



ORDINARY COUNCIL MEETING

NOTICE OF MEETING

To: Mayor Jan-Claire Wisdom

Councillor Ian Bailey
Councillor Kirilee 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 January 2022
6.30pm
Zoom Virtual Meeting Room

Notice of this meeting is supplied to Council Members under Section 83 of the Act.

Public notice of this meeting is supplied under Section 84 of the Act.

Following amendments to s90 of the Act, this meeting of the Council is taken to be conducted in a place open to the public given that the Council Members will be participating via electronic means and the public can access a live stream of the meeting via the link contained on Council's website.

Andrew Aitken
Chief Executive Officer



ORDINARY COUNCIL MEETING

AGENDA FOR MEETING
Tuesday 25 January 2022
6.30pm
Zoom Virtual Meeting Room

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 Pauline Gill, 14 December 2021 to 1 February 2022 approved at Council meeting 14 December 2021

3.3. Absent

4. MINUTES OF PREVIOUS MEETINGS

Council Meeting – 14 December 2021

That the minutes of the ordinary meeting held on 14 December 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
Nil
- 8.3. Public Forum
Public Forums are not conducted during electronic meetings

9. PRESENTATIONS (by exception)

Nil

10. QUESTIONS ON NOTICE

Nil

11. MOTIONS ON NOTICE

- 11.1. Randell's Cottages, Gumeracha – Cr Malcolm Herrmann
I move that the CEO provides a report to the April council meeting on options for the future of Randell's Workmen's Cottages, Beavis Court, Gumeracha. Such options to include separation of the cottage land from the reserve, council's current investment in the preservation of the buildings and possible end use.

12. ADMINISTRATION REPORTS – DECISION ITEMS

- 12.1. Amy Gillett Bikeway
 - 1. *That the report be received and noted.*
 - 2. *To authorise that the CEO or his delegate enter into a funding "Deed of Agreement" with the Federal Department of Infrastructure, Transport, Regional Development and Communications.*
 - 3. *To authorise the CEO to progress the finalisation of a draft Lease/Licence Agreement to construct the bikeway infrastructure on State Government land with the State Department for Infrastructure and Transport, to be brought back to Council for endorsement and affixing of the Common Seal.*
 - 4. *To authorise the CEO to progress the finalisation of a draft Maintenance Agreement with the State Department for Infrastructure and Transport, to be brought back to Council for endorsement and affixing of the Common Seal.*

- 12.2. Wastewater Application Fee Refund Policy Update
 1. *That the report be received and noted.*
 2. *With an effective date of 8 February 2022, to revoke the 18 December 2018 Wastewater Application Fee Refund Policy and to adopt the draft 25 January 2022 Wastewater Application Fee Refund 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 draft 25 January 2022 Wastewater Application Fee Refund Policy prior to the effective date.*
- 12.3 Council Assessment Panel (CAP) Membership
 1. *That the report be received and noted.*
 2. *That the term of the current Council Member (Cr John Kemp) and Deputy Council Member (Cr Leith Mudge) on the Council Assessment Panel be extended to the end of the Council term.*
 3. *To undertake a recruitment process for an Independent Presiding Member and three (3) Independent Ordinary Members of the Council Assessment Panel for a term commencing 1 June 2022 and concluding 31 May 2024 (inclusive).*
 4. *To appoint _____ and _____ and the CEO (or delegate) as members of the Council Assessment Panel Independent Member Selection Panel.*
- 12.3. Revocation of Building and Swimming Pool Inspection Policy
 1. *That the report be received and noted.*
 2. *That Council revokes the Building and Swimming Pool Inspection Policy (Appendix 1) with an effective date of 25 January 2022.*
- 12.4. Revocation of Liquor Licensing Policy
 1. *That the report be received and noted.*
 2. *That Council revokes the Liquor Licensing Policy (Appendix 1) with an effective date of 25 January 2022.*
- 12.5. Updating Arrangements for Building Fire Safety Committee Members
 1. *That the report be received and noted.*
 2. *To appoint the following members to the Adelaide Hills Building Fire Safety Committee as the appropriate Authority for the purposes of Section 157 (17) of the Planning, Development and Infrastructure Act 2016 commencing on 27 January 2022 and expiring on 31 May 2022:*
 - a. *Louis Palumbo, Team Leader Building Services as an authorised Council Officer with expertise and qualifications in building surveying and fire safety; and*
 - b. *Tom Warneke, Building Officer as the Council representative with Catherine Clare, Building Officer appointed as deputy member.*
 3. *To appoint Louis Palumbo as the Presiding Member of the Building Fire Safety Committee.*
 4. *With an effective date of 27 January 2022, to revoke the 26 September 2017 Building Fire Safety Committee Terms of Reference and to adopt the draft Building Fire Safety Committee Terms of Reference as contained in Appendix 1.*

- 12.6. Service Review Brief – Civil Services
 - 1. *That the report be received and noted*
 - 2. *To adopt the draft Service Review Brief – Civil Services as contained in Appendix 1*
 - 3. *That the Chief Executive Officer be authorised to make minor changes to the draft Service Review Brief – Civil Services arising from the Council's consideration of the matter.*
- 12.7. Delegations Review January 2022
 - 1. *That the report be received and noted*
 - 2. *That, having considered a review of Council's Delegations as presented, the Council hereby revokes its previous delegations to the Chief Executive Officer of those powers and functions under the following Acts: (refer to agenda)*
- 12.8. Status Report – Council Resolutions Update
Refer to Agenda

13. ADMINISTRATION REPORTS – INFORMATION ITEMS

- 13.1. Council Quarterly Performance Report Q2
Council resolves that the report be received and noted.

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 January 2022
That the minutes of the CAP meeting held on 12 January 2022 as supplied, be received and noted.
- 17.2. Audit Committee
No meeting held
- 17.3. CEO Performance Review Panel
No meeting held

18. CONFIDENTIAL ITEMS

18.1. Audit Committee Independent Member Vacancy

19. NEXT MEETING

Tuesday 22 February 2022, 6.30pm, 63 Mt Barker Road, Stirling or Zoom Virtual Meeting Room

20. CLOSE MEETING

Council Meeting/Workshop Venues 2022

Dates, times & venues to be confirmed

DATE	TYPE	LOCATION	MINUTE TAKER
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
Thurs 17 February	CEO Performance Review	Stirling	TBA
Tues 22 February	Council	Stirling	Pam Williams
MARCH 2022			
Tues 8 March	Workshop	Woodside	N/A
Wed 9 March	CAP	TBA	Karen Savage
Tues 15 March	Professional Development	Stirling	N/A
Tues 22 March	Council	Stirling	Pam Williams
APRIL 2022			
Tues 12 April	Workshop	Woodside	N/A
Wed 13 April	CAP	TBA	Karen Savage
Wed 20 April	Audit Committee	Stirling	TBA
Tues 19 April	Professional Development	Stirling	N/A
Tues 26 April	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 2022

6.00 for 6.30pm

(dates and venues to be confirmed)

DATE	LOCATION

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 purpose
 - the 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 depute 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.