



## ORDINARY COUNCIL MEETING

### NOTICE OF MEETING

To: Mayor Jan-Claire Wisdom

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

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 May 2020**  
**6.30pm**  
**Zoom Virtual Meeting Room**

Notice of this meeting is supplied to Council Members under Section 83 of the Act.

Public notice of this meeting is supplied under Section 84 of the Act.

Following amendments to s90 of the Act, this meeting of the Council is taken to be conducted in a place open to the public given that the Council Members will be participating via electronic means and the public can access a live stream of the meeting via the link contained on Council's website.

**Andrew Aitken**  
**Chief Executive Officer**  
**21/5/20**



## **ORDINARY COUNCIL MEETING**

**AGENDA FOR MEETING**  
**Tuesday 26 May 2020**  
**6.30pm**  
**Zoom Virtual Meeting Room**

### **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
- 3.2. Leave of Absence
- 3.3. Absent

**4. MINUTES OF PREVIOUS MEETINGS**

Council Meeting – 28 April 2020

*That the minutes of the ordinary meeting held on 28 April 2020 as supplied, be confirmed as an accurate record of the proceedings of that meeting.*

Special Council Meeting 12 May 2020

*That the minutes of the special meeting held on 12 May 2020 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. MAYOR’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 Tim Possingham, Adelaide Rally
  - 8.2.2 Marg Schroder, Lobethal Recreation Ground Sports Club SANDI

**9. PRESENTATIONS (by exception)**

- 9.1. Mr Graeme Martin, Southern & Hills Local Government Association

**10. QUESTIONS ON NOTICE**

Nil

**11. MOTIONS ON NOTICE**

- 11.1. Citizen of the Year Location, Cr Pauline Gill

**12. ADMINISTRATION REPORTS – DECISION ITEMS**

- 12.1. 2019-20 Budget – Budget Review 3

*Council resolves:*

1. *That the report be received and noted.*
2. *To adopt the proposed budget adjustments presented in Budget Review 3 which result in:*
  - a. *a reduction in the Operating Surplus from \$411k to an Operating Deficit of \$13k for the 2019-20 financial year.*
  - b. *changes to capital resulting in a proposed capital expenditure budget of \$16.526m for the 2019-20 financial year from:*
    - i. *a reduction in Capital Expenditure of \$448k*
    - ii. *the proposed carry forward of capital project income of \$1.774m and expenditure of \$1.454m to the 2020-21 financial year.*
  - c. *an increase in Council's current Net Borrowing Result from \$4.100m to \$4.395m for the 2019-20 financial year as a result of the proposed operating and capital adjustments.*

12.2. 2020-21 Annual Business Plan and Budget Consultation

*Council resolves:*

1. *That the report be received and noted*
2. *To endorse the draft Annual Business Plan 2020-21 (ABP), as contained in Appendix 1 for community consultation in accordance with Section 123 of the Local Government Act 1999.*
3. *That the CEO be authorised to:*
  - a. *Make any formatting, nomenclature or other minor changes to the Plan 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.*

12.3. Local Heritage Grant Fund Project Approvals and Guideline Amendments

*Council resolves:*

1. *That the report be received and noted*
2. *To approve the six projects shortlisted to receive grant funding to contribute to the works as detailed in Appendix 1 of this report and listed below:*
  - *Kinclaven Coach House*
  - *Former Thorpe Coachhouse*
  - *Former Aldgate Valley Church of Christ*
  - *Stonehedge Avenue House*
  - *Gwynne House*
  - *Ironbank Uniting Church*
3. *To approve the proposed changes to the Local Heritage Grant Fund Guidelines as detailed in Appendix 2 of this report.*

12.4. Support for Road Closures – 2020 Shannons Adelaide Rally & 2020 Gorge Rallysprint

*Council resolves:*

1. *That the report be received and noted*
2. *That, in relation to the 2020 Shannons Adelaide Rally and 2020 Gorge Rallysprint, Council supports the event contingent on the organisers, to the satisfaction of the Chief Executive Officer:*
  - a. *Providing evidence of satisfactory insurance to cover any damage to third party property caused by the event*

- b. *Entering into a road repair agreement with Council to cover any rectification works required as a result of damage caused by the event*
  - c. *Providing confirmation that the affected business owners are aware of the road closures*
  - d. *Providing written confirmation that the concerns raised by affected residents have been adequately addressed and that arrangements for egress and regress for those properties can be managed within the event where possible*
  - e. *Written confirmation from the organisers that they will erect advance notice of road closures on the affected roads, at least three weeks prior to the event.*
3. *That subject to the requirements of item 2. being undertaken, Council provides consent for road closure orders in relation to the two events, to be held on Sunday 13 September and between Wednesday 25 and Saturday 28 November as follows..... refer to report for full recommendation.*

12.5. Council Assessment Panel Membership

*Council resolves:*

1. *That the report be received and noted*
2. *To determine to retain the current Terms of Reference for the Council Assessment Panel, specifically for it to comprise one (1) member of the Council (with an Elected Member deputy) and (4) Independent Members.*
3. *To determine that the method of selecting the Council Assessment Panel Member and Deputy Member to be by an indicative vote to determine the preferred persons for the two Member positions utilising the process set out in this Agenda report.*
4. *To adjourn the Council meeting for the purposes of seeking nominations for and, if necessary, conducting an indicative vote to determine the preferred persons for the Council Assessment Panel Council Member roles and for the meeting to resume once the results of the indicative vote have been declared.*
5. *To appoint \_\_\_\_\_ as Member and \_\_\_\_\_ as Deputy Member of the Council Assessment Panel for a 24 month term to commence 1 June 2020 and conclude on 31 May 2022 (inclusive).*

- 12.6. Southern & Hills Local Government Association – 2020-21 Key Action Plan and Draft Budget

*Council resolves:*

1. *That the report be received and noted*
2. *That the Southern & Hills Local Government Association's 2020-21 Key Action Plan and proposed budget be received and noted.*

- 12.7. Extension of Commonwealth Home Support Service Funding

*Council resolves:*

1. *That the report be received and noted*
2. *That the Council agrees to enter into the Deed of Variation in relation to the Commonwealth Home Support Program which extends the Commonwealth Government funding as follows:*
  - a) *for the provision of home and social support elements of the program, from 1 July 2020 until 30 June 2022*
  - b) *for the provision of our Sector Support and Development program, from 1 July 2020 until 30 June 2021*
3. *That the Council authorise the Mayor and Chief Executive Officer to affix the seal of Council and execute the Deed of Variation in relation to Home Support*

- 12.8. Status Report – Council Resolutions Update

*Council resolves:*

1. *That the report be received and noted*
2. *The following completed items be removed from the Action List..... refer to report for full recommendation*

**13. ADMINISTRATION REPORTS – INFORMATION ITEMS**

- 13.1. Quarterly Council Performance Report – Q3

*Council resolves that the report be received and noted*

- 13.2. Ombudsman Correspondence - – Complaint regarding Internal Review of Council Decision and Unreasonable Complainant Conduct Policy

*Council resolves that the report be received and noted*

- 13.3. Publishing Council Meeting Recordings

*Council resolves that the report be received and noted*

**14. QUESTIONS WITHOUT NOTICE**

**15. MOTIONS WITHOUT NOTICE**

**16. REPORTS**

- 16.1. Council Member Function or Activity on the Business of Council  
16.2. Reports of Members/Officers as Council Representatives on External Organisations  
16.3. CEO Report

**17. REPORTS OF COMMITTEES**

- 17.1. Council Assessment  
Nil
- 17.2. Strategic Planning & Development Policy Committee  
Nil
- 17.3. Audit Committee  
Nil
- 17.4. CEO Performance Review Panel  
Nil

**18. CONFIDENTIAL ITEMS**

Nil

**19. NEXT MEETING**

Tuesday 23 June 2020, 6.30pm, Zoom Virtual Meeting Room

**20. CLOSE MEETING**



## Council Meeting/Workshop Venues 2020

DATE	TYPE	LOCATION
<b>MAY 2020</b>		
Mon 25 May	Audit Committee	Stirling
Tues 26 May	Council	Zoom Virtual Meeting Room
<b>JUNE 2020</b>		
Mon 4 June	CEO Performance Review	Stirling
Tues 9 June	Workshop	Zoom Virtual Meeting Room
Wed 10 June	CAP	Zoom Virtual Meeting Room
Tues 16 June	Professional Development	Zoom Virtual Meeting Room
Tues 23 June	Council	Zoom Virtual Meeting Room
<b>JULY 2020</b>		
Tues 14 July	Workshop	Zoom Virtual Meeting Room
Wed 8 July	CAP	Zoom Virtual Meeting Room
Tues 21 July	Professional Development	Zoom Virtual Meeting Room
Tues 28 July	Council	Zoom Virtual Meeting Room

*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

COMMUNITY FORUMS ARE CURRENTLY DEFERRED DUE TO COVID-19



# 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.