



## 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 25 August 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.

**Lachlan Miller**  
**Acting Chief Executive Officer**



## **ORDINARY COUNCIL MEETING**

**AGENDA FOR MEETING  
Tuesday 25 August 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  
Mayor Jan-Claire Wisdom
- 3.2. Leave of Absence  
Mayor Jan-Claire Wisdom 24 August 2020 to 22 September 2020
- 3.3. Absent

**4. MINUTES OF PREVIOUS MEETINGS**

Council Meeting – 28 July 2020

*That the minutes of the ordinary meeting held on 28 July 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
  - 8.1.1. Proposed Solar Development, Birdwood
- 8.2. Deputations  
Nil
- 8.3. Public Forum

**9. PRESENTATIONS (by exception)**

Nil

**10. QUESTIONS ON NOTICE**

- 10.1. Avenue of Trees Woodside to Lobethal (Cr Herrmann)

**11. MOTIONS ON NOTICE**

- 11.1. Condolence motion for Bill Gale, Woodside (Cr Stratford)
- 11.2. Boundary Reform Options (Cr Osterstock)
- 11.3. Community Groups & COVID-19 impact (Cr Green)

**12. ADMINISTRATION REPORTS – DECISION ITEMS**

- 12.1. Fabrik Development Proposal
  - 1. *That the report be received and noted.*
  - 2. *That the Facility Development Plan, as contained in Appendix 1, be endorsed, noting that the Chief Executive Officer, or delegate, will continue to develop the plan through further stages of design.*
  - 3. *That the Council reaffirms the allocation of \$1.008m in the Long Term Financial Plan along with already committed funds of \$199,000 plus funding from the Local Roads and Community Infrastructure Fund, for the development of Fabrik and that an application be made to the Local Economic Recovery Program for the remaining \$3.0m.*

12.2. Gumeracha Court Resurfacing Project

1. *That the report be received and noted.*
2. *To approve the 2020-21 capital expenditure budget of \$220k to be funded by \$220k in capital grants income from the Federal Government Community Development Grants Program in accordance with initial funding documentation.*
3. *That \$150,000 be brought forward from the 2021-22 LTFP allocation into the 2020-21 Capital Program to enable the lighting and associated works at the Gumeracha courts to be undertaken.*
4. *That \$50,000 from the 2019-20 Capital Program be carried forward into the 2020-21 Capital Program to enable the lighting and associated works at the Gumeracha courts to be undertaken.*

12.3. Heathfield Change Room & Cricket Net Project

1. *That the report be received and noted.*
2. *To approve an increase in the 2020-21 Capital Expenditure Budget of \$1,088,949, resulting in a total project cost of \$1,414,851, to be funded by \$1,088,949 in grants and associated contributions for the Heathfield Oval Change Room and Cricket Net Project, in accordance with the Funding Agreements.*

12.4. Development Application Fee Waiver Clayton Church Homes Inc

1. *That the report be received and noted*
2. *To approve the waiver of development fees up to \$993.20 for Clayton Church Homes Inc. in relation to Development Application 20/333/473 for a development at 1142 and 1144 Greenhill Road Uraidla.*

12.5. 2019 – 2020 Preliminary End of Year Financial Results & Carry Forwards

1. *The report be received and the preliminary end of year financial results for 2019-20 be noted.*
2. *Operating Initiatives Carry Forward projects from 2019-20 totalling an amount of \$64k of expenditure as detailed in this report be approved for inclusion in the 2020-21 Budget.*
3. *Capital carry forward projects from 2019-20 totalling an amount of \$2.679m of expenditure and \$367k of income (Attachments 2 and 3 to this report) be approved for inclusion in the 2020-21 Budget.*
4. *The additional budget request of \$30k of expenditure matched by a \$30k operating grant (Attachment 4) be approved for inclusion in the 20-21 Budget.*
5. *The 2020-21 proposed Budgeted Uniform Presentation of Finances reflecting a revised budgeted Operating Surplus of \$829k before Capital Revenue and revised Net Borrowings of \$6.329m as summarised in Attachment 5 to this report be adopted.*

12.6. Local Government Elections Act Review Submission

1. *That the report be received and noted*
2. *To lodge its Local Government (Elections) Act 2020 – Review 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 Review Submission to reflect matters raised in the debate on the Local Government (Elections) Act Review Submission report.*

12.7. Replacement Land Management Agreement – Pomona Road Stirling

1. *That the report be received and noted*
2. *To enter into a deed of rescission, rescinding Land Management Agreement 10923983 dated 10 March 2008 and Variation of Land Management Agreement 12221145 dated 22 October 2014 noted on the land comprised and described in Certificate of Title Book Volume 6127 Folio 47, known as 3 Pomona Road, Stirling*
3. *To enter into a deed of rescission, rescinding Land Management Agreement 13038239 dated 29 November 2018 noted on the land comprised and described in Certificate of Title Book Volume 6218 Folio 57, known as 5 Pomona Road, Stirling*
4. *To enter into the new Land Management Agreement with Aldi Foods Pty Ltd attached in Appendix 1 of this report for Certificate of Title Volume 6127 Folio 47 and Certificate of Title Volume 6128 Folio 57, known as 3 & 5 Pomona Road, Stirling, subject to the acceptance by the Council Assessment Panel to the variation of the approved landscaping plan for Development Application 16/463/473 and subject to the acceptance of the State Commission Assessment Panel to the variation of the approved landscaping plan for Development Application 19/272/473 (19/E9/473)*
5. *The Mayor & CEO are authorised to affix the Council Seal and execute the new Land Management Agreement, the Deeds of Rescission, and Consents to Note the new Land Management Agreement and Rescissions for 3 & 5 Pomona Road Stirling, and*
6. *The costs associated with the preparation, review by Council's lawyers and registration of the new Land Management Agreement and the rescission of the existing Land Management Agreements and Variation of Land Management Agreement shall be borne by the Aldi Foods Pty Ltd.*

12.8. Development Application Fee Waiver Policy

1. *That the report be received and noted*
2. *With an effective date of 8 September 2020, to revoke the 9 May 2017 Development Application Fee Waiver Policy and to adopt the 25 August 2020 Draft Development Application Fee Waiver Policy as contained in Appendix 1 of this report.*
3. *That the CEO be permitted to make any formatting, nomenclature or other minor changes to the Policy as per Appendix 1 prior to the effective date.*

12.9. Nomination for GAROC

1. *That the report be received and noted*
2. *To determine that the method of selecting a Council Member to be nominated for the Greater Adelaide Regional Organisation of Councils 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 for nomination for the Greater Adelaide Regional Organisation of Councils and for the meeting to resume once the results of the indicative vote have been declared.*
4. *To endorse the nomination of \_\_\_\_\_ for the Greater Adelaide Regional Organisation of Councils and authorise the Chief Executive Officer to lodge the completed nomination form to the Local Government Association by COB 28 August 2020.*

12.10. Nomination for LGA President

1. *That the report be received and noted*
2. *To determine that the method of selecting a Council Member to be nominated for the LGA President role 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 for nomination for the LGA President role and for the meeting to resume once the results of the indicative vote have been declared.*
4. *To endorse the nomination of \_\_\_\_\_ for the LGA President role and authorise the Chief Executive Officer to lodge the completed nomination form to the Local Government Association by COB 28 August 2020.*

12.11. SA Power Network Tariff Agreement

1. *That the report be received and noted.*
2. *That the Mayor and CEO be authorised to sign and seal the Letter of Offer and enter into the Tariff Agreement (Appendix 1) with SA Power Networks.*

12.12. Road Closures Young Drivers Awareness Course 2020 – 2021

1. *That the report be received and noted*
2. *To, pursuant to Section 33(1) of the Road Traffic Act 1961 and Clause G of the Instrument of General Approval of the Minister dated 22 August 2013:*
  - a. *Declare that the Driver Education Program that is to take place on Newman Road, Charleston is an event to which Section 33 of the Road Traffic Act 1961 applies.*
  - b. *Make an order directing that a section of Newman Road, Charleston, between Five Lanes Road and Lewis Road, be closed to traffic for the period between 9.00am and 6.00pm on Wednesday 7 October 2020, and 9.00am and 6.00pm Wednesday 21 April 2021.*
  - c. *Make an order directing that persons taking part in the event be exempt from the duty to observe the Australian Road Rules Rule 238 (Pedestrians travelling along a road).*
  - d. *To make an order directing that all vehicles except emergency and participant vehicles and local residents living at the named section of Newman Road, be excluded from the closed section of road for the period of the closure.*

12.13. Policy Review – School Parking & Associated Facilities

1. *That the report be received and noted*
2. *With an effective date of 8 September 2020, to revoke the 27 June 2017 School Parking and Associated Facilities Policy and to adopt the revised draft School Parking and Associated Facilities Policy contained in Appendix 1.*
3. *That the Chief Executive Officer be authorised to make any formatting, nomenclature or other minor changes to the School Parking and Associated Facilities Policy as per Appendix 1 prior to the effective date.*

12.14. Policy Review – Unsealed Roads

1. *That the report be received and noted.*
2. *With an effective date of 8 September 2020, to revoke the 25 July 2017 Unsealed Roads Policy and to adopt the revised Unsealed Roads Policy in Appendix 1.*
3. *That the Chief Executive Officer be authorised to make any formatting, nomenclature or other minor changes to the Unsealed Roads Policy as per Appendix 1 prior to the effective date.*

12.15. Status Report – Council Resolutions Update

*Refer to Agenda Item*

**13. ADMINISTRATION REPORTS – INFORMATION ITEMS**

- 13.1. Quarterly Council Performance Report Q4

**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 – 12 August 2020  
*That the minutes of the CAP meeting held on 12 August 2020 as supplied, be received and noted.*
- 17.2. Strategic Planning & Development Policy Committee  
*Nil*
- 17.3. Audit Committee - 17 August 2020  
*That the minutes of the Audit Committee meeting held on 17 August 2020 as supplied, be received and noted*
- 17.4. CEO Performance Review Panel  
*Nil*

**18. CONFIDENTIAL ITEMS**

*Nil*

**19. NEXT MEETING**

Tuesday 22 September 2020, 6.30pm, 63 Mt Barker Road, Stirling

**20. CLOSE MEETING**



## Council Meeting/Workshop Venues 2020

DATE	TYPE	LOCATION	MINUTE TAKER
<b>SEPTEMBER 2020</b>			
Thurs 3 September	CEO PRP	Stirling	TBA
Tues 8 September	Workshop	TBA	N/A
Wed 9 September	CAP	TBA	Karen Savage
Tues 15 September	Professional Development	TBA	N/A
Tues 22 September	Council	Stirling	Pam Williams
<b>OCTOBER 2020</b>			
Tues 13 July	Workshop	TBA	N/A
Wed 14 October	CAP	TBA	Karen Savage
Mon 19 October	Audit Committee	Stirling	TBA
Tues 20 October	Professional Development	TBA	N/A
Tues 27 October	Council	Stirling	Pam Williams
<b>NOVEMBER 2020</b>			
Tues 10 November	Workshop	Woodside	N/A
Wed 11 November	CAP	TBA	Karen Savage
Mon 16 November	Audit Committee	Stirling	TBA
Tues 17 November	Professional Development	TBA	N/A
Tues 24 November	Council	Stirling	Pam Williams
Thurs 26 November	CEO PRP	Stirling	TBA
<b>DECEMBER 2020</b>			
Wed 9 December	CAP	TBA	Karen Savage
Tues 15 December	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.*