



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 July 2020
6.30pm
via Visual/Audio Link

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 July 2020

6.30pm

Via Audio/Visual Link

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

Mayor Jan-Claire Wisdom 3 August to 23 August 2020

3.3. Absent

4. MINUTES OF PREVIOUS MEETINGS

Council Meeting – 23 June 2020

That the minutes of the ordinary meeting held on 23 June 2020 as supplied, be confirmed as an accurate record of the proceedings of that meeting.

Special Council Meeting – 30 June 2020

That the minutes of the special meeting held on 30 June 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

- 8.1. Petitions
Nil
- 8.2. Deputations
Nil

9. PRESENTATIONS (by exception)

Nil

10. QUESTIONS ON NOTICE

Nil

11. MOTIONS ON NOTICE

- 11.1. Late Lew Brickhill - Cr Herrmann
That the CEO investigates, in consultation with the family and the Friends of Bushland Park, how the memory of the late Lewis Norman Brickhill can be commemorated for his contribution to, not only Lobethal Bushland Park, but also to the wider community and provides a report to Council by 30 September 2020.

12. ADMINISTRATION REPORTS – DECISION ITEMS

- 12.1. Genetically Modified Crops Legislation Change – Community Engagement Plan
 1. *That the report be received and noted.*
 2. *The Council will consider whether to apply to the Minister for Primary Industries and Regional Development under Section 5A(1) of the Genetically Modified Crops Management Act 2004 for the designation of the Council area as an area in which no genetically modified food crops may be cultivated.*
 3. *Pursuant to Section 5A(2) of the Genetically Modified Crops Management Act 2004, the Council seeks the views of its community, including persons engaged in primary production activities and food processing or manufacturing activities in the area of the Council, regarding whether or not such an application should be made.*
 4. *To approve the community engagement plan that forms Appendix 1 to this report and delegate to the Chief Executive Officer the authority to make minor changes to the plan as may be required prior to community and stakeholder consultation commencing.*
 5. *To approve a review of the Genetically Modified Crops Policy that forms Appendix 2 to run concurrently with the community engagement process.*
 6. *That a report be submitted to a September 2020 Council meeting, based on community engagement and analysis, for a decision on whether or not to apply to the Minister for Primary Industries and Regional Development to be designated a GM crop free area.*

- 12.2. Development Application Fee Waiver – Oakbank Golf Club
 1. *That the report be received and noted*
 2. *To approve the waiver of development fees up to \$356.50 for Oakbank Golf Club Inc. in relation to Development Application 473/626/2020 for a development at 10 Smith Street Oakbank*

- 12.3. Arts & Heritage Collection Policy
 1. *That the report be received and noted.*
 2. *With an effective date of 12 August 2020, adopt the 28 July 2020 Arts and Heritage Collection Policy as per Appendix 1.*
 3. *That the Chief Executive Officer be authorised to make any formatting, nomenclature or other minor changes to the 28 July 2020 Arts and Heritage Collection Policy prior to the effective date of adoption.*

- 12.4. Federal Black Spot Program Funding Deed Kersbrook, Mylor, Ironbank & Forreston
 1. *That the report be received and noted.*
 2. *To execute the Funding Deeds as follows:*
 - a. *2020-2021 South Australia Black Spot Program – Checker Hill Road, Kersbrook*
 - b. *2020-2021 South Australia Black Spot Program – Ridge Road, Mylor*
 - c. *2020-2021 South Australia Black Spot Program – Ironbank Road, Ironbank*
 - d. *2020-2021 South Australia Black Spot Program – Martin Hill Road, Forreston*
 3. *The Chief Executive Officer and Mayor are authorised to sign and affix the seal of the Adelaide Hills Council to the respective Funding Deeds under the State Blackspot Program.*
 4. *To approve an increase in the 2020-21 capital expenditure budget of \$369k offset by \$551k in capital income for the Road Safety Program Capital project in accordance with the Funding Deeds.*
 5. *That the CEO be authorised to write a letter of acknowledgement to the Hon Michael McCormack MP, Deputy Prime Minister and Minister for Infrastructure, Transport and Regional Development thanking the Federal Government for the Blackspot Funding Program.*

- 12.5. Local Government Reform Bill Advocacy Position
 1. *That the report be received and noted*
 2. *To lodge its Statutes Amendment (Local Government Review) Bill 2020 – Reform Submission at Appendix 1 to:*
 - a. *Minister for Local Government*
 - b. *Opposition Spokesman for Local Government*
 - c. *Local Members of Parliament*
 - d. *Office of Local Government*
 - e. *Local Government Association*
 3. *To delegate to the Chief Executive Officer the authority to make any minor changes to the Reform Submission to reflect matters raised in the debate on the Local Government Reform Submission report.*

- 12.6. Community & Recreation Facility Framework Internal Working Group Appointment of Members
1. *That the report be received and noted.*
 2. *To determine that the method of selecting the Council Members (up to four Council Members) for the CRFFIWG be by an indicative vote to determine the preferred person(s) 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 person(s) for the CRFFIWG Council Member roles and for the meeting to resume once the results of the indicative votes have been declared.*
 4. *To appoint, and for a 24 month term to commence on 29 July 2020 and to conclude on 28 July 2022 (inclusive), to be reviewed prior to the expiration of the said term.*
- 12.7. Nomination to Local Government Grants Commission
1. *That the report be received and noted.*
 2. *To determine that the method of selecting the Council Member(s) and or Council Officer(s) to be nominated for the Local Government Grants Commission 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 person(s) for nomination for the Local Government Grants Commission and for the meeting to resume once the results of the indicative vote have been declared.*
 4. *To endorse the nomination of for the Local Government Grants Commission and authorise the Chief Executive Officer to lodge the completed nomination form(s) to the Local Government Association by COB 14 August 2020*
- 12.8. Citizen of the Year Awards Presentation Location
1. *That the report be received and noted.*
 2. *That the winners of the three primary Australia Day Awards – Citizen of the Year, Young Citizen of the Year and Community Event of the Year – be given the opportunity to receive their award at a community celebration of their choice, commencing in January 2021.*

- 12.9. Road Closure adj Posen Road Birdwood
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 piece of land identified as "A" in the Preliminary Plan No. 20/0005 attached to this report with Piece 14 in Deposited Plan No. 63287 comprised in Certificate of Title Volume 5911 Folio 108.*
 3. *Subject to the closure of the road identified in the Preliminary Plan attached, that:*
 - *The closed road be excluded as Community Land pursuant to the Local Government Act 1999; and*
 - *The piece marked "A" be sold to Mrs Elizabeth Addams-Williams, the owner of the property with which it is merging for the amount of \$8,000 plus GST (if applicable) and all fees and charges associated with the road closure process.*
 4. *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.*
- 12.10. Road Widening Netherhill Road Kenton Valley
1. *That the report be received and noted*
 2. *To purchase the areas of land totalling 335 sqm identified in red on the Land Acquisition Plan attached as Appendix 2 ("land") from Stephen Paul Cowie the land owner at 67 Nether Hill Road, Kenton Valley, for the purchase price of \$6,700 (excl GST) plus all reasonable costs to vest the Land as public road.*
 3. *To purchase the area of land being 188 sqm identified in red on the Land Acquisition Plan attached as Appendix 2 ("land") from Paul Andrew Arnup and [REDACTED] the land owner at 109 Nether Hill Road, Kenton Valley, for the purchase price of \$3,760 (excl GST) plus all reasonable costs to vest the Land as public road.*
 4. *The road land being acquired to be excluded as Community Land pursuant to the Local Government Act 1999; and*
 5. *That the Mayor and CEO be authorised to sign all necessary documentation, including affixing the common seal, to give effect this resolution.*
 6. *To approve an expenditure budget of \$10,460 to purchase the two areas of land on Nether Hill Road, Kenton Valley, with funding to be sourced from favourable capital revenue identified within the 2020-21 Capital Works budget*
- 12.11. CEO Performance Target Finalisation & Proposed 2020-2021 Performance Targets
1. *That the report be received and noted*
 2. *That the CEO has achieved the following outcomes in relation to the 2019-20 CEO Performance Targets:*
 - Target 1 – Completed*
 - Target 2 – Completed*
 - Target 3 – Completed*
 - Target 4 – Deferred by Council decision*
 - Target 5 – Completed*
 - Target 6 – Completed modified target by Council decision*
 3. *To adopt the proposed 2020-2021 CEO Performance Targets recommended by the Panel as per Appendix 2.*

- 12.12. Strategic Internal Audit Plan Revision
 - 1. *That the report be received and noted.*
 - 2. *That Council adopt the revised Strategic Internal Audit Plan (v1.4a) as contained in Appendix 1.*

- 12.13. Status Report – Council Resolutions Update
Refer to Agenda

13. ADMINISTRATION REPORTS – INFORMATION ITEMS

- 13.1. Code of Conduct Complaint
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 Panel – 8 July 2020
That the minutes of the CAP meeting held on 8 July 2020 as supplied, be received and noted.
- 17.2. Strategic Planning & Development Policy Committee
Nil
- 17.3. Audit Committee
Nil
- 17.4. CEO Performance Review Panel – 9 July 2020
That the minutes of the CEOPRP meeting held on 9 July 2020 as supplied, be received and noted.

18. CONFIDENTIAL ITEMS

18.1. Appointment of Independent Member to Council Assessment Panel

19. NEXT MEETING

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

20. CLOSE MEETING

Council Meeting/Workshop Venues 2020

Dates, times & venues to be confirmed

DATE	TYPE	LOCATION	MINUTE TAKER
AUGUST 2020			
Tues 11 August	Workshop	Woodside	N/A
Wed 12 August	CAP	TBA	Karen Savage
Mon 17 August	Audit Committee	Stirling	TBA
Tues 18 August	Professional Development	Stirling	N/A
Tues 25 August	Council	Stirling	Pam Williams
SEPTEMBER 2020			
Tues 8 September	Workshop	Woodside	N/A
Wed 9 September	CAP	TBA	Karen Savage
Tues 15 September	Professional Development	Stirling	N/A
Tues 22 September	Council	Stirling	Pam Williams
OCTOBER 2020			
Tues 13 October	Workshop	Woodside	N/A
Wed 14 October	CAP	TBA	Karen Savage
Mon 19 October	Audit	Stirling	TBA
Tues 19 October	Professional Development	Stirling	N/A
Tues 27 October	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 29 September	Mylor

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.*