



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 25 May 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 25 May 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
- Cr Kirrilee Boyd 25 May to 27 July inclusive
- 3.3. Absent

4. MINUTES OF PREVIOUS MEETINGS

Council Meeting – 27 April 2021

That the minutes of the ordinary meeting held on 27 April 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
Nil
- 8.2. Deputations
 - 8.2.1. Tim Possingham re Adelaide Rally Road Closures
- 8.3. Public Forum
 - 8.3.1. Annual Business Plan consultation (up to one hour)

9. PRESENTATIONS (by exception)

- 9.1. Southern & Hills Local Government Association – Graeme Martin

10. QUESTIONS ON NOTICE

- 10.1.

11. MOTIONS ON NOTICE

- 11.1. Gumeracha Medieval Fair (Cr Malcolm Herrmann)
That Council expresses its support for the Gumeracha and Torrens Valley communities' efforts to retain the Gumeracha Medieval Fair at Gumeracha.
- 11.2. Passenger Rail for Adelaide Hills (Cr Leith Mudge)
The Mayor writes to the State Minister for Infrastructure and Transport to:
 - 1. *Reaffirm the support of the Adelaide Hills Council for a freight rail bypass of the Adelaide Hills region.*
 - 2. *Ask the Minister to undertake a comprehensive study into a passenger rail service (or other suitable rapid transit service e.g. O-Bahn) along the rail corridor freed up by the implementation of the freight rail bypass. The service would as a minimum stop at Stirling and Mt Barker with potential connections to Murray Bridge and Strathalbyn. The study should address and balance the economic, environmental and community wellbeing aspects of such a service.*
 - 3. *Ask the Minister to ensure that if such a system were implemented, the public transport network in the Adelaide Hills is modified to ensure that the new service is viable and offers an attractive alternative to private vehicle travel along the increasingly congested South Eastern Freeway.*

Copies of the letter should be forwarded to the State members for Heysen and Kavel, Federal Member for Mayo, State Leader of the Opposition, the Southern & Hills Local Government Association and Regional Development Australia Adelaide Hills, Fleurieu and Kangaroo Island.

12. ADMINISTRATION REPORTS – DECISION ITEMS

12.1. Budget Review 3

1. *That the report be received and noted.*
2. *To adopt the proposed budget adjustments presented in Budget Review 3 for the 2020-21 financial year which result in:*
 - a. *a reduction in the Operating Surplus from \$1.883m to \$1.498m*
 - b. *Changes to Capital Works, increasing capital income by \$138k and reducing capital expenditure by \$4.772m resulting in a revised capital expenditure budget of \$15.311m.*
 - c. *A change in Council's net result from a Net Borrowing Result of \$3.865m to a Net Lending Result of \$659k as a result of the proposed operating and capital adjustments.*

12.2. Draft Trails & Cycling Routes Management Policy

1. *That the report be received and noted.*
2. *That the draft Trails and Cycling Routes Policy contained in Appendix 1 be endorsed and consultation*
3. *That the CEO be authorised to:*
 - a. *Make any formatting, nomenclature or other minor changes to the Policy 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.*
4. *That the outcomes of the consultation and a final draft document be presented to Council for its consideration August 2021.*

12.3. Burning Permit Policy Review

1. *That the report be received and noted*
2. *With an effective date of 8 June 2021, to revoke the 26 February 2019 Burning Permit Policy and to adopt the revised Burning Permit Policy as contained in Appendix 1 of this report.*
3. *That the Chief Executive Officer be authorised to make any formatting, nomenclature or other minor changes to the 25 May 2021 Burning Permit Policy prior to the effective date of adoption.*

12.4. Order Making Policy Review

1. *That the report be received and noted.*
2. *With an effective date of 8 June 2021, to revoke the 28 November 2017 Order Making Policy and to adopt the revised Order Making Policy in Appendix 1.*
3. *That the Chief Executive Officer be authorised to make any formatting, nomenclature or other minor changes to the 25 May 2021 Order Making Policy prior to the effective date of adoption.*

- 12.5. Properties with outstanding rates – S210 conversion to public road
Refer to Agenda
- 12.6. East Waste 2021-22 Annual Business Plan
1. *That the report be received and noted*
 2. *To provide consent to the Eastern Waste Management Authority Draft Annual Plan 2021-22.*
- 12.7. S&HLGA Governance Arrangements
1. *That the report be received and noted*
 2. *To approve the Southern & Hills Local Government Association Board seeking an exemption from the Minister for Local Government from the requirement to have an audit committee under Regulation 18 of the Local Government (Financial Management) Regulations 2011.*
 3. *To endorse the draft Southern & Hills Local Government Association Charter as contained in Appendix 2 with the following options and clarifications:*
 - a. *AHC supports the proposed clause 5.1.1 regarding Board Membership in the draft Charter*
 - b. *AHC supports the proposed clause 5.1.4 regarding Board Observers in the draft Charter*
 - c. *AHC supports either amending proposed clause 5.1.5 in the draft Charter to be for expenses only or to remove proposed clause 5.1.5 in its entirety*
 - d. *AHC supports the proposed clauses regarding officer bearers being Elected Members in the draft Charter*
 - e. *AHC supports amending clause 10.1 in the draft Charter to require the unanimous resolution of Constituent Councils*
 4. *That the Southern & Hills Local Government Association's draft 2021-22 Key Action Plan and proposed budget be received and noted.*
- 12.8. Delegations Review May 2021
Refer to Agenda
- 12.9. Status Report – Council Resolutions Update
Refer to Agenda

13. ADMINISTRATION REPORTS – INFORMATION ITEMS

- 13.1. Quarterly Performance Report Q3

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 – 12 May 2021
That the minutes of the CAP meeting held on 12 May 2021 as supplied, be received and noted.
- 17.2. Audit Committee
Nil
- 17.3. CEO Performance Review Panel
Nil

18. CONFIDENTIAL ITEMS

- 18.1. Multi-Year Road Rally Proposal

19. NEXT MEETING

Tuesday 22 June 2021, 6.30pm, 63 Mt Barker Road, Stirling

20. CLOSE MEETING

Council Meeting/Workshop Venues 2021

DATE	TYPE	LOCATION	MINUTE TAKER
JUNE 2021			
Thurs 3 June	CEO Performance Review	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	CEO Performance Review	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
AUGUST 2021			
Tues 10 August	Workshop	Woodside	N/A
Wed 11 August	CAP	TBA	Karen Savage
Thurs 12 August	CEO Performance Review	Stirling	TBA
Mon 16 August	Audit Committee	Stirling	TBA
Tues 17 August	Professional Development	Stirling	N/A
Tues 24 August	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)

DATE	LOCATION
Tues 31 August	Basket Range
Tues 30 November	Birdwood

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 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

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.