



## 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 15 December 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 15 December 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 Kaurna 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 – 15 December 2020) approved 24 November 2020
- 3.3. Absent

**4. MINUTES OF PREVIOUS MEETINGS**

Nil

**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
- 8.2. Deputations
  - 8.2.1. Douglas Riach re bird netting
  - 8.2.2. Lobethal Community Association re Cudlee Creek Fire, one year on
- 8.3. Public Forum

**9. PRESENTATIONS (by exception)**

Nil

**10. QUESTIONS ON NOTICE**

Nil

**11. MOTIONS ON NOTICE**

- 11.1. Council Boundary Reform Legislative Provisions – Cr Mark Osterstock
  - 1. *That a copy of Council's resolution of 28 January 2020, including annexures, 'Council Boundary Change Survey Responses' be forwarded to the current Minister of Local Government, Vickie Chapman MP, for information.*
  - 2. *That the Minister be advised that it would appear that the Campbelltown City Council is acting in a predatory manner by refusing to listen to and accept the views of the affected residents, and the Adelaide Hills Council, in relation to their boundary change proposal.*
  - 3. *That the Minister be requested to consider amendments to the existing legislation and boundary reform guidelines to ensure that the affected community and relinquishing councils are consulted and their views are properly considered prior to a council-initiated Stage 1 submission being lodged with the Boundaries Commission and that where substantial community objection exists that the proposal not proceed.*

**12. ADMINISTRATION REPORTS – DECISION ITEMS**

- 12.1. Acknowledgement and Welcome to Country Policy
  - 1. *That the report be received and noted.*
  - 2. *With an effective date of 31 January 2021, adopt the 15 December 2020 Acknowledgement and Welcome to Country Policy as per Appendix 1.*
  - 3. *That the Chief Executive Officer be authorised to make any formatting, nomenclature or other minor changes to the 15 December 2020 Acknowledgement and Welcome to Country Policy prior to the effective date of adoption.*
  - 4. *With an effective date of 31 January 2021, to amend clause 3.4 – Opening Statement of the Code of Practice for Council Meeting Procedures to reflect the provisions of clause 4.3 of the 15 December 2020 Acknowledgement and Welcome to Country Policy.*

- 12.2. Youth Action Plan
  - 1. *That the report be received and noted.*
  - 2. *That the Youth Action Plan 2021-24 be adopted for implementation.*
  - 3. *That the Chief Executive Officer, or delegate, be authorised to make any formatting or minor changes to the Plan for publication purposes.*
  
- 12.3. Submission Revised Draft Planning & Design Code
  - 1. *That the report be received and noted*
  - 2. *To approve the letter of response to the State Planning Commission as contained in Appendix 1 of this report*
  - 3. *That the Chief Executive Officer be authorised to make any additional non-substantive technical additions and minor amendments to the submission and via the online Code Feedback Tool prior to lodgement with the State Planning Commission by the 18 December 2020 deadline.*
  
- 12.4. Adoption of the Crafers Village Design Guidelines
  - 1. *That the report be received and noted*
  - 2. *To approve the Crafers Village Design Guidelines as contained in Appendix 1, for publication, circulation and application*
  - 3. *To delegate to the Chief Executive Officer the authority to make minor changes to the Crafers Village Design Guidelines*
  - 4. *That the Community Engagement Outcomes Report Stage 1 & 2 as contained in Appendix 2 be made available to engagement participants and the general public*
  
- 12.5. Declaration of Public Roads Houghton & Aldgate
  - 1. *That the report be received and noted.*
  - 2. *To declare Allotment 13 in Deposited Plan No. 26030 contained in Certificate of Title Volume 5421 Folio 887 being Allotment 13 Horn Street, Houghton as public road pursuant to Section 208 of the Local Government Act 1999.*
  - 3. *To declare Allotment 51 in Deposited Plan No. 82071 contained in Certificate of Title Volume 6058 Folio 751 being Allotment 51 Strathalbyn Road, Aldgate as public road pursuant to Section 208 of the Local Government Act 1999.*
  - 4. *To authorise the publication of the resolution in the Government Gazette as required by section 208(4) of the Local Government Act 1999 to declare the roads to be public roads.*
  - 5. *To delegate to the Chief Executive Officer to execute the necessary documentation to give effect to this resolution.*
  
- 12.6. 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.*

12.7. Appointment of Independent Members of CAP

1. *That the report be received and noted.*
2. *That the term of the current Independent Members of Council's Assessment Panel be extended for 12 months ending on 31 May 2022 (inclusive).*

12.8. Enforcement Policy Review

1. *That the report be received and noted*
2. *With an effective date of 22 December 2020, to revoke the 26 June 2018 Enforcement Policy and to adopt the revised draft Enforcement Policy contained in Appendix 1 of this report.*

12.9. Strategic Internal Audit Plan Update

1. *That the report be received and noted.*
2. *To adopt the revised Strategic Internal Audit Plan (v1.6a) as contained in Appendix 1.*

12.10. Status Report – Council Resolutions Update  
*Refer to Agenda Report*

**13. ADMINISTRATION REPORTS – INFORMATION ITEMS**

13.1. Recovery Update

13.2. Risk Management Plan Update

**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 – 9 December 2020  
*That the minutes of the CAP meeting held on 9 December 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 – 26 November 2020  
*That the minutes of the CEOPRP meeting held on 26 November 2020 as supplied, be received and noted.*

**18. CONFIDENTIAL ITEMS**

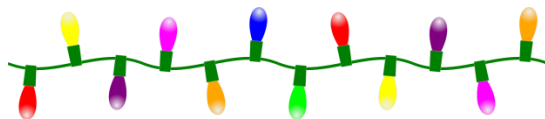
- 18.1. 2021 Citizen of the Year Recommendations
- 18.2. External Audit Contract

**19. NEXT MEETING**

**Wednesday 27 January 2021** (note change of day), 6.30pm, 63 Mt Barker Road, Stirling

**20. CLOSE MEETING**





## Council Meeting/Workshop Venues 2021

JANUARY 2021			
Wed 13 January	CAP	TBA	Karen Savage
Tues 26 January	Australia Day Celebrations	Various	
Wed 27 January **	Council	Stirling	Pam Williams
FEBRUARY 2021			
Tues 9 February	Workshop	Woodside	N/A
Wed 10 February	CAP	TBA	Karen Savage
Mon 15 February	Audit Committee	Stirling	TBA
Tues 16 February	Professional Development	Stirling	N/A
Tues 23 February	Council	Stirling	Pam Williams
MARCH 2021			
Tues 9 March	Workshop	Woodside	N/A
Wed 10 March	CAP	TBA	Karen Savage
Tues 16 March	Professional Development	Stirling	N/A
Tues 23 March	Council	Stirling	Pam Williams

**\*\* Meeting date moved due to Australia Day Public Holiday (approved by Council 22 October 2019)**

**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
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 depute 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 the effective duration of the *Electronic Participation in Council Meetings Notice (No 1) 2020*, Council will not conduct a Public Forum during the Council meeting.

*For full details, see Code of Practice for Meeting Procedures on [www.ahc.sa.gov.au](http://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.