



## ORDINARY COUNCIL MEETING

### NOTICE OF MEETING

To: Mayor Jan-Claire Wisdom

Councillor Ian Bailey
Councillor Kirilee 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

Notice is given pursuant to the provisions under Section 83 of the *Local Government Act 1999* that the next meeting of the Council will be held on:

**Tuesday 26 February 2019**  
**6.30pm**  
**63 Mt Barker Road Stirling**

A copy of the Agenda for this meeting is supplied under Section 83 of the Act.

Meetings of the Council are open to the public and members of the community are welcome to attend. Public notice of the Agenda for this meeting is supplied under Section 84 of the Act.

**Andrew Aitken**  
**Chief Executive Officer**



## ORDINARY COUNCIL MEETING

**AGENDA FOR MEETING**  
**Tuesday 26 February 2019**  
**6.30pm**  
**63 Mt Barker Road Stirling**

### ORDER OF BUSINESS

*Council Vision*

*Nurturing our unique place and people*

*Council Mission*

*Delivering activities and services which build a resilient community, sustain our built and natural environment and promote a vibrant economy*

**1. COMMENCEMENT**

**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  
Apologies were received from Mayor Jan-Claire Wisdom
- 3.2. Leave of Absence
- 3.3. Absent

**4. MINUTES OF PREVIOUS MEETINGS**

Council Meeting – 22 January 2019

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

**5. DECLARATION OF CONFLICT OF INTEREST BY MEMBERS OF COUNCIL**

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

**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
  - 8.2.1. Mr Joe Frank re Freedom of Information
- 8.3. Public Forum

**9. PRESENTATIONS (by exception)**

Nil

**10. QUESTIONS ON NOTICE**

- 10.1. Local Nuisance and Litter Control Act - Cr Malcolm Herrmann
  - 1. For the year 2017/18, what was the estimated cost of administering the Local Nuisance and Litter Control Act 2016?
  - 2. For the year 2017/18, how much is the quantum of and how much revenue was received from expiation notices?
  - 3. Has the requirement required additional resources to be applied in the administration of the legislation?
  - 4. What are the strategies identified to "combat this expensive and environmentally damage crime" as mentioned in the 2017/18 Annual Report?
- 10.2. Burning Permits – Cr Chris Grant

*Can landholders, outside of townships, burn off piles of debris such as prunings and other tree waste after the close of the fire ban season in 2019 without the need for a permit from the AHC (assuming other CFS requirements are met)?*

10.3. Road Safety on Council Roads – Cr Chris Grant

*What measures are AHC taking to improve safety and traffic flow for motorists and cyclists on AHC roads in view of the increasing number of cyclists on our roads, many of which are narrow and winding?*

**11. MOTIONS ON NOTICE**

11.1. Presentations at Designated Informal Gatherings & Workshops

*That the CEO ensures all audio/visual presentations for Designated Informal Gatherings (DIG) and Professional Development Workshops be made available to Councillors via the Elected Members Portal prior to DIGs and all workshops.*

11.2. Road Safety

*That AHC write to DPTI to ascertain what measures they are taking to improve safety and traffic flow for motorists and cyclists on DPTI roads in view of the increasing number of cyclists on Adelaide Hills roads, particularly in relation to narrow and winding roads such as (but not restricted to) Greenhill Road, Lobethal Road and Gorge Roads*

**12. OFFICER REPORTS – DECISION ITEMS**

12.1. Code of Practice Access to Council Meetings, Committees & Documents Policy

1. *That the report be received and noted*
2. *To approve the proposed Code of Practice for Access to Council, Council Committee and Designated Informal Gathering Meetings & Documents at Appendix 1 for public consultation in accordance with the provisions of Council's Public Consultation Policy and for the further report to be provided to Council following the consultation process.*
3. *That the CEO be authorised to:*
  - a. *Make any formatting, nomenclature or other minor changes to the Code prior to being released for public consultation and*
  - b. *Determine the consultation timings, media and processes while ensuring consistency and compliance with the provisions of applicable legislation and Council's Public Consultation Policy.*

12.2. Community Forums

1. *That the report be received and noted.*
2. *That Community Forums be held in 2019 according to the following indicative schedule:*
  - a. *Tuesday 30 April 2019 at Houghton*
  - b. *Tuesday 30 July 2019 at Gumeracha*
  - c. *Tuesday 29 October 2019 at Norton Summit*
3. *That the Chief Executive Officer be and is hereby authorised to make changes to the Community Forum schedule to accommodate venue availability or other matters arising which necessitate change.*

12.3. External Audit Engagement Letter and Plan

1. *That the report be received and noted*
2. *To approve the:*
  - a. *Audit Engagement Letter between Adelaide Hills Council and Galpins Accountants, Auditors and Business Consultants as contained in Appendix 1 and authorise the Chief Executive Officer to execute the Letter on behalf of Council; and*
  - b. *External Audit Plan (Appendix 2) by Galpins Accountants, Auditors and Business Consultants as contained in Appendix 2.*

12.4. Electricity Procurement

1. *That the report be received and noted*
2. *To delegate to the Chief Executive Officer the authority:*
  - a. *To accept tenders from and enter into contracts with the successful tenderers for the supply of electricity for:*
    - I. *sites above 160 MWh per annum; and*
    - II. *sites below 160 MWh per annum; and*
    - III. *12 hour and 24 hour unmetered lighting*
  - b. *To make, vary and discharge contracts; and*
  - c. *To sign all relevant documentation in this matter.*

12.5. Ministerial Advisory Committee

1. *That the report be received and noted*
2. *To determine that the method of selecting the Council Members to be nominated for the Local Government Ministerial Advisory Committee be by an indicative vote 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 nomination for the Local Government Ministerial Advisory Committee and for the meeting to resume once the results of the indicative vote have been declared.*
4. *To nominate \_\_\_\_\_ & \_\_\_\_\_ for the Local Government Ministerial Advisory Committee and authorise the Chief Executive Officer to lodge the completed nomination to the Local Government Association by 8 March 2019.*

12.6. Nomination to Dog and Cat Management Board

1. *That the report be received and noted.*
2. *To determine that the method of selecting the Council Members to be nominated for the Dog & Cat Management Board be by an indicative vote 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 nomination for the Dog & Cat Management Board and for the meeting to resume once the results of the indicative vote have been declared.*
4. *To nominate \_\_\_\_\_ & \_\_\_\_\_ for the Dog & Cat Management Board and authorise the Chief Executive Officer to lodge the completed nomination to the Local Government Association by 14 March 2019.*

12.7. Budget Review 2

1. *Receive and note the report.*
2. *Adopt the Operating Budget adjustments presented in Budget Review 2 which increase the Budgeted Operating Surplus of \$302k to \$398k for the 2018-19 financial year.*
3. *Adopt the proposed capital program adjustments which increase capital income by \$9.719m and reduce total capital expenditure by \$291k, resulting in a proposed capital expenditure budget of \$17.626m.*
4. *Adopt the change in Council's current Net Borrowing Result of \$4.513m to a Net Lending Result of \$5.993m for the 2018-19 financial year as a result of the operating budget and capital program adjustments.*

12.8. Long Term Financial Plan 2019 Update

1. *Receives and notes the report.*
2. *Endorse the Draft Long Term Financial Plan, as contained in Appendix 1 for community consultation in accordance with Section 122 of the Local Government Act 1999 and Council's Public Consultation Policy.*
3. *Make any formatting, nomenclature or other minor changes to the Plan prior to being released for public consultation and*
4. *Determine the consultation timings, media and processes while ensuring consistency and compliance with the provisions of applicable legislation and Council's Public Consultation Policy.*

12.9. Proposal to Undertake CEO Performance Review Internally

1. *That the report be received and noted*
2. *To undertake the 2019 CEO Performance Review using an internal process incorporating all of the Elected Members and utilise a consultant to undertake the TEC package review.*

12.10. Burning Permit Policy Review

1. *That the report be received and noted.*
2. *With an effective date of 12 March 2019, to rescind the 23 May 2017 Burning Permit Policy and adopt the revised Burning Permit Policy contained in Appendix 2 of this report.*
3. *That the Chief Executive Officer be authorised to make minor content, grammatical and formatting amendments to the Burning Permit Policy prior to the effective date of adoption.*
4. *Subject to resolution 2 above, a review of the Burning Permit Policy be undertaken in November 2020 and be reported to Council outlining the results of the review and any recommendations prior to the end of the 2020/21 fire danger season, and to adopt a permit which covers the metropolitan areas of the Council as contained in Appendix 5 of this report.*

12.11. Directional Signage Policy Review

1. *That the report be received and noted.*
2. *With an effective date of 12 March 2019, to revoke the 22 September 2015 Directional Signage Policy and to adopt the draft February 2019 Directional Signage Policy.*
3. *That the Chief Executive Officer be authorised to make minor content, grammatical and formatting amendments to the Directional Signage Policy prior to the effective date of adoption.*

12.12. Revision of Strategic Internal Audit Plan 2018 – 2022

1. *That the report be received and noted*
2. *To adopt the revised Strategic Internal Audit Plan 2018/19 – 2021/22 (v1.1a) as contained in Appendix 1.*

12.13. Status Report – Council Resolutions Update

*Refer to Agenda Item*

**13. OFFICER REPORTS – INFORMATION ITEMS**

- 13.1. Service Standards Report Quarter 2
- 13.2. Boundary Reform Proposal Woodforde & Rostrevor
- 13.3. Water Management Plan Update
- 13.4. Road Closure, adjacent Charleston Conservation Park
- 13.5. Policy Register Review

**14. MISCELLANEOUS ITEMS**

Nil

**15. QUESTIONS WITHOUT NOTICE**

**16. MOTIONS WITHOUT NOTICE**

**17. REPORTS**

17.1. Council Member Reports

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

17.3. CEO Report

**18. REPORTS OF COMMITTEES**

18.1. Council Assessment Panel – 20 February 2019

*That the minutes of the CAP meeting held on 20 February 2019 as supplied, be received and noted.*

18.2. Strategic Planning & Development Policy Committee

*Nil*

18.3. Audit Committee - 18 February 2019

*That the minutes of the Audit Committee meeting held on 18 February 2019 as supplied, be received and noted*

18.4. CEO Performance Review Panel – 20 February 2019

*That the minutes of the CEO Performance Review Panel Committee meeting held on 20 February 2019 as supplied, be received and noted*

**19. CONFIDENTIAL ITEMS**

19.1. Reconciliation Working Group Representation

**20. NEXT MEETING**

Tuesday 26 March 2019, 6.30pm, 63 Mt Barker Road, Stirling

**21. CLOSE MEETING**

## Council Meeting/Workshop Venues 2019

DATE	TYPE	LOCATION	MINUTE TAKER
<b>MARCH 2019</b>			
Tues 12 March	Workshop	Woodside	N/A
Wed 13 March	CAP	TBA	Karen Savage
Tues 19 March	Professional Development	Stirling	N/A
Tues 26 March	Council	Stirling	Kylie Hopkins
Fri 29 – Sat 30 March	Budget Workshop	TBA	N/A
<b>APRIL 2019</b>			
Tues 9 April	Workshop	Woodside	N/A
Wed 10 April	CAP	TBA	Karen Savage
Mon 15 April	Audit	Stirling	TBA
Tues 16 April	Professional Development	Stirling	N/A
Tues 23 April	Council	Stirling	Pam Williams
<b>MAY 2019</b>			
Wed 8 May	CAP	TBA	Karen Savage
Mon 13 May	Special Audit	Stirling	TBA
Tues 14 May	Workshop	Woodside	N/A
Tues 21 May	Professional Development	Stirling	N/A
Tues 28 May	Council	Stirling	Pam Williams

***Meetings are subject to change, please check agendas for times and venues. All meetings (except Elected Member Professional Development) are open to the public.***

# Conflict of Interest Disclosure Form

**CONFLICTS MUST BE DECLARED VERBALLY DURING MEETINGS**

Councillor:

Date:

Meeting name:

Agenda item no:

**1. I have identified a conflict of interest as:**

MATERIAL       ACTUAL       PERCEIVED

**MATERIAL**: Conflict arises when a council member or a nominated person will gain a benefit or suffer a loss (whether directly or indirectly and whether pecuniary or personal) if the matter is decided in a particular manner. If declaring a material conflict of interest, Councillors must declare the conflict and leave the meeting at any time the item is discussed.

**ACTUAL**: Conflict arises when there is a conflict between a council member's interests (whether direct or indirect, personal or pecuniary) and the public interest, which might lead to decision that, is contrary to the public interest.

**PERCEIVED**: Conflict arises in relation to a matter to be discussed at a meeting of council, if a council member could reasonably be taken, from the perspective of an impartial, fair-minded person, to have a conflict of interest in the matter – whether or not this is in fact the case.

**2. The nature of my conflict of interest is as follows:**

(Describe the nature of the interest, including whether the interest is direct or indirect and personal or pecuniary)

**3. I intend to deal with my conflict of interest in the following transparent and accountable way:**

I intend to **leave** the meeting (*mandatory if you intend to declare a Material conflict of interest*)

**OR**

I intend to **stay** in the meeting (**complete part 4**) (*only applicable if you intend to declare a Perceived (Actual conflict of interest)*)

**4. The reason I intend to stay in the meeting and consider this matter is as follows:**

(This section must be filled in. Ensure sufficient detail is recorded of the specific circumstances of your interest.)

and that I will receive no benefit or detriment direct or indirect, personal or pecuniary from considering and voting on this matter.

**CONFLICTS MUST ALSO BE DECLARED VERBALLY DURING MEETINGS**

Governance use only: Member voted FOR/AGAINST the motion.



## Ordinary Business Matters

A **material, actual or perceived** Conflict of Interest does not apply to a matter of ordinary business of the council of a kind prescribed by regulation.

The following ordinary business matters are prescribed under Regulation 8AAA of the Local Government (General) Regulations 2013.

- (a) the preparation, discussion, conduct, consideration or determination of a review under section 12 of the Act
  - (b) the preparation, discussion, adoption or revision of a policy relating to allowances and benefits payable to members if the policy relates to allowances and benefits payable equally to each member (rather than allowances and benefits payable to particular members or particular office holders)
  - (c) the preparation, discussion, adoption or alteration of a training and development policy under section 80A of the Act
  - (d) the preparation, discussion, adoption or amendment of a strategic management plan under section 122 of the Act
  - (e) the adoption or revision of an annual business plan
  - (f) the adoption or revision of a budget
  - (g) the declaration of rates (other than a separate rate) or a charge with the character of a rate, and any preparation or discussion in relation to such a declaration
  - (h) a discussion or decision of a matter at a meeting of a council if the matter—
    - (i) relates to a matter that was discussed before a meeting of a subsidiary or committee of the council
    - (ii) the relevant interest in the matter is the interest of the council that established the committee or which appointed, or nominated for appointment, a member of the board of management of the council subsidiary or regional subsidiary.
- (2) For the purposes of section 75(3)(b) of the Act, a member of a council who is a member, officer or employee of an agency or instrumentality of the Crown (within the meaning of section 73(4) of the Act) will not be regarded as having an interest in a matter before the council by virtue of being a member, officer or employee.

## Engagement and membership with groups and organisations exemption

A member will not be regarded as having a conflict of interest **actual or perceived** in a matter to be discussed at a meeting of council by reason only of:

- an engagement with a community group, sporting club or similar organisation undertaken by the member in his or her capacity as a member; or membership of a political party
- membership of a community group, sporting club or similar organisation (as long as the member **is not** an office holder for the group, club or organisation)
- the member having been a student of a particular school or his or her involvement with a school as parent of a student at the school
- a nomination or appointment as a member of a board of a corporation or other association, if the member was nominated for appointment by a Council.

However, the member will still be required to give careful consideration to the nature of their association with the above bodies. Refer Conflict of Interest Guidelines.

**For example:** *If your **only** involvement with a group is in your role as a Council appointed liaison as outlined in the Council appointed liaison policy, you will not be regarded as having a conflict of interest actual or perceived in a matter, and are NOT required to declare your interest.*