quarry track.

Cr Leith Mudge intends to participate in discussions and vote when this matter is discussed.

5.2 Perceived Conflict of Interest, Cr Chris Grant Item 12.1 – Lew Brickhill Memorial Investigation

Under Section 75A of the *Local Government Act 1999* Cr Chris Grant disclosed a Perceived Conflict of Interest in Item 12.1 – Lew Brickhill Memorial Investigation, the nature of which is as follows:

- I am a Committee Member of the Friends of Lobethal Bushland Park

Cr Chris Grant intends to participate in discussions and vote when this matter is discussed.

5.3 Material Conflict of Interest, Cr Linda Green Item 12.12 – Confidential Items Review

Under Section 74 of the *Local Government Act 1999* Cr Linda Green disclosed a Material Conflict of Interest in Item 12.12 – Confidential Items Review, the nature of which is as follows:

- My property is connected to the CWMS system and I may suffer a loss or gain a benefit

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

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5.4 Perceived Conflict of Interest, Cr John Kemp Item 8.1.1 – Opposition to Development Application, 118 Silver Lake Road Mylor

Under Section 75A of the *Local Government Act 1999* Cr John Kemp disclosed a Perceived Conflict of Interest in Item 8.1.1 – Opposition to Development Application, 118 Silver Lake Road Mylor, the nature of which is as follows:

- Council will be considering a petition relating to a non-complying development which will ultimately be considered by Council's Assessment Panel of which I am a member. The petition will be received by Council and not debated.

Cr John Kemp intends to participate in discussions and vote when this matter is discussed.

5.5 Perceived Conflict of Interest, Cr Andrew Stratford Item 12.12 - Confidential Items Review

Under Section 75A of the *Local Government Act 1999* Cr Andrew Stratford disclosed a Perceived Conflict of Interest in Item 12.12 - Confidential Items Review, the nature of which is as follows:

- I have a property connected to Council's CWMS system

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

5.6 Perceived Conflict of Interest, Cr Malcolm Herrmann Item 12.12 - Confidential Items Review

Under Section 75A of the *Local Government Act 1999* Cr Malcolm Herrmann disclosed a Perceived Conflict of Interest in Item 12.12 - Confidential Items Review, the nature of which is as follows:

- I own property 10 Pool Street Birdwood connected to Council's CWMS system and may gain a benefit or suffer a detriment

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

6. PRESIDING MEMBER'S OPENING REMARKS

Acting Mayor Nathan Daniel advised the Chamber that he had attended numerous events throughout the district this month and noted that these events all had a consistent theme of all levels of government, stakeholders and local groups working together in collaboration to achieve what is in the best interests of the community.

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7. QUESTIONS ADJOURNED/LYING ON THE TABLE**7.1 Questions Adjourned**

Nil

7.2 Questions Lying on the Table

Nil

8. PETITIONS/DEPUTATIONS/PUBLIC FORUM**8.1 Petitions****8.1.1 Opposition to Development Application, 118 Silver Lake Road Mylor**

Moved Cr Linda Green

S/- Cr Chris Grant

223/20

Council resolves:

1. That the petition signed by 16 signatories opposing the Category 3 Development Application at 118 Silver Lake Road Mylor be received and noted.
2. That the CEO advise the principal signatory of the Council's noting of the petition and of any resolutions relating to the matter.

VARIATION

With Leave of the Meeting and the approval of the Mover and the Seconder, the motion was varied as follows.

Council resolves:

1. **That the petition signed by 16 signatories opposing the Category 3 Development Application at 118 Silver Lake Road Mylor be received and noted.**
2. **That the CEO advises the principal signatory of the Council's noting of the petition and of any resolutions relating to the matter.**
3. **It is noted that Council has no role to play in the assessment of development applications and that Council's Assessment Panel (CAP) is the decision authority in this instance, which, due to legislative restrictions, cannot receive or consider a petition as part of its deliberations on a development application.**

Carried Unanimously

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8.2 Deputations

8.2.2 John Hill re Park’N’Ride facilities

8.2.3 Penny Haberfeld re South Eastern Freeway noise

8.3 Public Forum

Nil

9. PRESENTATIONS

Nil

10. QUESTIONS ON NOTICE

Nil

11. MOTIONS ON NOTICE

11.1 Speed Limit Reduction Longwood & Red Hill Roads

Moved Cr Mark Osterstock

S/- Cr John Kemp

224/20

That Council:

- 1. receives the residents’ request as contained in Appendix 1 and**
- 2. undertakes a speed limit review on sections of Longwood and Red Hill Roads in response to the submission received from local residents, and**
- 3. communicates the outcome of the review and proposed action to Council Members via the Council and Committee Meeting Action Tracker.**

Carried Unanimously

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11.2 South Eastern Freeway Noise

**Moved Cr Leith Mudge
S/- Cr Kirrilee Boyd**

225/20

That the Mayor writes to the Minister for Infrastructure and Transport, Minister for Environment and Minister for Planning asking the State Government to:

- 1. Undertake a comprehensive noise study that includes a noise survey and modelling of the impacts of development and traffic volumes along the South Eastern Freeway (the Freeway), both now and into the future.**
- 2. Consider implementing noise mitigation measures along the Freeway corridor to reduce noise to acceptable levels for nearby residents and businesses.**

That copies of the letter be forwarded to the Member for Heysen, Member for Kavel, the State Opposition Leader and the Federal Member for Mayo.

Carried Unanimously

11.3 Memorial Seat for former Cr Bill Gale

**Moved Cr Malcolm Herrmann
S/- Cr Ian Bailey**

226/20

That, in conjunction with the Gale family, Council purchase and install a park seat with a plaque to commemorate the contribution the late ex Cr Bill Gale made to the Adelaide Hills Council and, in particular, to the Woodside area.

Carried Unanimously

12. OFFICER REPORTS – DECISION ITEMS

Cr Chris Grant 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 Chris Grant remained in the Chamber and voted.

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12.1 Lew Brickhill Memorial

Moved Cr Malcolm Herrmann

S/- Cr Pauline Gill

227/20

Council resolves:

1. That the report be received and noted.
2. That Council approve a \$5,600 expenditure budget to undertake an engineering design for the restoration and reinstatement of the lookout tower at Lobethal Bushland Park.
3. Subject to recommendation 2 above, a quote for restoration and reinstatement works of the lookout tower at Lobethal Bushland Park be obtained.
4. That consideration be given to funding the restoration and reinstatement of the Lobethal Bushland Park lookout tower in the development of the 2021-2022 budget.

Carried Unanimously

Cr Chris Grant voted in favour of the motion.

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

7.40pm Cr Grant left the Chamber

7.42pm Cr Grant returned to the Chamber

12.2 Disability Access and Inclusion Plan

Moved Cr Mark Osterstock

S/- Cr Kirrilee Boyd

228/20

Council resolves:

1. That the report be received and noted.
2. To endorse the provisional *Adelaide Hills Council Disability Access and Inclusion Plan (DAIP) 2020-2024: A brighter future for all*, as contained in *Appendix 1*, for publication on Council's website and further community consultation.
3. To delegate to the Chief Executive Officer to determine the timings, media and processes around further community consultation while ensuring consistency and compliance with the provisions of applicable legislation and Council's Public Consultation Policy.
4. That an amended edition of the DAIP incorporating further community and stakeholder feedback on the provisional DAIP (received during further community consultation) be referred back to the Council for consideration and adoption at the Council Meeting scheduled for 27 January 2021.

Carried Unanimously

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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 12.3.

Cr Leith Mudge remained in the Chamber and voted.

12.3 Mylor BMX Consultation Findings

Moved Cr Pauline Gill

S/- Cr Kirrilee Boyd

229/20

Council resolves:

- 1. That the report be received and noted.**
- 2. That Council approve a \$15,000 expenditure budget to undertake remediation of the Aldgate Quarry site.**
- 3. That funds be considered as part of Council’s 2021-22 Annual Budget and Business Planning process for the construction of a pump track at Sherry Park in Mylor.**

Carried Unanimously

Cr Leith Mudge voted in favour of the motion.

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

7.52pm Cr Mark Osterstock left the Chamber

7.54pm Cr Mark Osterstock returned to the Chamber

12.4 General Purpose Financial Statements

Moved Cr Malcolm Herrmann

S/- Cr Leith Mudge

230/20

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 2020 with the required changes as set out in section 3.6 of agenda report 12.4.**
- 3. To authorise the Mayor and CEO to sign the General Purpose Financial Statements for the financial year ended 30 June 2020.**

Carried Unanimously

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12.5 Draft Road, Footpath and Kerb Asset Management Plan 2020

Moved Cr Malcolm Herrmann
S/- Cr Mark Osterstock

231/20

Council resolves:

1. That the report be received and noted.
2. That the Draft Road, Footpath and Kerb Asset Management Plan 2020 as contained in *Appendix 1* be released for community consultation.
3. That the CEO be authorised to determine the consultation timings, media and processes while ensuring consistency and compliance with the provisions of applicable legislation and Council's Public Consultation Policy.

Carried Unanimously

12.6 Nomination of East Waste Audit Committee Independent Member

Moved Cr Leith Mudge
S/- Cr Pauline Gill

232/20

Council resolves:

1. That the report be received and noted
2. That Council nominates Paula Davies and Lachlan Miller to East Waste for consideration as an Independent Member of the East Waste Audit Committee.

Carried Unanimously

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12.7 Resilient Hills and Coasts Sector Agreement

Moved Cr Kirrilee Boyd
S/- Cr Leith Mudge

233/20

Council resolves:

1. That the report be received and noted.
2. To note the achievements of the Resilient Hills & Coasts partnership to date, and its future priorities for action.
3. To recommit to the partnership by authorising the Mayor to sign the RH&C Sector Agreement 2020-2025, as contained in Appendix 1.

Carried Unanimously

12.8 Change to Community Land Management Plan 10 – Vehicle Access Control Reserves

Moved Cr John Kemp
S/- Cr Malcolm Herrmann

234/20

Council resolves:

1. That the report be received and noted.
2. That the proposed amendment of Plan 10 of the Community Land Management Plan – Vehicle Access Control Reserves has no impact or no significant impact on the interests of the community and therefore the provisions of section 198(3) of the *Local Government Act 1999* requiring community consultation do not apply.
3. To amend Plan 10 of the Community Land Management Plan - for Vehicle Access Control Reserves to permit leases or licences to adjoining landowners to occupy a portion of a reserve immediately abutting their property.
4. That it be a condition of any lease or licence to an adjoining landowner to occupy a portion of a reserve that vehicle access across the reserve is prohibited and any fence constructed does not include a gate wide enough to cater for a vehicle.

Carried Unanimously

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12.9 Revocation of Community Land – Closed Road R855 Upper Hermitage

Moved Cr Pauline Gill

S/- Cr Malcolm Herrmann

235/20

Council resolves:

1. That the report be received and noted
2. To commence a revocation of community land process for the land described as "A" in Road Plan No. 855 ("Closed Road") including consultation in accordance with Council's Public Consultation Policy and the *Local Government Act 1999* with the intention of selling the Closed Road to the adjoining owners.
3. That a further report be presented to Council at the completion of the consultation.

Carried Unanimously

12.10 Rescission of resolution 253/19 - Oakbank Soldiers Memorial Hall

Moved Cr Linda Green

S/- Cr Ian Bailey

236/20

Council resolves:

1. That the report be received and noted
2. To rescind the resolution made on 24 September 2019 and numbered 153/19.
3. To continue to provide assistance to the Oakbank Soldiers Memorial Hall Inc Committee consistent with support provided by Council to other community owned halls.

Carried Unanimously

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12.11 Strategic Boundary Review

Moved Cr John Kemp
S/- Cr Pauline Gill

237/20

Council resolves:

1. That the report be received and noted.
2. That the Strategic Boundary Review Report in Appendix 1 be received and noted.
3. To conduct a workshop session in the first quarter of 2021 to further explore the boundary reform options identified in the Strategic Boundary Review Report.

Carried Unanimously

12.12 Confidential items Review

With the leave of the meeting, Decision 4, 6, 8 and 9 were considered at the end of this item.

Moved Cr Mark Osterstock
S/- Cr Linda Green

238/20

Council resolves:

DECISION 1

1. That the report be received and noted.
2. That the items held as confidential in the Confidential Items Register (Appendix 1) be noted.

Carried Unanimously

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DECISION 2

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

239/20

Council resolves

- 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 07 May 2019, Item No. 19.1, Unsolicited Approach to Purchase Community Land until the matter is further presented to Council and that this order be reviewed every twelve (12) months.**

On the grounds that the document(s) (or part) relates to commercial information of a confidential nature (not being a trade secret) the disclosure of which could reasonably be expected to prejudice the commercial position of the person who supplied the information, or to confer a commercial advantage on a third party.

- 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.**

Carried Unanimously

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DECISION 3

Moved Cr Mark Osterstock
S/- Cr Linda Green

240/20

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:
 - Clause 8 and Appendix 2 of the Report of 01 August 2018, Item No. 7.2.1, Retirement Village Review, remain confidential until 31 July 2023 and that this order be reviewed every twelve (12) months.

On the grounds that the document(s) (or part) relates to information the disclosure of which 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 would, on balance, be contrary to the public interest.

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.

Carried Unanimously

Decision 4 was considered at the end of this Item.

DECISION 5

Moved Cr Ian Bailey
S/- Cr Pauline Gill

241/20

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)(i) of the Act:
 - The Report of 27 February 2018, Item No. 19.2, Adelaide Hills Swimming Centre Shade Sail until the matter is determined and that this order be reviewed every twelve (12) months.

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On the grounds that the document(s) (or part) relates to actual litigation, or litigation that the council or council committee believes on reasonable grounds will take place, involving the council or an employee of the council, the disclosure of which could reasonably be expected to prejudice the commercial position of person/agency/business involved with any litigation that may be undertaken.

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.

Carried Unanimously

Decision 6 was considered at the end of this Item.

DECISION 7

Moved Cr Pauline Gill

S/- Cr John Kemp

242/20

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 August 2017, Item No. 19.1, Adelaide Hills Region Waste Management Authority Tender Landfill Compactor until the matter is determined and that this order be reviewed every twelve (12) months.

On the grounds that the document(s) (or part) relates to information the disclosure of which 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 would, on balance, be contrary to the public interest.

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.

Carried Unanimously

Decisions 8 & 9 were considered at the end of this Item.

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DECISION 10

Moved Cr Chris Grant

S/- Cr Linda Green

243/20

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 April 2014 Item No. 18.2, Adelaide Hills Region Waste Management Authority (AHRWMA) until legal proceedings and deliberations have concluded and that this order be reviewed every twelve (12) months.

On the grounds that the document(s) (or part) relates to information the disclosure of which 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 would, on balance, be contrary to the public interest.

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.

Carried Unanimously

Cr Andrew Stratford declared a Perceived Conflict of Interest at Agenda Item 5 "Declaration of Interest by Members of the Council" in relation to parts 4, 6, 8 & 9 of Item 12.12 and left the Chamber.

Cr Linda Green and Cr Malcolm Herrmann declared a Material Conflict of Interest at Agenda Item 5 "Declaration of Interest by Members of the Council" in relation to parts 4, 6, 8 & 9 of Item 12.12 and left the Chamber.

8.55pm Cr Stratford, Cr Green and Cr Herrmann left the Chamber

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DECISION 4

**Moved Cr Leith Mudge
S/- Cr Ian Bailey**

244/20

- 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. 6.1.1, CWMS Expression of Interest Outcomes remain confidential until Council determines its position in relation to the CWMS operating model and that this order be reviewed every twelve (12) months.**

On the grounds that the document(s) (or part) relates to information the disclosure of which 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 would, on balance, be contrary to the public interest.

- 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.**

Carried Unanimously

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DECISION 6

**Moved Cr Chris Grant
S/- Cr Ian Bailey**

245/20

- 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 remain confidential until Council determines its position in relation to the CWMS operating model and that this order be reviewed every twelve (12) months.**

On the grounds that the document(s) (or part) relates to information the disclosure of which 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 would, on balance, be contrary to the public interest.

- 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.**

Carried Unanimously

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DECISION 8

**Moved Cr Mark Osterstock
S/- Cr Pauline Gill**

246/20

- 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. 19.1, Community Wastewater Management Systems Review remain confidential until Council determines its position in relation to the CWMS operating model and that this order be reviewed every twelve (12) months.**

On the grounds that the document(s) (or part) relates to information the disclosure of which 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 would, on balance, be contrary to the public interest.

- 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.**

Carried Unanimously

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DECISION 9

Moved Cr Pauline Gill
S/- Cr Chris Grant

247/20

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 2016, Item No. 19.1, CWMS Expression of Interest remain confidential until Council determines its position in relation to the CWMS operating model and that this order be reviewed every twelve (12) months.

On the grounds that the document(s) (or part) relates to information the disclosure of which 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 would, on balance, be contrary to the public interest.

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.

Carried Unanimously

12.12.1 Short adjournment

Moved Cr Chris Grant
S/- Cr Leith Mudge

248/20

That the Council meeting adjourn for a short break from 8.56pm.

Carried Unanimously

9.06pm The Council meeting resumed with all Members present

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12.13 Review of Development Application Fee Waiver Policy

Moved Cr Pauline Gill
S/- Cr Leith Mudge

249/20

Council resolves:

1. That the report be received and noted
2. With an effective date of 10 November 2020, to revoke the 9 May 2017 *Development Application Fee Waiver Policy* and to adopt the 27 October 2020 *Draft Development Application Fee Waiver Policy* as contained in Appendix 1 of this report.
3. That the CEO is permitted to make any formatting, nomenclature or other minor changes to the Policy as per Appendix 1 prior to the effective date.

Carried Unanimously

12.14 Status Report – Council Resolutions Update

Moved Cr John Kemp
S/- Cr Ian Bailey

250/20

Council resolves:

1. That the report be received and noted
2. The following completed items be removed from the Action List:

Meeting Date	Meeting	Res No.	Item Name	Previously Declared COI
27/02/2018	Ordinary Council	31/18	Arts & Heritage Hub	None declared
28/04/2020	Ordinary Council	73/20	CEO Performance Review Process & Panel Schedule	None declared
23/06/2020	Ordinary Council	104/20	Support for Road Closures 2020 Adelaide Hills Rally	Perceived - Cr Chris Grant
28/07/2020	Ordinary Council	137/20	Genetically Modified Crops Legislation Change - Community Engagement Plan	None declared

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25/08/2020	Ordinary Council	162/20	Boundary Reform Options	None declared
25/08/2020	Ordinary Council	164/20	Fabrik Development Proposal	None declared
25/08/2020	Ordinary Council	167/20	DA Fee Waiver Policy	None declared
15/09/2020	Special Council	198/20	Broadcasting Council Meetings & Workshops	None declared
22/09/2020	Ordinary Council	204/20	Genetically Modified Crops	Material - Cr Linda Green Material - Cr Chris Grant Perceived - Cr Kirsty Parkin
22/09/2020	Ordinary Council	208/20	2020 LGA President Ballot	None declared
22/09/2020	Ordinary Council	209/20	Election for GAROC 2020 - 2022	None declared
22/09/2020	Ordinary Council	212/20	Policy Review Records & Information Management Policy and Records & Information Management for Council Members Procedure	None declared
22/09/2020	Ordinary Council	213/20	Policy Review Community Loans Policy	None declared
22/09/2020	Ordinary Council	214/20	Policy Review Council Member Allowances & Support Policy	None declared
22/09/2020	Ordinary Council	219/20	2020 CEO Performance & Remuneration Reviews - CONFIDENTIAL ITEM	None declared
22/09/2020	Ordinary Council	220/20	2020 CEO Performance & Remuneration Reviews - Period of Confidentiality	None declared
22/09/2020	Ordinary Council	218/20	Records & Information Management Policy and Records and Information Management for Council Members Procedure	None Declared

Carried Unanimously

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13. OFFICER REPORTS - INFORMATION ITEMS

13.1 Waste & Management Strategy 2016 - 2021 Status Report

Moved Cr Mark Osterstock

S/- Cr Pauline Gill

251/20

Council resolves that the report be received and noted.

Carried Unanimously

14. QUESTIONS WITHOUT NOTICE

Cr Herrmann – Australia Day celebrations and financial assistance from Government

15. MOTIONS WITHOUT NOTICE

Nil

16. REPORTS

16.1 Council Member Function or Activity on the Business of Council

Acting Mayor Nathan Daniell

- 23 September, Community and Recreation Facilities Framework meeting, Stirling
- 26 September, National Trust of SA function, Engelbrook Reserve, Bridgewater
- 29 September, meeting with Josh Teague MP, Member for Heysen, Stirling
- 30 September, LG Reform briefing with Opposition Leader, Peter Malinauskas MP and Shadow Minister for Planning and Local Government, Jayne Stinson MP via Zoom
- 1 October, The Hut Community Centre AGM, Stirling
- 6 October, Tour and meeting with Advanced Plastic Recycling, Kilburn
- 12 October, Function with Their Excellencies Governor-General David Hurley and Mrs Linda Hurley, Hahndorf
- 12 October, Visit to Lobethal Recovery Centre by Their Excellencies Governor-General David Hurley and Mrs Linda Hurley, Lobethal

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- 13 October, Rethinking Business 2020, Hahndorf
- 14 October, Mayor Selling initiative for The Big Issue, Stirling
- 21 October, Imagine Uraidla AGM, Uraidla
- 21 October, Book launch for Shane McNally's "Adelaide Hills", Mt Lofty
- 25 October, Kathina Ceremony 2020, Mylor
- 25 October, Houghton Breaking Ground Ceremony, Houghton

Radio interviews

- 24 September, interview with Cassandra on ABC Country Hour re GM Crops decision
- 21 October, interview with Jules Schiller on ABC891 re bushfire recovery

Cr Leith Mudge

- 28 September, State Member for Heysen regarding GM Crops, Heysen Electorate Office, Stirling
- 6 October, Stirling Resident re Freeway Noise, Stirling
- 28 October, Rostrevor College 2020 Presentation Night, Paradise

Cr Pauline Gill

- 1 October, Kersbrook Residents Association
- 7 October, Role of Councils and EMs in the New Planning System (Webinar)
- 14 October, Local Recovery Committee
- 14 October, Northern Adelaide Hills Community Leaders Group

Cr Malcolm Herrmann

- 7 October, Webinar Planning Development and Infrastructure Act.
- 15 October, Interview for vacant position of Independent Member Audit Committee - Stirling
- 22 October, Closing down function - Blaze Aid - Springhead
- 25 October, Top of the Torrens Valley Churches - Acknowledgement of volunteers' roles/community experiences in the Cudlee Creek Bushfire- Birdwood

Cr Linda Green

- 12 October, Mt Torrens Community Association, Mt Torrens
- 19 October, Lights of Lobethal, Lobethal
- 23 October, Lobethal Hall meeting, Lobethal
- 25 October, Houghton Spring Fair, Houghton
- 25 October, Your Hall, Your Hub - Cudlee Creek, Lobethal, Mt Torrens

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Cr Chris Grant

- 24 September, Bushfire Advisory Group meeting, Uraidla
- 7 October, Friends of Lenswood Centennial Park working bee
- 17 October, Friend of Lobethal Bushland Park AGM, Lobethal

Cr Ian Bailey

- 26 October, Community & Recreation Facility Framework Working Group with targeted Club & Association Stakeholders – thank you to staff Natalie Westover and Renee O'Connor for a well-run meeting

16.2 Reports of Members as Council/Committee Representatives on External Organisations

Cr Linda Green

- East Waste, Workshop re Strategic Plan and Board meeting

16.3 CEO Report

Andrew Aitken, CEO, provided Council with a verbal Corporate Update.

- New excavator
- Shoulder renewals, unsealed roadworks, footpath renewals, road construction
- Stormwater upgrade
- Development Applications by bushfire affected residents

17. REPORTS OF COMMITTEES

17.1 Council Assessment Panel – 14 October 2020

Moved Cr Pauline Gill

S/- Cr John Kemp

252/20

That the minutes of the Council Assessment Panel meeting of 14 October 2020 as distributed, be received and noted.

Carried Unanimously

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17.2 Strategic Planning & Development Policy Committee

Nil

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17.3 Audit Committee – 19 October 2020

Moved Cr Leith Mudge
S/- Cr Malcolm Herrmann

253/20

That the minutes of the Audit Committee meeting of 19 October 2020 as distributed, be received and noted.

Carried Unanimously

17.4 CEO Performance Review Panel

Nil

18. CONFIDENTIAL ITEMS

18.1 Audit Committee Independent Member Appointment – Exclusion of the Public

Moved Cr Kirrilee Boyd
S/- Cr Ian Bailey

254/20

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

- Chief Executive Officer, Andrew Aitken
- Acting Director Infrastructure & Operations, John McArthur
- 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 18.1: (Audit Committee Independent Member Appointments) in confidence.

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18.1255/2The 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.

Carried Unanimously

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RELEASED 18 NOVEMBER 2020

18.1.1 Audit Committee Independent Member Appointment - Confidential Item

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

255/20

Council resolves:

- 1. That the report be received and noted**
- 2. That in relation to the Audit Committee Independent Membership:**
 - a. To appoint Natalie Johnston to the position of Audit Committee Independent Member for a term to commence from 1 December 2020 until 30 April 2022 (inclusive).**

Carried Unanimously

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18.1.2 Audit Committee Independent Member Appointment - Period of Confidentiality

Moved Cr Linda Green
S/- Cr Leith Mudge

256/20

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 18.1 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 appointment has been confirmed with the applicant.

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

Carried Unanimously

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18.2 CEO PRP Independent Member Appointment – Exclusion of the Public

Moved Cr Mark Osterstock
S/- Cr Ian Bailey

257/20

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

- Chief Executive Officer, Andrew Aitken
- Acting Director Infrastructure & Operations, John McArthur
- Director Strategy & Development, Marc Salver
- Director Corporate Services, Terry Crackett
- Director Community & Customer Service, David Waters
- Executive Manager Governance & Performance, Lachlan Miller
- Executive Manager Organisational Development, Megan Sutherland
- Governance & Risk Coordinator, Steven Watson
- Minute Secretary, Pam Williams

be excluded from attendance at the meeting for Agenda Item 18.2: (CEO Performance Review Panel Independent Member Appointment) 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 CEO Performance Review Panel.

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 18 NOVEMBER 2020

18.2.1 CEO PRP Independent Member Appointment - Confidential Item

**Moved Cr Mark Osterstock
S/- Cr Pauline Gill**

258/20

Council resolves:

- 1. That the report be received and noted**
- 2. To appoint Janet Miller to the CEO Performance Review Panel for a term to commence from 1 December 2020 until 30 November 2022 (inclusive).**

Carried Unanimously

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18.2.2 CEO PRP Independent Member Appointment - Period of Confidentiality

Moved Cr Ian Bailey
S/- Cr Pauline Gill

259/20

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 18.2 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 appointment 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.

Carried Unanimously

18.3 Event Opportunity – Exclusion of the Public

Moved Cr Linda Green
S/- Cr Kirrilee Boyd

260/20

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

- Chief Executive Officer, Andrew Aitken
- A/Director Infrastructure & Operations, John McArthur
- Director Development & Regulatory Services, Marc Salver
- Director Corporate Services, Terry Crackett
- Director Community Capacity, David Waters
- Executive Manager Governance & Performance, Lachlan Miller
- Governance & Risk Coordinator, Steven Watson
- Manager Communications, Engagement & Events, Jennifer Blake
- Minute Secretary, Pam Williams

be excluded from attendance at the meeting for Agenda Item 18.3: (Event Opportunity) in confidence.

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

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

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

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

Section 90(3)(j) of the *Local Government Act 1999*, the information to be received, discussed or considered in relation to this Agenda Item is commercial information of a confidential nature (not being a trade secret) the disclosure of which could reasonably be expected to prejudice the commercial position of the person/agency/business who supplied the information by disclosing specific quotes and modelling by the tenderer.

Carried Unanimously

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18.3.1 Event Opportunity – Confidential item

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18.3.2 Event Opportunity - Period of Confidentiality

Moved Cr Pauline Gill
S/- Cr Ian Bailey

262/20

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 18.3 in confidence under sections 90(2) and 90(3) (j) of the *Local Government Act 1999*, resolves that an order be made under the provisions of sections 91(7) and (9) of the *Local Government Act 1999* that the report, related attachments and the minutes of Council and the discussion and considerations of the subject matter be retained in confidence until the event agreements are signed and the relevant event details are announced by the relevant Minister, but not longer than 31 December 2020.

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

19. NEXT ORDINARY MEETING

The next ordinary meeting of the Adelaide Hills Council will be held on Tuesday 24 November 2020 from 6.30pm at 63 Mt Barker Road, Stirling.

20. CLOSE MEETING

The meeting closed at 9.50pm.