



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 23 February 2021
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 23 February 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 and waters of the Peramangk and Kurna people. They are Custodians of this ancient and beautiful land and so we pay our respects to Elders past, present and emerging. We will care for this country together by ensuring the decisions we make will be guided by the principle that we should never 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 – 27 January 2021
That the minutes of the ordinary meeting held on 27 January 2021 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. PRESIDENT MEMBER'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. Reduction of Speed Limit Torrens Valley Road Birdwood
- 8.2. Deputations
 - Jim Bastiras, Chairperson, Residents Against White Rock Quarry Ass Inc
 - A & J Lowe re Melrose Avenue Stirling road closure, land purchase
- 8.3. Public Forum

9. PRESENTATIONS (by exception)

- 9.1. Hanson White Rock Quarry

10. QUESTIONS ON NOTICE

Nil

11. MOTIONS ON NOTICE

- 11.1. Relief & Recovery Fund (Cr Nathan Daniell)
 - 1. *the CEO investigate the establishment of an Adelaide Hills Disaster Relief and Recovery Fund. Considerations must include but may not be limited to the following:*
 - a. *What “triggers” would activate the Fund allowing donations to be made*
 - b. *How funds raised would be dispersed to alleviate the distress, suffering and personal hardships, brought about by a disaster or emergency in our region*
 - c. *How the activities of the fund would be overseen, for example, what type of Committee should be established and what operational rules would apply*
 - d. *Ensuring the structure of the Fund adheres to all relevant legislation*
 - e. *An analysis of the costs associated with establishing and administering the Fund*
 - f. *Steps required for the Fund to obtain Deductible Gift Recipient status from the Australian Taxation Office.*
 - 2. *The results of the investigation be presented at a future Council Workshop for feedback, and that a report be provided for Council’s consideration on this matter by 23 November 2021.*
- 11.2. Traffic management, Bridgewater (Cr Nathan Daniell)
 - 1. *The Mayor write to the Minister for Infrastructure and Transport, Corey Wingard MP, requesting the Department of Infrastructure and Transport consider the construction of a roundabout at the intersection of Mount Barker Road and Carey Gully Road in Bridgewater as part of their 2021/22 capital works program. That a copy of the letter also be forwarded to Member for Heysen, Josh Teague MP.*
 - 2. *The CEO determine what traffic calming works are appropriate for Mill Road (Bridgewater) and, if necessary, include any works which cannot be addressed within existing resources for consideration as part of the 2021/22 budget process.*

12. ADMINISTRATION REPORTS – DECISION ITEMS

- 12.1. White Rock Quarry Horsnell Gully
Council resolves that the report be received and noted.
- 12.2. Road Closure adjacent 9 Melrose Avenue Stirling
1. *That the report be received and noted*
 2. *To make a Road Process Order pursuant to the Roads (Opening & Closing) Act 1991 to close and merge the pieces of land identified as "A" in the Preliminary Plan No. 20/0040 attached to this report with Allotment 34 in Deposited Plan No. 4120 comprised in Certificate of Title Volume 5489 Folio 961.*
 3. *Subject to the closure of the road identified in the Preliminary Plan attached, that:*
 - *The closed road be excluded as Community Land pursuant to the Local Government Act 1999; and*
 - *The piece marked "A" be sold to the owners of 9 Melrose Avenue Stirling, being the owners of the property with which it is merging for the amount of \$9,000 plus GST (if applicable) and all fees and charges associated with the road closure process.*
 4. *Authorise the Chief Executive to finalise and sign all necessary documentation to close and sell the above portion of closed road pursuant to this resolution.*
- 12.3. Economic Development Plan
1. *That the report be received and noted.*
 2. *To adopt the Economic Development Plan, as contained in Appendix 1.*
 3. *That the CEO, or delegate, be authorised to make any necessary formatting, nomenclature or other minor changes to the Economic Development Plan prior to being published.*
- 12.4. Tree Management
1. *Council resolves that the report be received and noted.*
 2. *That Council acknowledges the significant impact that climate change is having on our ability to manage and fund tree related fire and emergency events.*
 3. *That Council acknowledges the increasing importance, costs and growing community expectation relating to tree management.*
 4. *That Council acknowledges the funding and related support provided by the State and Federal Governments for Council and our community following the Cudlee Creek Bushfire*
 5. *That the Mayor write to the State and Federal Governments to thank them for the support provided to our Council and our community following the Cudlee Creek Bushfire and that we seek to continue working with them to further reduce the financial and related impact of this bushfire (and the more recent Cherry Gardens Bushfire) and future emergency events on Council and affected members of our community.*

- 12.5. 2020 – 21 Budget Review 2
1. *That the report be received and noted.*
 2. *To adopt the proposed budget adjustments presented in the 2020-21 Budget Review 2 which result in:*
 - a. *A reduction in the Operating Surplus from \$2.343m to \$1.883m for the 2020-21 financial year.*
 - b. *Changes to Capital Works, increasing capital income by \$175k and reducing capital expenditure by \$1.404m for the 2020-21 financial year resulting in a revised capital expenditure budget for 2020-21 of \$20.083m.*
 - c. *A decrease in Council's current Net Borrowing Result from \$4.984m to \$3.865m for the 2020-21 financial year as a result of the proposed operating and capital adjustments.*
- 12.6. Long Term Financial Plan 2021
1. *That the report be received and noted*
 2. *To endorse the Draft Long Term Financial Plan, as contained in Appendix 1 for community consultation in accordance with Section 122 of the Local Government Act 1999.*
 3. *That the CEO be authorised to:*
 - a. *Make any formatting, nomenclature or other minor changes to the Plan prior to being released for public consultation and*
 - b. *Determine the consultation timings, media and processes while ensuring consistency and compliance with the provisions of applicable legislation and Council's Public Consultation Policy.*
- 12.7. Establishment of Fee placing Public Notices on Land
1. *That the report be received and noted*
 2. *To adopt a fee of \$350 including GST to cover the reasonable costs of placing signs on land for the purpose of giving notice of performance assessed development applications as required by Section 107 (9) of the Planning, Development and Infrastructure Act 2016.*
 3. *That the CEO be authorised to adjust this fee within the next 12 months if it is determined that the reasonable costs for undertaking this task are either less or more than anticipated.*
- 12.8. Feedback and Adoption of Road, Footpath & Kerbs Asset Management Plan
1. *That the report be received and noted.*
 2. *That Council note the community feedback on the Draft Road, Footpaths and Kerbs Asset Management Plan.*
 3. *That the Draft Road, Footpath and Kerb Asset Management Plan 2021 as contained in (Appendix 1) be endorsed by Council.*
 4. *That the CEO, or delegate, be authorised to make any necessary formatting, nomenclature or other minor changes to the Asset Management Plan 2021 prior to being published.*
- 12.9. External Audit Plan
1. *That the report be received and noted*
 2. *To approve the 2020-21 External Audit Plan by Galpins Accountants, Auditors and Business Consultants as contained in Appendix 1.*

- 12.10. Strategic Internal Audit Plan Revision
 - 1. *That the report be received and noted.*
 - 2. *To adopt the revised Strategic Internal Audit Plan (v1.7a) as contained in Appendix 1.*
- 12.11. Delegations Review February 2021
Refer to Agenda
- 12.12. Status Report – Council Resolutions Update
Refer to Agenda

13. ADMINISTRATION REPORTS – INFORMATION ITEMS

- 13.1. Council Quarterly Performance Report Q2
- 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 – 10 February 2021
That the minutes of the CAP meeting held on 10 February 2021 as supplied, be received and noted.
- 17.2. Audit Committee - 15 February 2021
That the minutes of the Audit Committee meeting held on 15 February 2021 as supplied, be received and noted
- 17.3. CEO Performance Review Panel
Nil

18. CONFIDENTIAL ITEMS

Nil

19. NEXT MEETING

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

20. CLOSE MEETING

Council Meeting/Workshop Venues 2021

DATE	TYPE	LOCATION	MINUTE TAKER
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
APRIL 2021			
Tues 13 April	Workshop	Woodside	N/A
Wed 14 April	CAP	TBA	Karen Savage
Mon 19 April	Audit Committee	Stirling	TBA
Tues 20 April	Professional Development	Stirling	N/A
Tues 27 April	Council	Stirling	Pam Williams
MAY 2021			
Tues 11 May	Workshop	Woodside	N/A
Wed 12 May	CAP	TBA	Karen Savage
Tues 18 May	Professional Development	Stirling	N/A
Mon 24 May	Audit Committee	Stirling	TBA
Tues 25 May	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)

Mylor Community Hall	Tues 30 March 2021	6.00 – 8.30pm
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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 depute has addressed Council (either in a deputation or public forum) on the subject matter or a similar subject matter.

8.3 PUBLIC FORUM

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

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.