



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 22 March 2022
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
18 March 2022



ORDINARY COUNCIL MEETING

AGENDA FOR MEETING
Tuesday 22 March 2022
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 Kurna 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 – 22 February 2022

That the minutes of the ordinary meeting held on 22 February 2022 as supplied, be confirmed as an accurate record of the proceedings of that meeting.

Special Council Meeting - 1 March 2022

That the minutes of the special meeting held on 1 March 2022 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
 - 8.1.1. Development at 160 Longwood Road Heathfield
- 8.2. Deputations
 - 8.2.1. John Hill re Passenger Rail Commuter Transport
 - 8.2.2. Dawn Davis re lease for road reserve, Waverley Ridge Road, Crafers West
- 8.3. Public Forum

9. PRESENTATIONS (by exception)

Nil

10. QUESTIONS ON NOTICE

- 10.1. Response from SA Water re Fire Hydrant Locations (Cr John Kemp)
- 10.2. Parking Time Limits adjacent Stirling Hospital (Cr John Kemp)

11. MOTIONS ON NOTICE

- 11.1. Parking Time Limits adjacent Stirling Hospital (Cr John Kemp)

12. ADMINISTRATION REPORTS – DECISION ITEMS

- 12.1. S221 Permit 63 Waverley Ridge Road Crafers West

1. *That the report be received and noted*
2. *To issue an Alteration of Road Permit to the land owner of 63 Waverley Ridge Road, Crafers West for a term of twenty five (25) years, in accordance with the provisions of s 221 of the Local Government Act 1999.*
3. *Authorise the Chief Executive to finalise and sign all necessary documentation pursuant to this resolution.*

12.2. Motion on Notice - Bore Use

1. *That the report be received and noted*
2. *To negotiate an agreement with the Summertown Village Water Company for access to the Council bore located on Anya Crescent Reserve at Summertown for a defined period, being not more than 3 years, on terms and conditions to be agreed whereby by the end of the agreement term, the Summertown Village Water Company has established an independent water supply for its shareholders and current use of the Council bore ceases*
3. *To negotiate an in principle agreement with the Summertown Community Centre Inc. for a land exchange at Tregarthen Reserve Summertown that would see the public infrastructure located on land owned by the Council and the sport and recreation infrastructure on land owned by the Summertown Community Centre Inc. with the Council being responsible for the provision of water to Tregarthen Reserve*
4. *To negotiate an agreement with the owner of 30 Stonehenge Avenue Stirling, for access to and use of the bore located on Council land at 28 Stonehenge Avenue Stirling, for a defined reasonable period of time, say 18 – 24 months, on terms and conditions to be agreed whereby by the end of the agreement, the landowner has established an independent water supply for its land and use of the Council bore ceases*
5. *To undertake further investigations in relation to the Mylor bore and tanks and which properties it supplies water to and provide a report back to Council*

12.3. Remoteness Sculpture

1. *That the report be received and noted.*
2. *That the sculpture known as The Remoteness, be removed from the area in front of the Coventry Library, Stirling.*
3. *That best endeavours should be made to retain suitable elements of the sculpture for placement in the surrounding landscape in a manner appropriate to the setting, such as for informal seating.*
4. *That the Council works with the Stirling Business Association and stakeholders from the former Adelaide Hills International Sculpture Symposium Inc to identify and implement appropriate means of recognising the sculpture and ensuring its legacy is not lost to the precinct in which it is presently situated and the overall Hills Sculpture Trail.*

12.4. Libraries Strategy

1. *That the report be received and noted.*
2. *To approve the Draft Libraries Strategy, as contained in Appendix 1 as a draft for public consultation purposes.*
3. *That the CEO be authorised to make any formatting, nomenclature or other minor changes to the Strategy prior to it being released for public consultation.*
4. *That the CEO be authorised to determine the dates and method of the public consultation.*
5. *That the outcomes of the consultation be reported back to the Council as part of considering the adoption of a final Libraries Strategy.*

12.5. Local Roads and Community Infrastructure Phase 3
Refer to agenda item

12.6. CEO Performance Review Process and Schedule

1. *That the report be received and noted.*
2. *To undertake the 2022 CEO Performance Review and Remuneration Review using an external consultant.*
3. *That the 2022 CEO Performance Review Panel (CEOPRP) Meeting and Process Schedule – External (Caretaker Period) as contained in Appendix 2, be adopted and the CEOPRP Presiding Member be delegated to amend the Process Schedule meeting/workshop dates as required in consultation with the Administration.*

12.7. Advisory Group Operations Policy Review

1. *That the report be received and noted*
2. *With an effective date of 5 April 2022, to revoke the 18 December 2018 Advisory Group Operation and Conduct Policy and to adopt the 22 March 2022 Advisory Group Operation and Conduct Policy.*
3. *That the Chief Executive Officer be authorised to make any formatting, nomenclature or other minor changes to the 22 March 2022 Advisory Group Operation and Conduct Policy prior to the effective date.*

12.8. Adelaide Hills Region Waste Management Authority Board Nomination

DECISION ONE

1. *That the report be received and noted*
2. *To progress with a Council Officer or Council Member nomination(s) for a skills based Board Member for the Adelaide Hills Region Waste Management Authority.*

DECISION TWO

1. *To determine that the method of selecting the Authority Board Member and Deputy appointee(s) to be by an indicative vote to determine the preferred person(s) utilising the process set out in this Agenda report.*
2. *To adjourn the Council meeting for the purposes of seeking nominations for and, if necessary, conducting an indicative vote to determine the preferred persons for the Authority Board Member and Deputy appointee(s) and for the meeting to resume once the results of the indicative voting has been declared.*

DECISION THREE

1. *To nominate as the Board Member appointee for a two –year term and as the Deputy Board Member appointee for a two –year term.*
2. *To authorise the Chief Executive Officer to advise the Authority’s Executive Officer of Council’s nominations.*

12.9. Caretaker Policy Review

1. *That the report be received and noted*
2. *With an effective date of 06 April 2022, to revoke the 05 June 2018 Caretaker Policy and to approve the draft 22 March 2022 Caretaker 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 22 March 2022 Caretaker Policy prior to the effective date.*

12.10. Nomination to Libraries Board

1. *That the report be received and noted.*
2. *To determine that the method of selecting the nominee to the LGA for the Libraries Board of South Australia 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 nomination and for the meeting to resume once the results of the indicative vote have been declared.*
4. *To endorse the nomination(s) of _____ for the Libraries Board of South Australia and authorise the Chief Executive Officer to lodge the completed nomination form(s) to the Local Government Association by COB 21 December 2021.*

12.11. Code of Practice for Meeting Procedures Review

1. *That the report be received and noted*
2. *With an effective date of 5 April 2022, to revoke the 25 January 2020 Code of Practice for Council Meeting Procedures and to adopt the 22 March 2022 Code of Practice for Council Meeting Procedures.*
3. *That the Chief Executive Officer be authorised to make any formatting, nomenclature or other minor changes to the 22 March 2022 Code of Practice for Council Meeting Procedures prior to the effective date.*
4. *To note that 28 days following the cessation of the Public Health Emergency Declaration, the legislative provisions for participation by electronic means will cease and the Code of Practice for Council Meeting Procedures and all other Council policies that refer to the Public Health Emergency Declaration and/or Electronic Participation in Council Meetings Notice (No 5) 2021 will be revised accordingly.*

12.12. Confidential Items Review March 2022

Refer to agenda item

12.13. Status Report – Council Resolutions Update

Refer to agenda item

13. ADMINISTRATION REPORTS – INFORMATION ITEMS

- 13.1. Policy Register Review March 2022

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 – 9 March 2022
That the minutes of the CAP meeting held on 9 March 2022 as supplied, be received and noted.
- 17.2. Audit Committee
Nil
- 17.3. CEO Performance Review Panel – 17 February 2022
That the minutes of the CEOPRP meeting held on 17 February 2022 as supplied, be received and noted.

18. CONFIDENTIAL ITEMS

Nil

19. NEXT MEETING

Tuesday 26 April 2022, 6.30pm, 63 Mt Barker Road, Stirling

20. CLOSE MEETING

Council Meeting/Workshop Venues 2022

DATE	TYPE	LOCATION	MINUTE TAKER
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
MAY 2022			
Tues 10 May	Workshop	Woodside	N/A
Wed 11 May	CAP	TBA	Karen Savage
Thur 12 May	CEOPRP	Stirling	TBA
Tues 17 May	Professional Development	Stirling	N/A
Mon 23 May	Audit Committee	Stirling	TBA
Tues 24 May	Council	Stirling	Pam Williams
JUNE 2022			
Wed 8 June	CAP	TBA	Karen Savage
Tues 14 June	Workshop	Woodside	N/A
Tues 21 June	Professional Development	Stirling	N/A
Tues 28 June	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
Tues 29 March	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 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 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.