



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 27 April 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.

Peter Bice
Acting Chief Executive Officer



ORDINARY COUNCIL MEETING

**AGENDA FOR MEETING
Tuesday 27 April 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 Kaurna 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 – 23 March 2021

That the minutes of the ordinary meeting held on 23 March 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. 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. Sarah Bennett re Mt Lofty Botanic Gardens Carparking Proposal
- 8.3. Public Forum

9. PRESENTATIONS (by exception)

- 9.1. Mt Lofty Botanic Gardens Carparking Proposal
Cate Hart,
Executive Director, Environment, Heritage and Sustainability
Department for Environment and Water

10. QUESTIONS ON NOTICE

- 10.1. Proposed development by Botanic Gardens of SA for 173 space carpark at 1 Lampert Road Crafers (Cr Mark Osterstock)

In the event that the State Government approves the Mt Lofty Botanic Gardens Carpark proposal, how are the following potential matters, should they arise, intended to be managed?

- *Traffic Flow/Movement*
- *On Street Car Parking*
- *Pedestrian Safety*

11. MOTIONS ON NOTICE

- 11.1. White Rock Quarry Proposed Mine Expansion (Cr Mark Osterstock)
See Agenda Item
- 11.2. GAROC Business Item – Boundary Reform Legislation Change (Cr Mark Osterstock)
That Council resolves to submit an Item of Business for the Greater Adelaide Region of Council's consideration as follows:
The Local Government Association advocate to the Minister of Local Government for changes to the provisions of Chapter 3, Part 2, Division 4 of the Local Government Act 1999 and/or the Boundary Commission's Guidelines to require the results of community consultation on a proposed boundary change proposal to form part of a Stage 1 – General proposal submission. Further, where substantial opposition exists to the proposal from the affected community, it should not be permitted to proceed to Stage 2.

12. ADMINISTRATION REPORTS – DECISION ITEMS

12.1. Lobethal Bushland Park Draft Masterplan

1. *That the report be received and noted.*
2. *To receive and accept the Lobethal Bushland Park Draft Masterplan and Play Space Design Brief Consultation Outcomes Report.*
3. *To adopt the Draft Masterplan and implement Stage 2 of Engagement.*
4. *That the results of Stage 2 Engagement and the final draft Masterplan be presented to Council for its consideration in June 2021.*
5. *That the CEO be authorised to:*
 - a. *Make any formatting, nomenclature or other minor changes to the Draft Masterplan 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.*

12.2. Green Organic Service Options

1. *That the report be received and noted*
2. *That the budget for free green organic drop off days be increased to \$138,600 as part of the 2021/22 Annual Business Plan and Budget*

12.3. 2021-22 Long Term Financial Plan Adoption

1. *That the report be received and noted.*
2. *To adopt the 2021-22 Long Term Financial Plan, as contained in Appendix 1 to this report, in accordance with Section 122 of the Local Government Act 1999.*

12.4. 2021-22 Annual Business Plan and Budget Consultation

1. *That the report be received and noted*
2. *To endorse the draft Annual Business Plan 2020-21 (ABP), as contained in Appendix 1 for community consultation in accordance with Section 123 of the Local Government Act 1999.*
3. *That, notwithstanding the terms of Council's Public Consultation Policy (as modified on account of the making of the Public Access and Public Consultation Notice (No 2) 2020), Council determines that it will hold a public meeting as part of its consultation activities with respect to the draft annual business plan and budget for 2021-22.*
4. *That the CEO be authorised to:*
 - a. *arrange for the holding of such a meeting;*
 - b. *provide notice to the public of the meeting in such manner and form as they see fit; and*
 - c. *cancel entirely or defer the holding of the meeting in the event it cannot be accommodated in line with relevant State Government public health/emergency directions, regulations or legislation related to COVID-19*
5. *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.*

12.5. Grant Giving Policy Review

- 1. That the report be received and noted.*
- 2. With an effective date of 31 May 2021, to revoke the Grant Giving Policy 23 July 2019 and to adopt the 27 April 2021 Grant Giving Policy, as contained in Appendix 2.*
- 3. That the Chief Executive Officer be authorised to make any formatting, nomenclature or other minor changes to the 27 April 2021 Grant Giving Policy prior to the effective date of adoption.*

12.6. Road Closure & Opening adjacent 36 Pioneer Avenue Lobethal

- 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 36 Pioneer Avenue Lobethal and issue a Road Process Order to open as public road the area identified as "1" on Preliminary Plan No. 21/0010 and in exchange to close a portion of Pioneer Avenue as identified as "A" on Preliminary Plan No 21/0010 as "A" and merge with Allotment 19 in Deposited Plan No. 4789 comprised in Certificate of Title Volume 5548 Folio 780.*
- 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 36 Pioneer Avenue Lobethal, being the owners of the property with which it is merging for the amount of \$9,200 plus GST (if applicable) and responsible for 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.*

12.7. 2021-22 GRFMA Annual Budget & Business Plan

- 1. That the report be received and noted*
- 2. To advise the Board of the Gawler River Floodplain Management Authority that it has reviewed its 2021-22 Annual Business Plan and approves the Adelaide Hills Council's contribution of \$30,816 as set out in the draft 2021-22 Budget.*

12.8. 2020-21 CEO Performance Review Process & Schedule

- 1. That the report be received and noted*
- 2. To undertake the 2021 CEO Performance Review using an internal process and utilise a consultant to undertake the remuneration package review.*

3. *To adopt the 2021 CEO Performance Review Panel Internal Process and Meeting Schedule as contained in Appendix 1 as it relates to Council meetings and workshops.*

- 12.9. Public Interest Disclosure Policy Review
 1. *That the report be received and noted.*
 2. *With an effective date of 12 May 2021, to revoke the 25 June 2019 Public Interest Disclosure Policy and to adopt the 27 April 2021 Public Interest Disclosure Policy as per Appendix 1.*
 3. *That the Chief Executive Officer be authorised to make any formatting, nomenclature or other minor changes to the Instruments during the period of currency.*

- 12.10. Status Report – Council Resolutions Update
See Agenda Item

13. ADMINISTRATION REPORTS – INFORMATION ITEMS

- 13.1. Kenton Valley Soldiers Memorial Park

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 – 14 April 2021
That the minutes of the CAP meeting held on 14 April 2021 as supplied, be received and noted.
- 17.2. Audit Committee - 19 April 2021
That the minutes of the Audit Committee meeting held on 19 April 2021 as supplied, be received and noted
- 17.3. CEO Performance Review Panel 18 March 2021
That the minutes of the CEOPRP meeting held on 18 March 2021 as supplied, be received and noted.

18. CONFIDENTIAL ITEMS

18.1. Advisory Group Independent Members

19. NEXT MEETING

Tuesday 25 May 2021, 6.30pm, 63 Mt Barker Road, Stirling

20. CLOSE MEETING

Council Meeting/Workshop Venues 2021

DATE	TYPE	LOCATION	MINUTE TAKER
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
JUNE 2021			
Thurs 3 June	CEOPRP	Stirling	TBA
Tues 8 June	Workshop	Woodside	N/A
Wed 9 June	CAP	TBA	Karen Savage
Tues 15 June	Professional Development	Stirling	N/A
Tues 22 June	Council	Stirling	Pam Williams
JULY 2021			
Thurs 8 July	CEOPRP	Stirling	TBA
Tues 13 July	Workshop	Woodside	N/A
Wed 14 July	CAP	TBA	Karen Savage
Tues 20 July	Professional Development	Stirling	N/A
Tues 27 July	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

Mylor Community Hall	Tues 30 March	6.00 – 8.30pm
Basket Range	Tues 31 August	6.00 – 8.30pm
Birdwood	Tues 30 November	6.00 – 8.30pm

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 purposethe 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 deputees 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

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.