

**ADELAIDE HILLS COUNCIL
MINUTES OF ORDINARY COUNCIL MEETING
WEDNESDAY 27 JANUARY 2021
63 MT BARKER ROAD STIRLING**

In Attendance

Presiding Member: Mayor Jan-Claire Wisdom

Members:

Councillor Ian Bailey
Councillor Kirrilee Boyd
Councillor Nathan Daniell
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
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
John McArthur	Manager Sustainability Waste and Emergency Management
Deryn Atkinson	Manager Development Services
David Collins	Manager Strategic Assets
Josh Spier	Community & Social Planning Officer
Pam Williams	Minute Secretary

1. COMMENCEMENT

The meeting commenced at 6.33pm.

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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

3.2 Absent

Nil

4. MINUTES OF PREVIOUS MEETINGS

4.1 Council Meeting – 24 November 2020 (adjourned)

Moved Cr Malcolm Herrmann
S/- Cr Nathan Daniell

1/21

That the minutes of the Ordinary Council meeting held on 24 November 2020 as supplied, be confirmed as an accurate record of the proceedings of that meeting.

Carried Unanimously

4.2 Council Meeting – 15 December 2020

Moved Cr Linda Green
S/- Cr Leith Mudge

2/21

That the minutes of the Ordinary Council meeting held on 15 December 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 Material Conflict of Interest, Cr Malcolm Herrmann, Item 18.2 CWMS Review

Under Section 74 of the *Local Government Act 1999* Cr Malcolm Herrmann disclosed a Material Conflict of Interest in Item 18.2 CWMS Review, the nature of which is as follows:

- I own a property at 10 Pool Street Birdwood which is connected to the CWMS. I may gain a benefit or suffer a detriment depending on the decision.

5.2 Material Conflict of Interest, Cr Linda Green, Item 18.2 CWMS Review

Under Section 74 of the *Local Government Act 1999* Cr Linda Green disclosed a Material Conflict of Interest in Item 18.2 CWMS Review, the nature of which is as follows:

- I live at 37 Springhead Road Mt Torrens which is connected to the CWMS. It could be seen that I could gain a benefit or suffer a detriment depending on the decision.

5.3 Material Conflict of Interest, Cr Andrew Stratford, Item 18.2 CWMS Review

Under Section 74 of the *Local Government Act 1999* Cr Andrew Stratford disclosed a Material Conflict of Interest in Item 18.2 CWMS Review, the nature of which is as follows:

- I own a property in Woodside connected to the CWMS and may gain a benefit or suffer a detriment as a result of the decision.

6. PRESIDING MEMBER'S OPENING REMARKS

Mayor Jan-Claire Wisdom discussed the Cherry Gardens fire which started on Sunday 23 January 2021, and sent her best wishes to everyone involved. The Mayor stated that Council would be working with the Local Government Functional Support Group to assist where appropriate. The bulk of the burnt area is in Adelaide Hills Council and the Mayor will be visiting the fire scar this week.

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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

Nil

8.2 Deputations

Nil

8.3 Public Forum

Nil

9. PRESENTATIONS

Nil

10. QUESTIONS ON NOTICE

Nil

11. MOTIONS ON NOTICE

11.1 Cemeteries

Moved Cr Malcolm Herrmann

S/- Cr Ian Bailey

3/21

That the CEO prepares a report accompanied by a draft policy on the Council's role in regard to assuming control of church (i.e. private) cemeteries, such report and draft policy to be discussed at a workshop in April 2021 prior to consideration by Council prior to 30 June 2021.

Carried unanimously

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12. OFFICER REPORTS – DECISION ITEMS

12.1 Amended Access & Inclusion Plan 2020 - 2024

Moved Cr Pauline Gill

S/- Cr Kirsty Parkin

4/21

Council resolves:

1. That the report be received and noted.
2. To revoke the *Provisional Disability Access and Inclusion Plan (DAIP) 2020-24* which was adopted on 27 October 2020 and to adopt the amended *Access and Inclusion Plan 2020-24*, as contained in *Appendix 1*.
3. That the Chief Executive Officer be authorised during the currency of the *Access and Inclusion Plan 2020-24* (the DAIP) to make any formatting, nomenclature or other minor changes :
 - a. To ensure that the Plan is consistent with an Act of the State or the Commonwealth, or
 - b. To ensure that the Plan remains consistent with the *State Disability Inclusion Plan*, or
 - c. To correct an error or omission.

Carried Unanimously

12.2 Advisory Group Independent Members – Selection Panels

Moved Cr Linda Green

S/- Cr Nathan Daniell

5/21

Council resolves:

1. That the report be received and noted
2. To establish Selection Panels for the recruitment of Independent/Community Members for the identified Advisory Groups with the following Council Members, assisted by the respective Executive Officers, to undertake the short-listing and interviews of the candidates with a view to making recommendations for appointment at a future Council meeting(s):
 - a. Biodiversity Advisory Group – Cr Chris Grant and Cr John Kemp
 - b. Cemetery Advisory Group – Cr Pauline Gill and Cr Ian Bailey
 - c. Rural Land Management Advisory Group – Cr John Kemp and Cr Ian Bailey
 - d. Sustainability Advisory Group – Cr Kirrilee Boyd and Cr Leith Mudge

Carried Unanimously

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12.3 Appointment of Building Fire Safety Committee

Moved Cr Mark Osterstock
S/- Cr Pauline Gill

6/21

Council resolves:

1. That the report be received and noted
2. That Council appoints the following members to the Adelaide Hills Building Fire Safety Committee as the appropriate Authority for the purposes of Section 157 (17) of the *Planning, Development and Infrastructure Act 2016* commencing on the designated date of implementation of the Section 157(17) of the *Planning, Development and Infrastructure Act 2016* for Phase 3 Councils and expiring on 31 May 2022:
 - a) Peter Harmer (Contract Building Surveyor Engineer) as a person with expertise and qualifications in building surveying, engineering and building fire safety
 - b) Persons nominated by the Country Fire Service to act as the CFS representative member and deputy members
 - c) Jeff Grinnell as Team Leader Building Services as an authorised Council Officer with expertise and qualifications in building surveying and building fire safety with Tom Warneke as deputy member, and
 - d) Deryn Atkinson as Manager Development Services as an authorised Council Officer with Marc Salver appointed as deputy member.

Carried Unanimously

12.4 Hard Waste Service

Moved Cr Leith Mudge
S/- Cr Kirrilee Boyd

Council resolves that:

1. the report be received and noted
2. any additional budget requirements to meet service demand for the Kerbside Hard Waste Service during 2020-21 be addressed through Council's budget review process
3. Council conducts community consultation on options presented in the report with a consultation report presented to Council in sufficient time to contribute to the 2021-22 budget consideration process.

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12.4.1 Hard Waste Service – Formal Motion

**Moved Cr Pauline Gill
S/- Cr Andrew Stratford**

7/21

That the motion be put.

Carried

The Motion was put.

LOST

**Moved Cr Pauline Gill
S/- Cr Chris Grant**

8/21

Council resolves that:

- 1. the report be received and noted**
- 2. any additional budget requirements to meet service demand for the Kerbside Hard Waste Service during 2020-21 be addressed through Council's budget review process**
- 3. a user contribution fee equal to 50% of budgeted costs to provide the Kerbside Mattress Service be considered during the development of the 2021-22 Annual Business Plan and Budget**
- 4. a user contribution fee equal to 50% of budgeted costs to provide the Kerbside Hard Waste Service be considered during the development of the 2021-22 Annual Business Plan and Budget.**

Carried Unanimously

7.54pm Cr Osterstock left the Chamber

7.56pm Cr Osterstock returned to the Chamber

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12.5 Delegations Review January 2021

Moved Cr Malcolm Herrmann
S/- Cr Pauline Gill

9/21

Council resolves:

1. That the report be received and noted
2. That, having considered a review of Council's Delegations as presented, the Council hereby revokes its previous delegations to the Chief Executive Officer of those powers and functions under the following Acts:

Instrument of Delegation
<i>Instrument of Delegation under the Burial and Cremation Act 2013 and Burial And Cremation Regulations 2014 (Superseded)</i>
<i>Burial and Cremation Regulations 2014 Updates</i>
<i>Community Titles Act 1996 Updates</i>
<i>Community Titles Act 1996 (Superseded)</i>
<i>Cost of Living Concessions Act 1986 Updates</i>
<i>Crown Land Management Act 2009 Updates</i>
<i>Electricity (Principles of Vegetation Clearance) Regulations 2010 Updates</i>
<i>Electricity Act 1996 Updates</i>
<i>Gas Act 1997 Updates</i>
<i>Heavy Vehicle (Mass Dimension and Loading) National Regulation (NSW) Updates</i>
<i>Heavy Vehicle National Law (schedule to the Heavy Vehicle National Law (South Australia) Act 2013) Updates</i>
<i>Independent Commissioner Against Corruption Act 2012 Updates</i>
<i>Labour Hire Licensing Act 2017 Updates</i>

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<i>Land and Business (Sale and Conveyancing) Act 1994 Updates</i>
<i>Land and Business (Sale and Conveyancing) Act 1994 (Superseded)</i>
<i>Landscape South Australia (General) Regulations 2020 Updates</i>
<i>Landscape South Australia (Water Management) Regulations 2020 Updates</i>
<i>Local Government (Elections) Act 1999 Updates</i>
<i>Local Government (Financial Management) Regulations 2011 Updates</i>
<i>Local Government (General) Regulations 2013 Updates</i>
<i>Local Government (Members Allowances and Benefits) Regulations 2010 Updates</i>
<i>Local Government (Procedures at Meetings) Regulations 2013 Updates</i>
<i>Local Government Act 1999 (Superseded) Updates</i>
<i>Private Parking Areas Act 1986 Updates</i>
<i>Roads (Opening and Closing) Act 1991 Updates</i>
<i>Roads (Opening and Closing) Act 1991 (Superseded)</i>
<i>State Records Act 1997 Updates</i>
<i>Strata Titles Act 1988 Updates</i>
<i>Strata Titles Act 1988 (Superseded)</i>
<i>Development Act 1993 and Development Regulations 2008</i>
<i>Planning, Development and Infrastructure Act 2016 Instrument A (until full PDI commencement)</i>
<i>Planning, Development and Infrastructure Act 2016 Instrument A</i>
<i>Planning, Development and Infrastructure Act 2016 of Power of a Council as a Relevant Authority</i>
<i>Planning Development and Infrastructure Act 2016 Instrument B</i>

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<i>Road Traffic Act 1961, the Road Traffic (Miscellaneous) Regulations 2014 and the Road Traffic (Road Rules - Ancillary and Miscellaneous Provisions) Regulations 2014 (Superseded)</i>
Road Traffic Act 1961 - General Approval Instrument of Authorisation

3. That, having considered a review of Council's Delegations as presented, in exercise of the power contained in Section 44 of the Local Government Act 1999 the powers and functions under the following Acts and statutory instruments made thereunder contained in the proposed Instrument of Delegation attached to the Report dated 27 January 2021 and entitled as detailed in the table below are hereby delegated this 27 Day of January 2021 to the person occupying or acting in the office of Chief Executive Officer of the Council subject to the conditions and/or limitations, if any, specified herein or in the Schedule of Conditions in the proposed Instrument of Delegation.

Instrument of Delegation	Appendix Number
<i>Instrument of Delegation under the Burial and Cremation Act 2013 and Burial And Cremation Regulations 2014 (Superseded)</i>	Appendix 2
<i>Burial and Cremation Regulations 2014 Updates</i>	Appendix 3
<i>Community Titles Act 1996 Updates</i>	Appendix 4
<i>Community_Titles_Act_1996_(Superseded)</i>	Appendix 5
<i>Cost of Living Concessions Act 1986 Updates</i>	Appendix 6
<i>Crown Land Management Act 2009 Updates</i>	Appendix 7
<i>Electricity (Principles of Vegetation Clearance) Regulations 2010 Updates</i>	Appendix 8
<i>Electricity Act 1996 Updates</i>	Appendix 9
<i>Gas Act 1997 Updates</i>	Appendix 10
<i>Heavy Vehicle (Mass Dimension and Loading) National Regulation (NSW) Updates</i>	Appendix 11
<i>Heavy Vehicle National Law (schedule to the Heavy Vehicle National Law (South Australia) Act 2013) Updates</i>	Appendix 12
<i>Independent Commissioner Against Corruption Act 2012 Updates</i>	Appendix 13
<i>Labour Hire Licensing Act 2017 Updates</i>	Appendix 14

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<i>Land and Business (Sale and Conveyancing) Act 1994 Updates</i>	Appendix 15
<i>Land and Business (Sale and Conveyancing) Act 1994 (Superseded)</i>	Appendix 16
<i>Landscape South Australia (General) Regulations 2020 Updates</i>	Appendix 17
<i>Landscape South Australia (Water Management) Regulations 2020 Updates</i>	Appendix 18
<i>Local Government (Elections) Act 1999 Updates</i>	Appendix 19
<i>Local Government (Financial Management) Regulations 2011 Updates</i>	Appendix 20
<i>Local Government (General) Regulations 2013 Updates</i>	Appendix 21
<i>Local Government (Members Allowances and Benefits) Regulations 2010 Updates</i>	Appendix 22
<i>Local Government (Procedures at Meetings) Regulations 2013 Updates</i>	Appendix 23
<i>Local Government Act 1999 (Superseded) Updates</i>	Appendix 24
<i>Private Parking Areas Act 1986 Updates</i>	Appendix 25
<i>Roads (Opening and Closing) Act 1991 Updates</i>	Appendix 26
<i>Roads (Opening and Closing) Act 1991 (Superseded)</i>	Appendix 27
<i>State Records Act 1997 Updates</i>	Appendix 28
<i>Strata Titles Act 1988 Updates</i>	Appendix 29
<i>Strata Titles Act 1988 (Superseded)</i>	Appendix 30

3.1 Such powers and functions may be further delegated by the Chief Executive Officer in accordance with Sections 44 and 101 of the Local Government Act 1999 as the Chief Executive Officer sees fit, unless otherwise indicated herein or in the Schedule of Conditions contained in the proposed Instrument of Delegation.

4. That, having considered a review of Council's Delegations as presented, in exercise of the power contained in Section 44 of the Local Government Act 1999 the powers and functions under the Development Act 1993 and Development Regulations 2008 and the Planning, Development and Infrastructure Act 2016 and statutory instruments made thereunder contained in the proposed Instrument of Delegation attached to the Report dated 27 January 2021 and entitled as detailed in the table below are hereby delegated

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this 27 Day of January 2021 to the person occupying or acting in the office of Chief Executive Officer of the Council subject to the conditions and/or limitations, if any, specified herein or in the Schedule of Conditions in the proposed Instrument of Delegation.

Instrument of Delegation	Appendix Number
<i>Development Act 1993 and Development Regulations 2008</i>	Appendix 31
<i>Planning, Development and Infrastructure Act 2016 Instrument A (until full PDI commencement)</i>	Appendix 32
<i>Planning, Development and Infrastructure Act 2016 Instrument A</i>	Appendix 33
<i>Planning, Development and Infrastructure Act 2016 of Power of a Council as a Relevant Authority</i>	Appendix 34

4.1 Such powers and functions may be further delegated by the Chief Executive Officer in accordance with Sections 44 and 101 of the Local Government Act 1999 as the Chief Executive Officer sees fit, unless otherwise indicated herein or in the Schedule of Conditions contained in the proposed Instrument of Delegation.

5. That, having considered a review of Council's Delegations as presented, in exercise of the power contained in Section 100 of the Planning, Development and Infrastructure Act 2016 the powers and functions under the Planning, Development and Infrastructure Act 2016 and statutory instruments made thereunder contained in the proposed Instrument of Delegation attached to this Report dated 27 January 2021 and as detailed in the table below are hereby delegated this 27th day of January 2021 to the person occupying or acting in the office of Chief Executive Officer of the Council subject to the conditions and/or limitations, if any, specified herein or in the Schedule of Conditions in the proposed Instrument of Delegation.

Instrument of Delegation	Appendix Number
<i>Planning Development and Infrastructure Act 2016 Instrument B</i>	Appendix 35

5.1 Such powers and functions may be further delegated by the Chief Executive Officer in accordance with Section 100(2)(c) of the Planning, Development and Infrastructure Act 2016 as the Chief Executive Officer sees fit, unless otherwise indicated herein or in the Schedule of Conditions contained in the proposed Instrument of Delegation.

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6. That, having considered a review of Council's Delegations as presented, the Council hereby delegates the sub-delegation and authorisation of powers under the Road Traffic Act 1961 this 27 day of January 2021 to the person occupying or acting in the office of Chief Executive Officer of the Council subject to the conditions and/or limitations, if any, specified herein or in the Schedule of Conditions in the proposed Instrument of Delegation.

Instrument of Delegation	Appendix Number
<i>Road Traffic Act 1961, the Road Traffic (Miscellaneous) Regulations 2014 and the Road Traffic (Road Rules - Ancillary and Miscellaneous Provisions) Regulations 2014 (Superseded)</i>	Appendix 36
Road Traffic Act 1961 - General Approval Instrument of Authorisation	Appendix 37

- 6.1 Such powers and functions may be further delegated by the Chief Executive Officer in accordance with sub-delegation and authorisation of powers under the Road Traffic Act 1961 as the Chief Executive Officer sees fit, unless otherwise indicated herein or in the Schedule of Conditions contained in the proposed Instrument of Delegation.

7. That the Chief Executive Officer be authorised to make any formatting, nomenclature or other minor changes to the Instruments during the period of currency.

Carried Unanimously

12.6 Status Report – Council Resolutions Update

Moved Cr John Kemp
S/- Cr Linda Green

10/21

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
24/11/2020	Ordinary Council	265/20	Road Resurfacing Albert Street	None declared

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			Gumeracha (PLEC project)	
24/11/2020	Ordinary Council	267/20	Road Exchange Pomona Road Stirling	None declared
24/11/2020	Ordinary Council	282/20	Policy Review - Cemetery Operating Policy	None declared
15/12/2020	Ordinary Council	294/20	MON Council Boundary Reform Legislative Provisions	None declared
15/12/2020	Ordinary Council	297/20	Submission Revised Draft Planning & Design Code	None declared
15/12/2020	Ordinary Council	298/20	Adoption of the Crafers Village Design Guidelines	None declared
15/12/2020	Ordinary Council	299/20	Declaration of Public Roads - Houghton & Aldgate	None declared
15/12/2020	Ordinary Council	301/20	Appointment of Independent Members of CAP	None declared
15/12/2020	Ordinary Council	303/20	Strategic Internal Audit Plan Update	None declared

Carried Unanimously

13. OFFICER REPORTS - INFORMATION ITEMS

13.1 Woodforde/Rostrevor Boundary Reform FOI Report

Moved Cr Pauline Gill
S/- Cr John Kemp

11/21

Council resolves that the report be received and noted.

Carried Unanimously

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14. QUESTIONS WITHOUT NOTICE

Cr Mark Osterstock – immunisation program & COVID-19
Cr Ian Bailey – LGA funding opportunities

15. MOTIONS WITHOUT NOTICE

Having taken into account the Guiding Principles, the Mayor accepted the following Motion Without Notice.

15.1 Horsnell White Rock Quarry Mine Operations Plan

Moved Cr Mark Osterstock
S/- Cr Nathan Daniell

12/21

Council resolves that

1. the Mayor write to the Minister for Energy & Mining, the Hon. Dan van Holst Pellekaan, seeking that no decision be made on the Horsnell White Rock Quarry Mine Operations Plan (MOP) until Council has submitted its views/comments on this proposal.
2. representatives of the Hanson White Rock Quarry be invited to present to their proposal to Council at its 23 February 2021 ordinary meeting.
3. staff prepare a report for Council's consideration on this matter, including recommendations, on how resident concerns could be addressed, whether as part of the existing State Government approval process, or by legislative amendment, including, yet not limited to:
 - a. Potential noise impacts on adjoining residents
 - b. Pollution of the adjoining creek
 - c. Impacts of heavy vehicle traffic on Council's roads
 - d. Impacts on fauna and flora within the proposed expansion area
 - e. Management of Crystalline Silica dust generated by the quarrying activity
 - f. Meeting of EPA separation guidelines
 - g. Impact on the Hills Face Zone
 - h. Buffer or exclusion zones

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15.2 Cherry Gardens Fire January 2021 – appreciation to Firefighters

Moved Cr John Kemp
S/- Cr Leith Mudge

13/21

That Council recognises and appreciates the tremendous work of all Firefighters over the last 4 days, and ongoing, in controlling the Cherry Gardens fire.

Carried Unanimously

16. REPORTS

16.1 Council Member Function or Activity on the Business of Council

Mayor Jan-Claire Wisdom

- 20 December 2020, Reclaim the Day Community gathering , Lobethal
- 21 December, Mayor’s Christmas video, Stirling
- 23 December, Local (CC Bushfire) Recovery Committee meeting via zoom
- 24 December, Springhead Lutheran Christmas Eve service with the Governor, Mt Torrens
- 24 December, Visits to residents affected by Cudlee Creek bushfires with the Governor
- 13 January 2021, Weekender Herald Australia Day photos and article, Stirling
- 18 January, Festival of Cycling media call with Premier & local producers, Adelaide
- 18 January, Australia Day Awards, Government House
- 19 January, Meeting Stirling resident re local projects
- 22 January, Festival of Cycling, Birdwood and Lobethal
- 24/25 January, Various media interviews re Cherry Gardens Fire
- 26 January, Australia Day AHC Awards, Woodside
- 26 January, Australia Day Citizenship ceremony, Stirling

Cr Pauline Gill

- 26 January, Australia Day Breakfast at Woodside
- 27 January, Local Recovery Committee Teleconference

Cr Leith Mudge

- 17 December, Meeting with Bridgewater residents regarding Native Vegetation & Planning, Bridgewater
- 25 January, CFS Community Meeting - Cherry Gardens Fire, Mylor Hall, Mylor
- 26 January, Australia Day Citizenship Ceremony, Stirling Library

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Cr Kirsty Parkin

- 26 January, Australia Day Citizenship Ceremony Stirling
- 25/1/2021 Stirling Cricket Club Fundraising Committee meeting
- 18/12/2020 Stirling Business Association end of year event

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

16.3 CEO Report

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

- Cherry Gardens fire response
- Tree planting & signage
- Bus shelter relocation Woodside
- Blackspot projects Forreston
- Cudlee Creek Bushfire Development Applications
- Major developments
- Australia Day events Woodside & Gumeracha

17. REPORTS OF COMMITTEES

17.1 Council Assessment Panel – 9 December 2020

**Moved Cr John Kemp
S/- Cr Nathan Daniell**

14/21

That the minutes of the Council Assessment Panel meeting of 9 December 2020 as distributed, be received and noted.

Carried Unanimously

17.2 Council Assessment Panel – 13 January 2021

**Moved Cr John Kemp
S/- Cr Linda Green**

15/21

That the minutes of the Council Assessment Panel meeting of 13 January 2021 as distributed, be received and noted.

Carried Unanimously

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17.3 Audit Committee

Nil

17.4 CEO Performance Review Panel

Nil

**17.4.1 Moved Cr Leith Mudge
S/- Cr Ian Bailey****16/21**

That the meeting adjourn for a short time.

Carried Unanimously

9.00pm The Council meeting adjourned

9.13pm The Council meeting resumed

18. CONFIDENTIAL ITEMS**RELEASED 15 NOVEMBER 2021****18.1 AHC Tender 2020/21-12 Supply of Limestone Rubble – Exclusion of the Public**

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

17/21

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
- 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
- Minute Secretary, Pam Williams

be excluded from attendance at the meeting for Agenda Item 18.1: (AHC Tender 2020/21-12 – Supply of Limestone Rubble) 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)(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 15 NOVEMBER 2021

18.1.1 AHC Tender 202021-12 Supply of Limestone Rubble – Confidential Item

**Moved Cr Linda Green
S/- Cr Malcolm Herrmann**

18/21

Council resolves:

- 1. That the report be received and noted.**
- 2. To enter into a contract with Goolwa Quarries for the Supply of Limestone Rubble for a minimum of three years, subject to future approved Annual Business Plans.**
- 3. To recognise that this contract as outlined above over the next three years will combine up to the value of \$3,395,200 during this period.**
- 4. To authorise the CEO to sign all necessary documents to give effect to this resolution.**

Carried Unanimously

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RELEASED 15 NOVEMBER 2021

18.1.2 AHC Tender 202021-12 Supply of Limestone Rubble – Period of Confidentiality

Moved Cr Ian Bailey
S/- Cr Leith Mudge

19/21

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)(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 and the minutes of Council and the discussion and considerations of the subject matter be retained in confidence until the contracts are signed, but not longer than 12 months.
- Appendix 1 be retained in confidence until 28 February 2023.

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

Carried Unanimously

9.32pm Crs Linda Green, Andrew Stratford & Malcolm Herrmann declared a Material Conflict of Interest at Agenda Item 5 'Declaration of Interest by Members of the Council' in relation to item 18.2 and left the Chamber and did not return.

**ADELAIDE HILLS COUNCIL
MINUTES OF ORDINARY COUNCIL MEETING
WEDNESDAY 27 JANUARY 2021
63 MT BARKER ROAD STIRLING**

MINUTE NOT IN CONFIDENCE

18.2 CWMS Review – Exclusion of the Public

Moved Cr Leith Mudge
S/- Cr Kirsty Parkin

20/21

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
- 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 Strategic Assets, David Collins
- Manager Sustainability Waste and Emergency Management, Sustainability, Waste & Emergency Management, John McArthur
- Minute Secretary, Pam Williams

be excluded from attendance at the meeting for Agenda Item 18.2: CWMS Divestment 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) (d) 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;

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 provide a commercial advantage to another party as it relates closely to a proposed tendering process and may influence market responses and that disclosure may have a detrimental effect on the efficient and effective conduct of government functions.

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

**ADELAIDE HILLS COUNCIL
MINUTES OF ORDINARY COUNCIL MEETING
WEDNESDAY 27 JANUARY 2021
63 MT BARKER ROAD STIRLING**

MINUTE NOT IN CONFIDENCE

18.2.1 CWMS Review – Confidential Item

Moved Cr Leith Mudge
S/- Cr Chris Grant

21/21

Council resolves that:

1. the report be received and noted.
2. Council withdraws from the tender process with the consortium of councils thereby determining not to divest its Community Wastewater Management System Assets.
3. Council continues to own, operate and maintain the Community Wastewater Management Systems for the communities of Kersbrook, Birdwood, Mount Torrens, Woodside, Charleston, Verdun and Stirling (Golf Links Road).
4. Council, in deciding to retain the Community Wastewater Management System Assets, acknowledges the on-going review of the operational management of the system and risk profile that may result in changes to Council's future operational management requirements.
5. the Chief Executive Officer writes to the Chief Executive Officers of both the City of Onkaparinga and Rural City of Murray Bridge to formally inform them of Council's decision.

Carried Unanimously

**ADELAIDE HILLS COUNCIL
MINUTES OF ORDINARY COUNCIL MEETING
WEDNESDAY 27 JANUARY 2021
63 MT BARKER ROAD STIRLING**

MINUTE NOT IN CONFIDENCE

18.2.2 CWMS Review – Period of Confidentiality

Moved Cr Ian Bailey
S/- Cr Kirsty Parkin

22/21

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) (d) 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 discussion and considerations of the subject matter be retained in confidence until 30 July 2021.

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 23 February 2021 from 6.30pm at 63 Mt Barker Road, Stirling.

20. CLOSE MEETING

The meeting closed at 9.55pm.