



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:

Wednesday 27 January 2021
(moved due to Australia Day Public Holiday)
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
Wednesday 27 January 2021
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
- 3.3. Absent

4. MINUTES OF PREVIOUS MEETINGS

Council Meeting – 24 November 2020 (adjourned)
That the minutes of the ordinary meeting held on 24 November 2020 as supplied, be confirmed as an accurate record of the proceedings of that meeting.

Council Meeting – 15 December 2020
That the minutes of the ordinary meeting held on 15 December 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
Nil
- 8.3. Public Forum

9. PRESENTATIONS (by exception)

Nil

10. QUESTIONS ON NOTICE

Nil

11. MOTIONS ON NOTICE

- 11.1. Cemeteries – Cr Malcolm Herrmann

That the CEO prepares a report accompanied by a draft policy on the Council's role in regard assuming control of church (i.e. private) cemeteries, such report and draft policy to be discussed at a workshop in April 2021 prior to consideration by Council prior to 30 June 2021.

12. ADMINISTRATION REPORTS – DECISION ITEMS

- 12.1. Amended Access & Inclusion Plan 2020 – 2024

- 1. *That the report be received and noted.*
- 2. *To revoke the Provisional Disability Access and Inclusion Plan (DAIP) 2020-24 which was adopted on 27 October 2020 and to adopt the amended Access and Inclusion Plan 2020-24, as contained in Appendix 1.*
- 3. *That the Chief Executive Officer be authorised during the currency of the Access and Inclusion Plan 2020-24 (the DAIP) to make any formatting, nomenclature or other minor changes :*
 - a. *To ensure that the Plan is consistent with an Act of the State or the Commonwealth, or*

- b. *To ensure that the Plan remains consistent with the State Disability Inclusion Plan, or*
- c. *To correct an error or omission.*

12.2. Recruitment of Advisory Group Independent/Community Members

- 1. *That the report be received and noted*
- 2. *To establish Selection Panels for the recruitment of Independent/Community Members for the identified Advisory Groups with the following Council Members, assisted by the respective Executive Officers, to undertake the short-listing and interviews of the candidates with a view to making recommendations for appointment at a future Council meeting(s):*
 - a. *Biodiversity Advisory Group – and*
 - b. *Cemetery Advisory Group - and*
 - c. *Rural Land Management Advisory Group - and*
 - d. *Sustainability Advisory Group - and*

12.3. Appointment of Building Fire Safety Committee

- 1. *That the report be received and noted*
- 2. *That Council appoints the following members to the Adelaide Hills Building Fire Safety Committee as the appropriate Authority for the purposes of Section 157 (17) of the Planning, Development and Infrastructure Act 2016 commencing on the designated date of implementation of the Section 157(17) of the Planning, Development and Infrastructure Act 2016 for Phase 3 Councils and expiring on 31 May 2022:*
 - a) *Peter Harmer (Contract Building Surveyor Engineer) as a person with expertise and qualifications in building surveying, engineering and building fire safety*
 - b) *Persons nominated by the Country Fire Service to act as the CFS representative member and deputy members*
 - c) *Jeff Grinnell as Team Leader Building Services as an authorised Council Officer with expertise and qualifications in building surveying and building fire safety with Tom Warneke as deputy member, and*
 - d) *Deryn Atkinson as Manager Development Services as an authorised Council Officer with Marc Salver appointed as deputy member.*

12.4. Hard Waste Service

1. *That the report be received and noted.*
2. *That any additional budget requirements to meet service demand for the Kerbside Hard Waste Service during 2020-21 be addressed through Council's budget review process.*
3. *That a user contribution fee equal to 50% of budgeted costs to provide the Kerbside Mattress Service be considered during the development of the 2021-22 Annual Business Plan and Budget.*
4. *That a user contribution fee equal to 50% of budgeted costs to provide the Kerbside Hard Waste Service be considered during the development of the 2021-22 Annual Business Plan and Budget.*

12.5. Delegations Review January 2021

Refer to Agenda Report

12.6. Status Report – Council Resolutions Update

Refer to Agenda Report

13. ADMINISTRATION REPORTS – INFORMATION ITEMS

13.1. Woodforde/Rostrevor Boundary Reform FOI Report

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. Council Assessment Panel – 13 January 2021

That the minutes of the CAP meeting held on 13 January 2021 as supplied, be received and noted.

17.3. Audit Committee
Nil

17.4. CEO Performance Review Panel
Nil

18. CONFIDENTIAL ITEMS

- 18.1. AHC Tender 202021-12 Supply of Limestone Rubble
- 18.2. CWMS Review

19. NEXT MEETING

Tuesday 23 February 2021, 6.30pm, 63 Mt Barker Road, Stirling

20. CLOSE MEETING

Council Meeting/Workshop Venues 2021

DATE	TYPE	LOCATION	MINUTE TAKER
FEBRUARY 2021			
Tues 9 February	Workshop	Woodside	N/A
Wed 10 February	CAP	TBA	Karen Savage
Mon 15 February	Audit	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
Thurs 18 March	CEOPRP	Stirling	TBA
Tues 23 March	Council	Stirling	Pam Williams
APRIL 2021			
Tues 13 April	Workshop	Woodside	N/A
Wed 14 April	CAP	TBA	Karen Savage
Mon 19 April	Audit	Stirling	TBA
Tues 20 April	Professional Development	Stirling	N/A
Tues 27 April	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 2021

6.00 for 6.30pm

(dates and venues to be confirmed)

To be advised

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.