



## 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 24 November 2020**  
**6.30pm**  
**To be held in the Zoom Virtual Meeting Room**

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.

A handwritten signature in blue ink, appearing to read 'Andrew Aitken', is written over a light blue horizontal line.

**Andrew Aitken**  
**Chief Executive Officer**



## **ORDINARY COUNCIL MEETING**

### **AGENDA FOR MEETING**

**Tuesday 24 November 2020**

**6.30pm**

**To be held in the 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

Apologies were received from .....

3.2. Leave of Absence

Cr Kirrilee Boyd 11 December to 15 December 2020

3.3. Absent

**4. MINUTES OF PREVIOUS MEETINGS**

Council Meeting – 27 October 2020

*That the minutes of the ordinary meeting held on 27 October 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. Matt Thomas, Houghton Inglewood & Hermitage Memorial Park
  - 8.2.2. Douglas Riach re permanent bird netting

**9. PRESENTATIONS (by exception)**

**10. QUESTIONS ON NOTICE**

Nil

**11. MOTIONS ON NOTICE**

- 11.1. Road Resurfacing Albert Street Gumeracha (PLEC Project)

*That the Mayor writes to the State Minister for Infrastructure and Transport requesting the Department of Infrastructure and Transport to bring forward the resal of Albert Street, Gumeracha to the 2021/22 financial year's capital works program in order to schedule the works to align with the completion of the Gumeracha Main Street Upgrade Project.*

**12. ADMINISTRATION REPORTS – DECISION ITEMS**

- 12.1. Internal Review Road Closure Decisions 2018 & 2020

- 1. *That the report be received and noted.*
- 2. *To accept the findings, conclusions and recommendations in the Internal Review Final Report – 2018 and 2020 Road Closure Decisions at Appendix 1 and that the decisions to give consent to road closures (196/18 and 93/20) were reasonable, appropriate and lawful and should be upheld.*

12.2. Road Exchange Pomona Road Stirling

1. *That the report be received and noted*
2. *In accordance with sections 12 and 15 of the Roads (Opening and Closing) Act 1991, enter into an Agreement for Exchange with the owner of the land of 21 Pomona Road Stirling and issue a Road Process Order to open as public road the area identified as "Road to be opened 1" on the Preliminary Plan No 20/0038 and in exchange to close a portion of Pomona Road as identified on the Preliminary Plan No 20/0038 as "Public Road A", subject to the owner of the land at 21 Pomona Road Stirling agreeing to pay all costs associated with the road exchange process including but not limited to all survey, valuation and reasonable legal costs*
3. *The closed road be excluded as Community Land pursuant to the Local Government Act 1999.*
4. *The Mayor and Chief Executive Officer be authorised to sign all documents necessary, including affixation of the common seal, to give effect to this resolution.*

12.3. 2019 – 2020 Annual Report

1. *That the report be received and noted.*
2. *The 2019-20 Annual Report, as contained in Appendix 1, be adopted.*
3. *That the Chief Executive Officer be authorised to make minor content, formatting or design changes necessary for publication purposes.*

12.4. 2020 – 2021 Community Recreation & Facility Grants

1. *That the report be received and noted.*
2. *That Council approves the awarding of Community Development Grants totalling \$99,943.00 as follows (refer Agenda)*

12.5. Community Development Grants

1. *That the report be received and noted*
2. *That Council approves the awarding of Community Development Grants totalling \$49,800.78 as follows (refer Agenda)*

12.6. 2019-20 End of Year Financial Report

1. *The report be received and noted.*
2. *The 2019-20 End of Year Financial Results in comparison to budget have been appropriately considered by Council.*

12.7. Budget Review 1

1. *That the report be received and noted.*
2. *To adopt the proposed budget adjustments presented in the 2020-21 Budget Review 1 which result in:*
  - a. *An increase in the Operating Surplus from \$808k to \$2.343m for the 2020-21 financial year.*
  - b. *Changes to Capital Works, increasing capital income by \$50k and capital expenditure by \$219k for the 2020-21 financial year resulting in a revised capital expenditure budget for 2020-21 of \$21.487m.*
  - c. *A decrease in Council's current Net Borrowing Result from \$6.350m to \$4.984m for the 2020-21 financial year as a result of the proposed operating and capital adjustments.*

12.8. Audit Committee Presiding Member Appointment

*MOTION 1*

1. *That the report be received and noted*
2. *To determine that the method of selecting the Audit Committee Presiding Member to be by an indicative vote to determine the preferred person 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 the Audit Committee Presiding Member role and for the meeting to resume once the results of the indicative vote have been declared.*

*MOTION 2*

1. *To appoint \_\_\_\_\_ to the position of Audit Committee Presiding Member for a \_\_\_\_ (12 or 24) month term to commence 27 November 2020 and conclude on 26 November 2021 inclusive (or at the conclusion of the Council Term 2022 or if desired a longer specified period if an Independent Presiding Member is appointed).*

12.9. CEOPRP Presiding Member Appointment

*MOTION 1*

1. *That the report be received and noted.*
2. *To determine that the method of selecting the Chief Executive Officer Performance Review Panel Presiding Member to be by an indicative vote to determine the preferred person 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 the Chief Executive Officer Performance Review Panel Presiding Member role and for the meeting to resume once the results of the indicative vote have been declared.*

*MOTION 2*

- 1. To appoint \_\_\_\_\_ to the position of Chief Executive Officer Performance Review Panel Presiding Member for a \_\_\_\_\_ (12 or 24) month term to commence 27 November 2020 and conclude on 26 November 2021 inclusive (or at the conclusion of the Council Term 2022 or if desired a longer specified period if an Independent Presiding Member is appointed).*

12.10. Policy Review – Cemetery Operating Policy

- 1. That the report be received and noted*
- 2. With an effective date of 10 November 2020, to revoke the 9 May 2017 Cemetery Operating Policy and to adopt the revised Cemetery Operating Policy in Appendix 1.*

12.11. Policy Review – Debt Recovery Policy

- 1. That the report be received and noted*
- 2. With an effective date of 8 December 2020, to revoke the 28 November 2017 Debt Recovery Policy and to adopt the revised Debt Recovery 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 Debt Recovery Policy prior to the effective date.*

12.12. Policy Review – Grant & External Funding (Acceptance) Policy

- 1. That the report be received and noted*
- 2. With an effective date of 8 December 2020, to revoke the 14 March 2017 Acceptance of External Funding Policy and to adopt the revised Grant & External Funding (Acceptance) 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 Grant & External Funding (Acceptance) Policy prior to the effective date.*

12.13. Policy Review – Treasury Policy

- 1. That the report be received and noted*
- 2. With an effective date of 8 December 2020, to revoke the 26 September 2017 Treasury Policy and to adopt the revised Treasury 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 Treasury Policy prior to the effective date.*

12.14. Cessation of the Strategic Planning & Development Policy Committee

1. *That the report be received and noted*
2. *With an effective date of 27 November 2020, to cease the Strategic Planning & Development Policy Committee.*

12.15. Shannons Adelaide Rally 2020 proposed date changes

Refer to Agenda

12.16. Status Report – Council Resolutions Update

*Refer to Agenda*

**13. ADMINISTRATION REPORTS – INFORMATION ITEMS**

13.1. Quarterly Performance Report

*Council resolves that the report be received and noted*

13.2. Reconciliation Working Group Update

*Council resolves that the report be received and noted.*

13.3. Pomona Road Stirling Streetscape

*Council resolves that the report be received and noted.*

13.4. Audit Committee Presiding Member’s Report 2020

*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 Special Meeting – 21 October 2020  
*That the minutes of the Special CAP meeting held on 21 October 2020 as supplied, be received and noted.*
  
- 17.2. Council Assessment Panel – 11 November 2020  
*That the minutes of the CAP meeting held on 11 November 2020 as supplied, be received and noted.*
  
- 17.3. Strategic Planning & Development Policy Committee  
*Nil*
  
- 17.4. Audit Committee - 16 November 2020  
*That the minutes of the Audit Committee meeting held on 16 November 2020 as supplied, be received and noted*
  
- 17.5. CEO Performance Review Panel  
*Nil*

**18. CONFIDENTIAL ITEMS**

*Nil*

**19. NEXT MEETING**

Tuesday 15 December 2020, 6.30pm, 63 Mt Barker Road, Stirling

**20. CLOSE MEETING**





## Council Meeting/Workshop Venues 2020/21

<b>DECEMBER 2020</b>			
Tues 8 December	Workshop	Woodside	N/A
Wed 9 December	CAP	TBA	Karen Savage
Tues 15 December	Council	Stirling	Pam Williams
<b>JANUARY 2021</b>			
Wed 13 January	CAP	TBA	Karen Savage
Wed 27 January **	Council	Stirling	Pam Williams
<b>FEBRUARY 2021</b>			
Tues 9 February	Workshop	Woodside	N/A
Tues 9 February	CAP	TBA	Karen Savage
Tues 16 February	Professional Development	Stirling	N/A
Tues 23 February	Council	Stirling	Pam Williams

**\*\* Meeting date moved due to Australia Day Public Holiday**

**Meetings are subject to change, please check agendas for times and venues – [www.ahc.sa.gov.au](http://www.ahc.sa.gov.au) .**

**All meetings are open to the public unless otherwise indicated.**

# 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, 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

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

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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.