



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 28 September 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 28 September 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
Mayor Jan-Claire Wisdom – 29 September - 13 October 2021 (inclusive)
- 3.3. Absent

4. MINUTES OF PREVIOUS MEETINGS

Council Meeting – 24 August 2021
That the minutes of the ordinary meeting held on 24 August 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. PRESIDING 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. Traffic Speed Review Woolcock Road Longwood
- 8.2. Deputations
 - 8.2.1. Dr Geoff Symonds re Rural Doctors & Medical Service provision
- 8.3. Public Forum

9. PRESENTATIONS (by exception)

Nil

10. QUESTIONS ON NOTICE

Nil

11. MOTIONS ON NOTICE

- 11.1. Letter of Thanks to former Governor Hieu Van Le AC – Mayor Jan-Claire Wisdom
That the Mayor writes to the Honourable Hieu Van Le AC, the retiring Governor of South Australia, and his wife Mrs Lan Le to thank them for their exceptional support of the Adelaide Hills community during the 2019-2020 Cudlee Creek and 2021 Cherry Gardens Bushfire emergencies and the ensuing recovery period and their continuing concern for the community during the current COVID-19 pandemic.
- 11.2. Rural Doctors – Cr Malcolm Herrmann
That the Council writes to the Hon the Premier requesting that the South Australian Government takes all actions possible to ensure that rural and regional communities can attract and retain doctors and other health professionals; copies of correspondence to be forwarded to the Member for Mayo, Rebekha Sharkie, the Member for Morialta, the Hon John Gardner and the Member for Schubert Stephan Knoll
- 11.3. Torrens Valley Road Speed Limit – Cr Malcolm Herrmann
That the CEO writes again to the Minister for Transport, requesting the Minister to review the decision to NOT reduce the speed limit on Torrens Valley Road Birdwood from the outskirts of Birdwood to the intersection with Randell Road.
- 11.4. Community Project Update – Cr Kirsty Parkin
That Council establishes additional, more accessible and visible reporting mechanisms to provide information on the progress of significant projects across the district for the community and associated sporting clubs and associations. This could include more detailed information on key milestones and target dates and would be made available on the Adelaide Hills Council website for easy accessibility. This information would be updated on at least a quarterly basis

12. ADMINISTRATION REPORTS – DECISION ITEMS

- 12.1.** Woodside Recreation Ground Reuse Proposal Environmental & Economic Analysis
1. *That the report be received and noted.*
 2. *To authorise the Chief Executive Officer or delegate to negotiate and be satisfied with the SA Water Recycled Water Agreement Terms and Conditions prior to proceeding with the project.*
 3. *Subject to a satisfactory outcome in 2 above commit \$400,000 to the Woodside Recreation Ground Reuse project and inform the Local Government Infrastructure Partnerships Program to proceed with a further Grant Deed for grant funds of \$327,000.*
 4. *To authorise the Chief Executive Officer and Mayor to execute all documentation, including under seal as necessary, to give effect to this resolution.*
 5. *To authorise the Chief Executive Officer or delegate to undertake any document changes required to execute the draft Grant Deed and associated documentation.*
- 12.2.** Roadside Trading Policy for Community Consultation
1. *That the report be received and noted*
 2. *To approve the draft Roadside Trading (Use of Public Road Verges for Business Purposes) Policy as contained in Appendix 1 for community consultation.*
 3. *That a further report be presented to Council for consideration following completion of the community consultation.*
- 12.3.** 2021-2022 Australian Government Black Spot Program – Funding Deeds
1. *That the report be received and noted.*
 2. *To execute the Funding Deeds as follows:*
 - a. *2021-2022 South Australia Black Spot Program – Warren Road, Lucky Hit Road and Martin Hill Road, Birdwood (\$572,000 GST Inclusive)*
 - b. *2021-2022 South Australia Black Spot Program – Montacute Road, Montacute (\$1,256,071 GST Inclusive)*
 - c. *2021-2022 South Australia Black Spot Program – Woods Hill Road, Ashton (\$332,200 GST Inclusive)*
 3. *The Chief Executive Officer and Mayor are authorised to sign and affix the seal of the Adelaide Hills Council to the respective Funding Deeds under the State Blackspot Program.*
 6. *To approve an increase in the 2021-22 capital expenditure budget of \$1,509,364 (GST Exclusive) offset by \$1,509,364 (GST Exclusive) in capital income for the Road Safety Program Capital project in accordance with the Funding Deeds.*
 7. *That Council notes that in signing the Deed, that \$440,000 (GST Exclusive) will be available to Council in the 2022-23 financial year to complete the intersection improvements at Warren Road, Lucky Hit Road and Martin Hill Road, Birdwood.*
 8. *That the CEO be authorised to write a letter of acknowledgement to the Hon Barnaby Joyce MP, Deputy Prime Minister and Minister for Infrastructure, Transport and Regional Development thanking the Federal Government for the Blackspot Funding Program.*

- 12.4. Policy Adoption - Privately Funded (Council-led) Code Amendments
1. *That the report be received and noted.*
 2. *With an effective date of 12 October 2021, to adopt the 'Privately Funded (Council-led) Code Amendment Request Policy' as contained in Appendix 2.*
 3. *That the Chief Executive Officer, or delegate, be authorised to make any formatting, nomenclature, or other minor changes to the Policy prior to the effective date.*
- 12.5. Policy Review – Mayor Seeking Legal Advice
1. *That the report be received and noted*
 2. *With an effective date of 11 October 2021, to revoke the 8 September 2015 Mayor Seeking Legal Advice Policy and to adopt the draft 28 September 2021 Mayor Seeking Legal Advice Policy as contained in Appendix 1.*
 3. *That the Chief Executive Officer be authorised to make any formatting, nomenclature or other minor changes to the 28 September 2021 Mayor Seeking Legal Advice Policy prior to the effective date.*
- 12.6. Policy Review – Directional Signage
1. *That the report be received and noted.*
 2. *With an effective date of 12 October 2021, to revoke the 12 March 2019 Directional Signage Policy and to adopt the draft September 2021 Directional Signage Policy.*
 3. *That the Chief Executive Officer be authorised to make minor content, grammatical and formatting amendments to the Directional Signage Policy prior to the effective date of adoption as contained in Appendix 1.*
- 12.7. Policy Review – Street Lighting
1. *That the report be received and noted.*
 2. *With an effective date of 12 October 2021, to revoke the 24 July 2018 Street Lighting Policy and to adopt the draft September 2021 Street Lighting Policy as contained in Appendix 1.*
 3. *That the Chief Executive Officer be authorised to make minor content, grammatical and formatting amendments to the Street Lighting Policy prior to the effective date of adoption.*
- 12.8. Status Report – Council Resolutions Update
Refer to Agenda Item

13. ADMINISTRATION REPORTS – INFORMATION ITEMS

- 13.1. Policy Register Review September 2021

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 – 8 September 2021
That the minutes of the CAP meeting held on 8 September 2021 as supplied, be received and noted.
- 17.2. Audit Committee
Nil
- 17.3. CEO Performance Review Panel
Nil

18. CONFIDENTIAL ITEMS

Nil

19. NEXT MEETING

Tuesday 26 October 2021, 6.30pm, 63 Mt Barker Road, Stirling

20. CLOSE MEETING

Council Meeting/Workshop Venues 2021

OCTOBER 2021			
Tues 12 October	Workshop	Woodside	N/A
Wed 13 October	CAP	TBA	Karen Savage
Mon 18 October	Audit Committee	Stirling	TBA
Mon 19 October	Professional Development	Stirling	N/A
Tues 26 October	Council	Stirling	Pam Williams
NOVEMBER 2021			
Tues 9 November	Workshop	Woodside	N/A
Wed 10 November	CAP	TBA	Karen Savage
Mon 15 November	Audit	Stirling	TBA
Thur 11 November	CEOPRP	Stirling	TBA
Tues 16 November	Professional Development	Stirling	N/A
Tues 23 November	Council	Stirling	Pam Williams
DECEMBER 2021			
Wed 8 December	CAP	TBA	Karen Savage
Tues 14 December	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 30 November	Gumeracha

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.