



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 26 October 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.

David Waters
A/Chief Executive Officer



ORDINARY COUNCIL MEETING

AGENDA FOR MEETING
Tuesday 26 October 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 – 28 September 2021

That the minutes of the ordinary meeting held on 28 September 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
Kristian Wehner & Mike Wybrow re flooding in Balhannah
- 8.3. Public Forum

9. PRESENTATIONS (by exception)

Nil

10. QUESTIONS ON NOTICE

Nil

11. MOTIONS ON NOTICE

- 11.1. Flooding in Balhannah – Cr Malcolm Herrmann

That the Acting CEO:

- 1. Advises the Chief Executive, Department for Infrastructure and Transport (DIT) of the situation regarding flooding to residents' homes at Junction Road Balhannah opposite the Balhannah Railway Station;*
- 2. Requests the Chief Executive DIT to take urgent action to ensure that homes are not flooded as result of storm water flowing from DIT land, and*
- 3. Requests the Chief Executive DIT to provide a work schedule for any necessary remedial works.*

12. ADMINISTRATION REPORTS – DECISION ITEMS

- 12.1. General Purpose Financial Statements

- 1. That the report be received and noted.*
- 2. That, in accordance with Section 127 of the Local Government Act 1999 and the Local Government (Financial Management) Regulations 1999, Council adopts the General Purpose Financial Statements for the financial year ended 30 June 2021.*
- 3. To authorise the Mayor and CEO to sign the General Purpose Financial Statements for the financial year ended 30 June 2021.*

- 12.2. Charleston Cemetery Compulsory Acquisition
- 1. That the report be received and noted.*
 - 2. To revoke the resolution of Council of 22 May 2001, B129.*
 - 3. To commence a process to compulsorily acquire, under the Land Acquisition Act 1969, the Charleston Cemetery being the land contained in Certificate of Title Volume 5066 Folio 740 located at 36 Newman Road Charleston from The Charleston Cemetery Trust Inc.*
 - 4. To continue to manage the Charleston Cemetery on behalf of The Charleston Cemetery Trust Inc in the interim from the date of this resolution until the completion of the land acquisition process.*
 - 5. To authorise the Mayor and Chief Executive Officer to undertake all necessary actions, including execution of documents, including under the common seal of Council, to give effect to this resolution.*
- 12.3. Single Use Plastic MON Response
- 1. That the report be received and noted*
 - 2. That the actions outlined in this report are implemented.*
- 12.4. Development Applications involving Regulated Trees Policy
- 1. That the report be received and noted.*
 - 2. To revoke the 25 June 2019 Development Applications Involving Regulated Trees Policy and to adopt the draft 26 October 2021 Development Applications Involving Regulated Trees Policy with an effective date of 9 November 2021*
- 12.5. Draft Bridge Asset Management Plan
- 1. That the report be received and noted.*
 - 2. That Council approve the Draft Bridge Asset Management Plan as per Appendix 3 for community consultation.*
- 12.6. Road Land Acquisition portion of Teringie Drive Teringie
- 1. That the report be received and noted.*
 - 2. To purchase Allotment 592 in Deposited Plan No. 127876 (Appendix 3) being an area of land totalling 88sqm identified in red on the Certificate of Title attached as Appendix 2 ("Land") from the land owner at 59 Teringie Drive, Teringie, for the purchase price of \$5,000 (excl GST) plus all reasonable costs to vest the Land as public road.*
 - 3. The Land being purchased to be excluded as Community Land pursuant to the Local Government Act 1999; and*
 - 4. That the CEO be authorised to sign all necessary documentation to give effect to this resolution.*

12.7. S221 Permit Redden Drive Cudlee Creek CFS Water Storage Tank

1. *That the report be received and noted.*
2. *To issue an exclusive road rent permit under section 221 of the Local Government Act 1999 for a term of thirty (30) years to the SA Country Fire Service for the purpose of installation of a water storage tank for the provision of water for fire fighting purposes.*
3. *Authorise the Chief Executive to finalise and sign all necessary documentation pursuant to give effect to this resolution.*

12.8. Service Review Framework

1. *That the report be received and noted.*
2. *To adopt the draft Service Review Framework- draft October 2021 as contained in Appendix 1.*

12.9. Policy Adoption - Information or Briefing Sessions

1. *That the report be received and noted.*
2. *With an effective date of 9 November 2021, to revoke the 21 April 2020 Informal Council and Council Committee Gatherings and Discussions Policy and to adopt the draft 26 October 2021 Information or Briefing Sessions Policy as contained in Appendix 1.*
3. *That the Chief Executive Officer be authorised to:*
 - a. *Make any formatting, nomenclature or other changes to the draft 26 October 2021 Information or Briefing Sessions Policy prior to the effective date and to give effect to any associated resolutions regarding the Policy; and*
 - b. *Make any nomenclature or other changes to any other Council policies that refer to informal gatherings or discussions to ensure consistency with the Information or Briefing Sessions Policy.*

12.10. Status Report – Council Resolutions Update
Refer to Agenda

13. ADMINISTRATION REPORTS – INFORMATION ITEMS

- 13.1. Disability Access & Inclusion Plan Annual Progress Report
- 13.2. Quarterly Performance Report Q1

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 – Special meeting 22 September 2021
That the minutes of the Special CAP meeting held on 22 September 2021 as supplied, be received and noted.
- 17.2. Council Assessment Panel – 13 October 2021
That the minutes of the CAP meeting held on 13 October 2021 as supplied, be received and noted.
- 17.3. Audit Committee - 18 October 2021
That the minutes of the Audit Committee meeting held on 18 October 2021 as supplied, be received and noted
- 17.4. CEO Performance Review Panel
No meeting held

18. CONFIDENTIAL ITEMS

- 18.1. Electricity Procurement - Legal Matter
- 18.2. Ashton Landfill (late item - to be provided separately)

19. NEXT MEETING

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

20. CLOSE MEETING

Council Meeting/Workshop Venues 2021

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.