



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 November 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 November 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 Leith Mudge 29 November to 10 December 2021
- 3.3. Absent

4. MINUTES OF PREVIOUS MEETINGS

Council Meeting – 26 October 2021
That the minutes of the ordinary meeting held on 26 October 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. Alison Howard, Mylor Oval Management Inc.
 - 8.2.2. Lindy Miller, Mylor Community Bike Reference Group
- 8.3. Public Forum

9. PRESENTATIONS (by exception)

Nil

10. QUESTIONS ON NOTICE

Nil

11. MOTIONS ON NOTICE

- 11.1. Cromer Cemetery Legal Access

I move that the CEO writes to the Minister for the Environment and Water requesting that the Department of the Environment and Water expedite a reply to Council in regard to legal access to the Cromer Cemetery.

- 11.2. Mylor Oval Bike Track

1. *That Physical work on the Mylor bike track proposed for development at Sherry Park and associated relocation of the cricket nets be postponed until:*
 - a. *An investigation is undertaken exploring:*
 - i. *Alternative options for the reduction in the size and scale, and movement of location of the bike track to allow more land to be kept for general use.*
 - ii. *Alternative options for the relocation of the cricket nets (beyond those already explored) that do not require the removal of the large poplar tree on the south-eastern side of the oval, that is of significance to members of the Mylor community.*
2. *That the principal stakeholder and tenant of the site, Mylor Oval Management Incorporated (MOMI) be further consulted regarding options and an agreement sought that addresses their concerns.*
3. *That a report be provided to the December 2021 Ordinary Council meeting with options for approval before further physical work proceeds.*

12. ADMINISTRATION REPORTS – DECISION ITEMS

12.1. Community Development Grants 2021 – 2022

1. *That the report be received and noted*
2. *That Council approves the awarding of Community Development Grants for 2021-2022 totalling \$42,460.45 as follows (refer to Agenda Item)*

12.2. Community & Recreation Facility Grants 2021-2022

1. *That the report be received and noted*
2. *That Council approves the awarding of Community Recreation and Facility Grants for 2021-2022 totalling \$99,662 as follows.
Refer to Agenda Item*

12.3. Memorials Policy – Community Engagement Outcomes and Adoption of Policy

1. *That the report be received and noted*
2. *With an effective date of 7 December 2021, to adopt the 23 November 2021 draft Memorials within Council Cemeteries 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 23 November 2021 draft Memorials within Council Cemeteries Policy prior to the effective date.*

12.4. Road 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 7sqm 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 \$1,000 (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.*

12.5. End of Year Financial Report

1. *The report be received and noted.*
2. *The 2020-21 End of Year Financial Results in comparison to budget have been appropriately considered by Council.*

12.6. CWMS Fee Adjustment

1. *That the report be received and noted*

2. *That it provides an efficiency dividend in total of \$143,880 to Community Waste Management Scheme (CWMS) Customers at \$71 per occupied property unit and \$35 per vacant property unit.*
 3. *That the CEO be authorised to distribute the dividend to customers via the most effective and efficient administration process, that being a credit to the rate notice in Quarter 3.*
- 12.7. Draft 2020 – 2021 Annual Report
1. *That the report be received and noted.*
 2. *The 2020-21 Annual Report, as contained in Appendix 1, be adopted.*
 3. *That the Chief Executive Officer be authorised to make minor content, formatting or design changes necessary for publication purposes.*
- 12.8. 2021 – 2022 Budget Review 1
1. *That the report be received and noted.*
 2. *To adopt the proposed budget adjustments presented in the 2021-22 Budget Review 1 which result in:*
 - a. *An increase in the Operating Surplus from \$957k to \$1.115m for the 2021-22 financial year.*
 - b. *Changes to Capital Works, reducing capital income by \$259k and increasing capital expenditure by \$757k for the 2021-22 financial year resulting in a revised capital expenditure budget for 2021-22 of \$27.236m.*
 - c. *An increase in Council's current Net Borrowing Result from \$6.460m to \$7.348m for the 2021-22 financial year as a result of the proposed operating and capital adjustments.*
- 12.9. CWMS Expansion Financial Impact Report
1. *That the report be received and noted*
 2. *That Council withdraw from the current LGA CWMS Subsidy Scheme Program*
- 12.10. Election of Deputy Mayor
1. *That the report be received and noted.*
 2. *To determine that the method of selecting the Deputy Mayor be by an indicative vote to determine the preferred person utilising the process set out in this Agenda report.*
 3. *To adjourn the Council meeting for the purposes of seeking nominations for and, if necessary, conducting an indicative vote to determine the preferred person for the Deputy Mayor's role and for the meeting to resume once the results of the indicative vote have been declared.*
 4. *To appoint Cr..... to the position of Deputy Mayor to commence 27 November 2021 until the conclusion of the current Council term.*

12.11. Election of Audit Committee Presiding Member

1. *That the report be received and noted*
2. *To determine that the method of selecting the Audit Committee Presiding Member to be by an indicative vote to determine the preferred person utilising the process set out in this Agenda report.*
3. *To adjourn the Council meeting for the purposes of seeking nominations for and, if necessary, conducting an indicative vote to determine the preferred person for the Audit Committee Presiding Member role and for the meeting to resume once the results of the indicative vote have been declared.*
4. *To appoint _____ to the position of Audit Committee Presiding Member for a _____ (12 or 24) month term to commence 27 November 2021 and conclude on 26 November 2022 / 28 November 2023 inclusive (or at the conclusion of the Council Term 2022 or if desired a longer specified period if an Independent Presiding Member is appointed).*

12.12. Emergency Relief Fund

1. *That the report be received and noted.*
2. *That having considered the potential benefits to the community against the administrative impacts and potential detriment to other funds, the Council does not move to establish an emergency relief fund at this time.*
3. *That in the event of a disaster, the Council actively promotes and supports appeals for other disaster relief funds which will provide support to impacted people and communities in the district.*

12.13. Playford Trust Scholarship

1. *That the report be received and noted.*
2. *That the Mayor write to the Playford Trust, thanking the Trust for past opportunities and advising that the Council does not wish to fund a Playford Trust scholarship in 2022.*

12.14. Southern & Hills Local Government Association Charter

1. *That the report be received and noted*
2. *That the Southern & Hills Local Government Association's approval of the revised draft Charter be noted.*
3. *That the amended draft Charter, as contained in Appendix 2, be approved.*

12.15. Status Report – Council Resolutions Update
Refer to Agenda Item

13. ADMINISTRATION REPORTS – INFORMATION ITEMS
Nil

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 November 2021
That the minutes of the CAP meeting held on 10 November 2021 as supplied, be received and noted.
- 17.2. Audit Committee - 15 November 2021
That the minutes of the Audit Committee meeting held on 15 November 2021 as supplied, be received and noted
- 17.2.1 Audit Committee Presiding Members Report
That the report be received and noted
- 17.3. CEO Performance Review Panel – 11 November 2021
That the minutes of the CEO PRP meeting held on 11 November 2021 as supplied, be received and noted.

18. CONFIDENTIAL ITEMS

Nil

19. NEXT MEETING

Tuesday 14 December 2021, 6.30pm, 63 Mt Barker Road, Stirling

20. CLOSE MEETING

Council Meeting/Workshop Venues 2021/2022

DATE	TYPE	LOCATION	MINUTE TAKER
DECEMBER 2021			
Wed 8 December	CAP	TBA	Karen Savage
Tues 14 December	Council	Stirling	Pam Williams
JANUARY 2022			
Wed 12 January	CAP	TBA	Karen Savage
Tues 25 January	Council	Stirling	Pam Williams
FEBRUARY 2022			
Tues 8 February	Workshop	Woodside	N/A
Wed 9 February	CAP	TBA	Karen Savage
Mon 14 February	Audit Committee	Stirling	TBA
Tues 15 February	Professional Development	Stirling	N/A
Thur 17 February	CEO PRP	Stirling	TBA
Tues 22 February	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.

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.