



## 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 28 January 2020**  
**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 28 January 2020**  
**6.30pm**  
**63 Mt Barker Road Stirling**

### **ORDER OF BUSINESS**

**1. COMMENCEMENT**

**2. OPENING STATEMENT**

“Council acknowledges that we meet on the traditional lands of the Peramangk and Kurna 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 .....
- 3.2. Leave of Absence
- 3.3. Absent

**4. MINUTES OF PREVIOUS MEETINGS**

Council Meeting – 17 December 2019

*That the minutes of the ordinary meeting held on 17 December 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
  - 8.1.1. Council Boundary Reform
  - 8.1.2. Gumeracha Main Street Masterplan
- 8.2. Deputations
  - 8.2.1. Joe Frank – Internal Review of Council Decision Process
- 8.3. Public Forum

**9. PRESENTATIONS (by exception)**

- 9.1. Mt Lofty Botanic Gardens re Masterplan
- 9.2. Clayton Church Homes

**10. QUESTIONS ON NOTICE**

*Nil*

**11. MOTIONS ON NOTICE**

- 11.1. Cudlee Creek Bushfire Condolence Message (Cr Green)  
*Council's thoughts are with those who have been impacted by the December Cudlee Creek Fire, especially those who have lost their homes and livelihood. We are saddened by the loss of a resident in the fire, and we extend our sympathy to family and friends.*

*The Cudlee Creek Fire threatened people's lives and the emergency and community response was extraordinary. The Council thanks all those involved including people who chose to evacuate, the CFS and farm firefighting units, people who defended their homes, Police and Ambulance officers, community support services like Salvation Army and Red Cross, SES, people initiating community led relief efforts like the Lobethal Recovery Centre, people who provided food, and everyone who supported the response effort in any way.*

*The loss of life and property is very deeply felt, and if at times words fail us, our thoughts are with everyone who has been impacted.*

11.2. Citizen of the Year location (Cr Gill)

*The Administration explore the feasibility of rotating the presentation of Citizen of the Year throughout the Council area, commencing January 2021.*

*That the location be influenced by where the recipient of the Citizen of the Year is from.*

*That Council recognises that this presentation is a celebration of citizens who make an enormous contribution to the Adelaide Hills community and recipients should be able to be recognised within the local community which has nominated them.*

**12. OFFICER REPORTS – DECISION ITEMS**

12.1. Cudlee Creek Bushfire

- 1. That the report be received and noted.*
- 2. To recognise the impact of the Cudlee Creek Bushfire on the communities within the Adelaide Hills Council district, the Mount Barker District Council, the Rural City of Murray Bridge and the Mid-Murray Council and, in particular, recognises the personal impact on those directly and indirectly affected by the fires.*
- 3. To recognise the exceptional work of the various emergency services, government and non-governmental support agencies, community groups, volunteers and members of the community alike who worked on the bushfire response, and now recovery.*
- 4. To express its sincere thanks and gratitude to those councils, both locally and interstate, which have offered support of various kinds.*
- 5. To continue to commit to the National Principles of Disaster Recovery and acknowledges the long term nature of the recovery effort.*
- 6. To continue to commit to working with other affected councils, government agencies and non-governmental organisations on behalf of its community as part of the local recovery structure including the Local Recovery Coordinator and the Local Recovery Committee.*
- 7. The CEO be authorised to commit expenditure up to an amount of \$2m to support bushfire emergency maintenance and recovery works, noting potential opportunities to offset a large proportion of these costs through various funding sources.*
- 8. That the Chief Executive Officer or delegate continues to provide regular reports to Council Members on the progress of the bushfire recovery effort.*

12.2. Council Boundary Change Survey Responses

- 1. That the report be received and noted.*
- 2. To note that electronic copies of the Council Boundary Change Survey Report have been provided to the residents and ratepayers who participated in the survey and to the Mayor of Campbelltown City Council.*
- 3. To provide the Council Boundary Change Proposal Survey Report at Appendix 1 to the Boundaries Commission, the Minister for Local Government and the Member for Morialta.*

- 12.3. Draft Public Consultation Policy
- 1. That the report be received and noted.*
  - 2. With an effective date of 10 February 2020, to revoke the 8 September 2015 Public Consultation Policy and to approve the Public Consultation Policy as contained in Appendix 1.*
  - 3. That the Chief Executive Officer, or delegate, be authorised to make any formatting, nomenclature or other minor changes to the Policy prior to coming into effect.*
- 12.4. Revocation of Community Land – Bridgewater Retirement Village
- 1. That the report be received and noted*
  - 2. Subject to the Supreme Court issuing an order granting approval for a trust variation scheme, a report be prepared and submitted to the Minister for Planning seeking approval to revoke the community land classification of Allotment 220 in Filed Plan No. 8131 known as 511 Mt Barker Road Bridgewater.*
  - 3. The Mayor and CEO be authorised to sign all necessary documentation to give effect to this resolution.*
- 12.5. Naming of Houghton Village Green
- 1. That the report be received and noted*
  - 2. To name of the reserve bounded by Horn, Blackhill and Lower North East Road, Houghton as the “Houghton Square”*
  - 3. To notify all relevant government authorities of the naming of the reserve*
  - 4. To erect a sign on the reserve identifying the name of the reserve, consistent with the updated Council branded signage used at Woorabinda & Bushland Park*
  - 5. To install a plaque on the site acknowledging the significant contribution Mr & Mrs Day made to its redevelopment and beautification programme and their subsequent donation of the land.*
- 12.6. Road Closure adj 307 Scott Creek Road Longwood
- 1. That the report be received and noted*
  - 2. To make a Road Process Order pursuant to the Roads (Opening & Closing) Act 1991 to close and merge the pieces of land identified as “A” in the Preliminary Plan No. 19/0047 attached to this report with Allotment 61 in Filed Plan No. 159338 comprised in Certificate of Title Volume 5776 Folio 896.*
  - 3. Subject to the closure of the road identified in the Preliminary Plan attached, that:*
  - 4. The closed road be excluded as Community Land pursuant to the Local Government Act 1999; and*
  - 5. The piece marked “A” be sold to Mr Paul Reed, the owner of the property with which it is merging for the amount of \$69,500 plus GST (if applicable) and all fees and charges associated with the road closure process.*
  - 6. Authorise the Chief Executive to finalise and sign all necessary documentation to close and sell the above portion of closed road pursuant to this resolution.*

- 12.7. Council Member Conduct Policy – Realignment of Complaint Handling Procedure
1. *That the report be received and noted.*
  2. *With an effective date of 11 February 2020, to revoke the 24 November 2015 Council Member Conduct Policy and to adopt the January 2020 Council Member Conduct Policy as per Appendix 1.*
  3. *That the Chief Executive Officer be authorised to make any formatting, nomenclature or other minor changes to the January 2020 Council Member Conduct Policy prior to it coming into effect.*
- 12.8. Development Application Fee Waiver Request – Lobethal & District Aged Homes Inc., Oakbank Racing Club Inc. and Development Application 473/995/19
1. *That the report be received and noted.*
  2. *To approve the waiver of development fees up to \$345 for Lobethal & District Aged Homes Inc. in relation to Development Application 473/566/18 for a development at 8 Woodside Road and 5 Jeffrey Street Lobethal.*
  3. *To approve the waiver of development fees up to \$356 for Oakbank Racing Club Inc. in relation to Development Application 473/1039/19 for a development at 46 Oakwood Road Oakbank.*
  4. *To approve the waiver of \$108.75 in application fees for Development Application 473/995/19 at 115 Institute Road Montacute as a recipient of the South Australian Heritage Grants Program.*
- 12.9. CEO PRP Independent Membership
1. *That the report be received and noted*
  2. *That in relation to the CEO Performance Review Panel:*
    - a. *To undertake a recruitment process for the selection of one Independent Ordinary Member for the CEO Performance Review Panel for a term of 24 months, indicatively commencing 1 March 2020.*
    - b. *To appoint \_\_\_\_\_, \_\_\_\_\_ and the Executive Manager Organisational Development as members of the CEO Performance Review Panel Independent Member Selection Panel.*
- 12.10. Code of Practice for Meeting Procedures
1. *That the report be received and noted.*
  2. *That with an effective date of 10 February 2020, to revoke the 22 August 2017 Code of Practice for Council Meeting Procedures and to adopt the draft Code of Practice for Council Meeting Procedures in Appendix 1.*
  3. *That the Chief Executive Officer, or delegate, be authorised to make any formatting, nomenclature or other minor changes to the Code of Practice for Council Meeting Procedures prior to it coming into effect.*
  4. *To request the Adelaide Hills Region Reconciliation Working Group to review the current Opening Statement within the Code and provide advice on its suitability as an Acknowledgement of Country for the commencement of Adelaide Hills Council Ordinary Council meetings.*

- 12.11. Status Report – Council Resolutions Update  
*Refer to Agenda Item*

**13. OFFICER REPORTS – INFORMATION ITEMS**

*Nil*

**14. MISCELLANEOUS ITEMS**

**15. QUESTIONS WITHOUT NOTICE**

**16. MOTIONS WITHOUT NOTICE**

**17. REPORTS**

- 17.1. Council Member Function or Activity on the Business of Council
- 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  
*Nil*
- 18.2. Strategic Planning & Development Policy Committee  
*Nil*
- 18.3. Audit Committee  
*Nil*
- 18.4. CEO Performance Review Panel  
*Nil*

**19. CONFIDENTIAL ITEMS**

- 19.1. Open Office Pty Ltd Contract Novation Deed

**20. NEXT MEETING**

Tuesday 25 February 2020, 6.30pm, 63 Mt Barker Road, Stirling

**21. CLOSE MEETING**

## Council Meeting/Workshop Venues 2020

DATE	TYPE	LOCATION	MINUTE TAKER
<b>FEBRUARY 2020</b>			
To be advised	CEO Performance Review	Stirling	TBA
Tues 11 Feb	Workshop	Woodside	N/A
Wed 12 Feb	CAP	TBA	Karen Savage
Mon 17 Feb	Audit Committee	Stirling	TBA
Tues 18 Feb	Professional Development	Stirling	N/A
Tues 25 Feb	Council	Stirling	Pam Williams
<b>MARCH 2020</b>			
Tues 10 March	Workshop	Woodside	N/A
Wed 11 March	CAP	TBA	Karen Savage
Tues 17 March	Professional Development	Stirling	N/A
Tues 24 March	Council	Stirling	Pam Williams
<b>APRIL 2020</b>			
Wed 8 April	CAP	TBA	Karen Savage
Tues 14 April	Workshop	Woodside	N/A
Mon 20 April	Audit Committee	Stirling	TBA
Tues 21 April	Professional Development	Stirling	N/A
Tues 28 April	Council	Stirling	Pam Williams

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

## Community Forums 2020

**6.00 for 6.30pm**

*(dates and venues to be confirmed)*

DATE	LOCATION
Tues 31 March	Mylor
Tues 30 June	Basket Range
Tues 29 September	Birdwood



# 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.

## 8. DEPUTATIONS

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*For full details, see Code of Practice for Meeting Procedures on [www.ahc.sa.gov.au](http://www.ahc.sa.gov.au)*

1. A request to make a deputation should be made by submitting a Deputation Request Form, (available on Council's website and at Service and Community Centres) to the CEO seven clear days prior to the Council meeting for inclusion in the agenda.
2. Each deputation is to be no longer than ten (10) minutes in duration, excluding questions from Members.
3. Deputations will be limited to a maximum of two per meeting.
4. In determining whether a deputation is allowed the following considerations will be taken into account:
  - the subject matter of the proposed deputation;
  - whether it is within the powers of the Council;
  - relevance to the Council agenda nominated – and if not, relevance to the Council's powers or purpose;
  - the integrity of the request; and
  - the size and extent of the agenda for the particular meeting.

### 8.3 PUBLIC FORUM

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*For full details, see Code of Practice for Meeting Procedures on [www.ahc.sa.gov.au](http://www.ahc.sa.gov.au)*

1. The public may be permitted to address or ask questions of the Council on a relevant and/or timely topic.
2. The Presiding Member will determine if an answer is to be provided.
3. People wishing to speak in the public forum must advise the Presiding Member of their intention at the beginning of this section of the meeting.
4. Each presentation in the Public Forum is to be no longer than five (5) minutes (including questions), except with leave from the Council.
5. The total time allocation for the Public Forum will be ten (10) minutes, except with leave from the Council.
6. If a large number of presentations have been requested, with leave from the Council, the time allocation of five (5) minutes may be reduced.
7. Any comments that may amount to a criticism of individual Council Members or staff must not be made. As identified in the Deputation Conduct section above, the normal laws of defamation will apply to statements made during the Public Forum.
8. Members may ask questions of all persons appearing relating to the subject of their presentation.