



ORDINARY COUNCIL MEETING

NOTICE OF MEETING

To: Acting Mayor Nathan Daniell

Councillor Ian Bailey
Councillor Kirilee Boyd
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 22 September 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 22 September 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

Mayor Jan-Claire Wisdom (24 August to 25 September 2020) approved 25 August 2020

3.3. Absent

4. MINUTES OF PREVIOUS MEETINGS

Council Meeting – 25 August 2020

That the minutes of the ordinary meeting held on 25 August 2020 as supplied, be confirmed as an accurate record of the proceedings of that meeting.

Special Council Meeting - 8 September 2020

That the minutes of the special meeting held on 8 September 2020 as supplied, be confirmed as an accurate record of the proceedings of that meeting.

Special Council Meeting - 15 September 2020

That the minutes of the special meeting held on 15 September 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
- 7.2. Questions Lying on the Table

8. PETITIONS / DEPUTATIONS / PUBLIC FORUM

- 8.1. Petitions
- 8.2. Deputations
 - 8.2.1. Donella Peters re GM Crop Free Zone
- 8.3. Public Forum

9. PRESENTATIONS (by exception)

Nil

10. QUESTIONS ON NOTICE

Nil

11. MOTIONS ON NOTICE

Long Term Strategic Tree Planting Program - Cr Herrmann

12. ADMINISTRATION REPORTS – DECISION ITEMS

- 12.1. Genetically Modified Crops – Consideration of whether or not to apply to the Minister to become a no GM Food Crop Area

- 1. *That the report be received and noted.*
- 2. *That Council apply to the Minister for Primary Industries and Regional Development under Section 5A(1) of the Genetically Modified Crops Management Act 2004 for the Adelaide Hills Council area to be designated as an area in which no genetically modified food crops may be cultivated based on risks to trade and marketing.*
- 3. *That Council approve the application package as contained in Appendix 3 to apply to the Minister for Primary Industries and Regional Development requesting that the Adelaide Hills Council be designated as an area in which no genetically modified food crops may be cultivated.*
- 4. *That the Chief Executive Officer, be authorised to make any formatting, nomenclature or other minor changes to the application package contained in Appendix 3 prior to submitting it to the Minister by the 30 September 2020 deadline.*
- 5. *That the Consultation Report as contained in Appendix 1 be made available to engagement participants, in addition to notifying them of Council's decision in this regard.*

12.2. 100 Old Mt Barker Road Stirling – building upgrade and offer of lease

1. *That the report be received and noted*
2. *To progress the budgeted upgrade of the old school building located at 100 Old Mt Barker Road Stirling including the replacement of the roof, gutters, fascia boards, downpipes and damaged internal ceilings, with the anticipated cost to be \$155,000.*
3. *To apply to the Minister for Environment and Water for approval to lease the land located at 100 Old Mt Barker Road Stirling, including the old school building, to The Old School Community Garden Inc.*
4. *Subject to obtaining the approval specified in 3 above, offer to The Old School Community Garden a 2 year lease over the land located at 100 Old Mt Barker Road Stirling, including the old school building.*
5. *That the Mayor and Chief Executive Officer be authorised to sign all necessary documents, including affixing the common seal, to give effect to this resolution.*

12.3. Recovery update

1. *That the report, including the update on the Council's activities in support of recovery from the Cudlee Creek Bushfire and COVID-19 pandemic, be received and noted.*
2. *That Council approve the submission of an application for funding of \$140,000 per year for two years for the establishment of a Resilience and Readiness Program.*
3. *That Council work with the Office of the Premier's Advocate for Suicide Prevention to initiate a Suicide Prevention Network in the Adelaide Hills.*
4. *That subject to the success of the pilot series of workshops currently being conducted to support community groups in the recovery from both the Cudlee Creek Bushfire and the COVID-19 pandemic, that a further series of workshops be held to target the needs of community and sporting associations throughout the district.*

12.4. S210 Conversion to Public Road

1. *That the report be received and noted.*
2. *To undertake a process pursuant to Section 210 of the Local Government Act 1999 for the conversion of private road to public road for the land described as:*
 - *Russell Terrace, Bridgewater being the land comprised in CT 5411/603 of 1494m² currently owned by Bridgewater Park Ltd (In Liquidation).*
 - *Lot 82 Western Branch Road, Lobethal being the land comprised in CT 5696/27 of 105m² currently owned by Margaret Dixon Dearman, Ernest William Dearman & Burton Stirling Dearman.*
 - *1 Robert Street Woodside being the land comprised in CT 5695/342 of 58m² currently owned by James Johnston and William Johnston.*
 - *Pieces 29 and Lot 30 in FP 156206 on Western Branch Road, Lobethal being the land comprised in CT 5696/31 of 446m² and 337m² currently owned by South Australian Company.*

- *Norman Road, Bridgewater being Allotment 16 and 17 in DP 2167 as the land comprised in CT 5890/905 of 738m² and 1265m² currently owned by Donald Frederick Canham & Eileen Agnes Canham.*
 - 3. *That the Mayor and the Chief Executive be authorised to finalise the above matter including signing all necessary documentation to complete all transactions.*
 - 4. *That a further report be presented to Council following the completion of the notice period required under Section 210(2) of the Act detailing the outcome of the attempts to locate the owners of the roads detailed above.*
- 12.5. 2020 LGA President Ballot
- 1. *That the report be received and noted*
 - 2. *For the Deputy Mayor to mark the ballot paper with the Adelaide Hills Council's vote for _____ and to lodge the completed ballot paper in accordance with the process set out in Appendix 1.*
- 12.6. Election for GAROC 2020 – 2022
- 1. *That the report be received and noted*
 - 2. *For the Deputy Mayor to mark the ballot paper with the Adelaide Hills Council's vote for _____ and _____ and to lodge the completed ballot paper in accordance with the process set out in Appendix 1.*
- 12.7. Strategic Internal Audit Plan
- 1. *That the report be received and noted.*
 - 2. *That Council adopt the revised Strategic Internal Audit Plan (v1.5b) as contained in Appendix 1.*
- 12.8. Policy Review – Records & Information Management Policy and Records and Information Management for Council Members Procedure
- 1. *That the report be received and noted.*
 - 2. *With an effective date of 6 October 2020, revoke the 28 February 2017 'Records Information Management Policy' (Appendix 2) and to adopt the new 'Records Information Management Policy' as contained in Appendix 1.*
 - 3. *With effective date of 6 October 2020, revoke the 28 August 2018 'Records & Information Management for Council Members Procedure' and to adopt the updated 'Records Information Management for Council Members Procedure' as contained in Appendix 3.*
 - 4. *That the Chief Executive Officer, or delegate, be authorised to make any formatting, nomenclature or other minor changes to the Records Information Management Policy and/or Records Information Management for Council Members Procedure prior to the effective dates.*

12.9. Policy Review – Community Loans Policy

1. *That the report be received and noted*
2. *With an effective date of 8 October 2020, to revoke the 24 April 2018 Community Loans Policy and to adopt the revised Community Loans Policy in Appendix 1.*
3. *That the Chief Executive Officer, or delegate, be authorised to make any formatting, nomenclature or other minor changes to the Community Loans Policy prior to the effective date.*

12.10. Policy Review – Council Member Allowances and Support Policy

1. *That the report be received and noted*
2. *With an effective date of 8 October 2020, to revoke the 27 November 2018 Council Member Allowances & Support Policy and to adopt the revised Council Member Allowances & Support Policy in Appendix 1.*
3. *That the Chief Executive Officer, or delegate, be authorised to make any formatting, nomenclature or other minor changes to the Council Member Allowances & Support Policy prior to the effective date.*

12.11. Status Report – Council Resolutions Update

Refer to Agenda

13. ADMINISTRATION REPORTS – INFORMATION ITEMS

Nil

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

REPORTS OF COMMITTEES

17.1. Council Assessment Panel
Nil

17.2. Strategic Planning & Development Policy Committee
Nil

17.3. Audit Committee
Nil

- 17.4. CEO Performance Review Panel – 3 September 2020
That the minutes of the CEOPRP meeting held on 3 September 2020 as supplied, be received and noted.

18. CONFIDENTIAL ITEMS

- 18.1. 2020 CEO Performance and Remuneration Reviews

19. NEXT MEETING

Tuesday 27 October 2020, 6.30pm, 63 Mt Barker Road, Stirling

20. CLOSE MEETING

Council Meeting/Workshop Venues 2020

OCTOBER 2020			
Tues 13 October	Workshop	Woodside	N/A
Wed 14 October	CAP	TBA	Karen Savage
Mon 19 October	Audit Committee	Stirling	TBA
Tues 20 October	Professional Development	Stirling	N/A
Tues 27 October	Council	Stirling	Pam Williams
NOVEMBER 2020			
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	Stirling	N/A
Tues 24 November	Council	Stirling	Pam Williams
Thurs 26 November	CEO PRP	Stirling	TBA
DECEMBER 2020			
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.

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

For full details, see Code of Practice for Meeting Procedures on 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, 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 number of deputations that have already been granted for the meeting
 - the subject matter of the proposed deputation
 - relevance to the Council agenda nominated – and if not, relevance to the Council's powers or purpose
1. the integrity of the request (i.e. whether it is considered to be frivolous and/or vexatious)
 - the size and extent of the agenda for the particular meeting and
 - the number of times the deputee has addressed Council (either in a deputation or public forum) on the subject matter or a similar subject matter.

8.3 PUBLIC FORUM

For full details, see Code of Practice for Meeting Procedures on www.ahc.sa.gov.au

2. The public may be permitted to address or ask questions of the Council on a relevant and/or timely topic.
3. The Presiding Member will determine if an answer is to be provided.
4. 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.
5. Each presentation in the Public Forum is to be no longer than five (5) minutes (including questions), except with leave from the Council.
6. The total time allocation for the Public Forum will be ten (10) minutes, except with leave from the Council.
7. If a large number of presentations have been requested, with leave from the Council, the time allocation of five (5) minutes may be reduced.
8. 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.
9. Members may ask questions of all persons appearing relating to the subject of their presentation.