



## 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 26 April 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.

**David Waters**  
**A/Chief Executive Officer**



## ORDINARY COUNCIL MEETING

**AGENDA FOR MEETING**  
**Tuesday 26 April 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 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 Cr Leith Mudge and Cr Andrew Stratford
- 3.2. Leave of Absence  
Cr Leith Mudge 26 April – 8 May 2022  
Cr Andrew Stratford 26 April – 10 May 2022  
Mayor Jan-Claire Wisdom 1 June – 15 June 2022
- 3.3. Absent

**4. MINUTES OF PREVIOUS MEETINGS**

Council Meeting – 22 March 2022  
*That the minutes of the ordinary meeting held on 22 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. Property at Lobethal Road Lenswood
  - 8.1.2. Randell's Cottages, Gumeracha
- 8.2. Deputations  
Nil
- 8.3. Public Forum

**9. PRESENTATIONS (by exception)**

- 9.1. David Hitchcock, Gawler River Floodplain Management Authority

**10. QUESTIONS ON NOTICE**

Nil

**11. MOTIONS ON NOTICE**

- 11.1. Property on Lobethal Road Lenswood – Cr Chris Grant, Confidential Item
- 11.2. Gumeracha Soldiers Memorial Hospital Emergency Department – Cr Malcolm Herrmann
  - 1. *The Mayor writes to the Premier the Hon Peter Malinauskas outlining previous representations made by the Council in respect to reinstatement of the Emergency Department at the Gumeracha District Soldiers Memorial Hospital and requesting that his newly elected government commit to reopening the facility at the earliest opportunity.*
  - 2. *Copies of the representation be provided to the Member for Mayo and the Member for Schubert*

**12. ADMINISTRATION REPORTS – DECISION ITEMS**

12.1. GRFMA Annual Business Plan 2022-2023

1. *That the report be received and noted*
2. *To advise the Board of the Gawler River Floodplain Management Authority that it has reviewed its 2022-23 Annual Business Plan and approves the Adelaide Hills Council's contribution of \$29,167 as set out in the draft 2022-23 Budget.*

12.2. 2022-2023 Long Term Financial Plan for Adoption

1. *That the report be received and noted*
2. *To adopt the 2022-23 Long Term Financial Plan, as contained in Appendix 1 to this report, in accordance with Section 122 of the Local Government Act 1999.*

12.3. Land Purchase 8 St John Road Norton Summit

1. *That the report be received and noted*
2. *In conjunction with The Synod of the Diocese of Adelaide of the Anglican Church of Australia ("the Church"), undertake a boundary realignment to alter the boundaries between the land located at 2 St John Road Norton Summit owned by Council and the land located at 8 St John Road Norton Summit owned by the Church, with the effect of Council purchasing from the Church an area of approximately 2705m<sup>2</sup> for the amount of \$175,000 exclusive of GST*
3. *To allocate funding in 2022/23 budget for the purchase of the land in the amount of \$175,000 exclusive of GST plus \$16,175 for the Council's proportion of purchase and land division costs*
4. *To update the Council's Community Land Register to reflect the additional area of land vesting in Council and to develop a Community Land Management Plan for the site*
5. *To delegate to the CEO to all do things necessary, including sign all documents to give effect to this resolution*

12.4. Trails and Cycling Routes Framework

1. *That the report be received and noted*
2. *To receive and note the Recreation Trails and Cycling Routes Management Framework Community Engagement Outcomes Report contained in Appendix 1.*
3. *To adopt the draft Trails and Cycling Routes Framework in its entirety, including the draft Trails and Cycling Routes Service Levels (Rev. C) contained in Appendix 2 and the draft Trails and Cycling Routes Guidelines for Maintenance and Upgrades (Rev. B) contained in Appendix 3.*

12.5. Free Camping Expression of Interest

1. *That the report be received and noted.*
2. *That the Council support, in principle, the installation of an RV Dump Point at the Johnston Memorial Park in 2022-23 with up to \$15,000 provided by the Council on the condition that funding for the RV Dump Point unit itself is provided by the Campervan & Motorhome Club of Australia, or sourced elsewhere.*
3. *That the Council support, in principle, the installation of an RV Dump Point at the Mount Torrens Hotel in 2022-23 with up to \$10,000 provided by the Council on the condition that funding for the RV Dump Point unit itself is provided by the Campervan & Motorhome Club of Australia, or sourced elsewhere.*
4. *That the remaining \$5,000 (from a total allocation of \$30,000), be allocated as a contingency to spend as required across either or both sites and/or on incidental costs such as road signage to promote the new sites.*
5. *That the Council in recognising its in principle support notes that other statutory processes, such as development approval and community land use processes, may need to be undertaken and are subject to separate processes.*
6. *That the Chief Executive Officer, or delegate, be authorised to work with the applicable parties to progress the matter, including seeking statutory approvals, finalising agreements and contracts etc. as required to progress the establishment of the facilities.*

12.6. Heathfield Resource Recovery Centre Management Agreement

1. *That the report be received and noted.*
2. *That the Heathfield Resource Recovery Centre Management Agreement with the Adelaide Hills Region Waste Management Authority be extended for a five year period pursuant with renewal provisions within the existing agreement.*
3. *To delegate to the Chief Executive Officer the authority to negotiate any minor amendments required to the Heathfield Resource Recovery Centre Management Agreement and to give effect to resolution 2 above.*

12.7. Options for Randell's Workmen's Cottages, Gumeracha

1. *That the report be received and noted.*
2. *To rescind parts 3 to 6 of resolution numbered 77/19 of 26 March 2019 thereby removing the requirement to pursue a land division application and Expression of Interest process for the reuse of the Randell's Workmen's Cottages for tourist accommodation or some other use.*
3. *That the Administration undertakes further scoping and costing for option 4, as outlined in this report, for undertaking minor works on the cottages to prevent further deterioration.*
4. *That the results of the scoping and costing exercise be considered as part of the 2023/24 budget preparation process.*

12.8. Lobethal Bushland Park

1. *That the report be received and noted.*
2. *That in light of the change of government since representations were initially made by former Minister David Spiers, the Mayor writes to the recently appointed Minister for Climate, Environment and Water, the Hon Susan Close MP to ascertain whether the Minister wishes to explore the potential for Lobethal Bushland Park to be transferred to the State Government and declared as a Conservation Park.*
3. *That if the new Minister is interested in considering the matter, that the Chief Executive Officer, or delegate, further discussions with the Department of Environment and Water to explore the various options and implications for any potential transfer, with the outcomes brought back to Council for a decision on further action.*
4. *That Council affirms its commitment to engagement with key stakeholders including local community, community groups and volunteer based organisations involved with Lobethal Bushland Park, as part of any subsequent processes associated with the matter.*

12.9. Review of Council Assessment Panel Sitting Fees

1. *That the report be received and noted*
2. *To determine the sitting fees for Members, effective from the commencement of the next term of Members, as follows:*
  - i. *Independent Presiding Member - \$550 (excl GST) per attended meeting*
  - ii. *Independent Ordinary Member - \$420 (excl GST) per attended meeting*
  - iii. *Council Member or Deputy Council Member - \$210 (excl GST) per attended meeting*
  - iv. *Authorised Training - \$75 (excl GST) per hour of training attended, excluding travel time*
3. *That in the event an Independent Ordinary Member is required to preside at a meeting in the absence of the Presiding Member, that member will receive the Presiding Member sitting fee of \$550 (excl GST) for that meeting.*
4. *The above mentioned sitting fees be reviewed prior to the next appointment of CAP Members in 2024.*
5. *To adopt the updated Council Assessment Panel Terms of Reference as contained in Appendix 2.*

12.10. Review of 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 1 June 2022 and expiring on 31 May 2025:*
  - a. *Louis Palumbo, Team Leader Building Services as an authorised Council Officer with expertise in the area of fire safety, and*
  - b. *Colin Paton, Senior Fire Safety Officer – Country Fire Service as an authorised officer under Part 3 Division 5 or Section 86 of the Fire and Emergency Services*

*Act 2005, who has been approved by the Chief Officer of the Country Fire Service, and*

- c. Tom Warneke, Building Officer as a person who holds prescribed qualifications in building surveying.*
- 6. To appoint Louis Palumbo as the Presiding Member of the Building Fire Safety Committee.*

12.11. Policy Review - Tree Management

- 1. That the report be received and noted.*
- 2. With an effective date of 10 May 2022, to revoke the 9 April 2019 Tree Management Policy and to adopt the draft April 2022 Tree Management Policy.*
- 3. That the Chief Executive Officer be authorised to make minor content, grammatical and formatting amendments to the Tree Management Policy prior to the effective date of adoption.*

12.12. Policy Review - Tributes for Commemorative Services

- 1. That the report be received and noted*
- 2. That with an effective date of 10 May 2022 to revoke the 24 July 2018 Tributes for Commemorative Services Policy and adopt the April 2022 Tributes for Commemorative Services Policy contained in Appendix 1.*

12.13. Status Report – Council Resolutions Update  
*Refer to Agenda*

**13. ADMINISTRATION REPORTS – INFORMATION ITEMS**

- 13.1. Quarterly Council Performance Report Q3 2021-22

**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 – 13 April 2022  
*That the minutes of the CAP meeting held on 13 April 2022 as supplied, be received and noted.*
  
- 17.2. Audit Committee - 20 April 2022  
*That the minutes of the Audit Committee meeting held on 20 April 2022 as supplied, be received and noted.*
  
- 17.3. CEO Performance Review Panel  
*Nil*

**18. CONFIDENTIAL ITEMS**

- 18.1. Appointment of CAP Independent Members
- 18.2. Adelaide Hills Region Waste Management Authority appointment of Independent Presiding Member

**19. NEXT MEETING**

Tuesday 24 May 2022, 6.30pm, 63 Mt Barker Road, Stirling

**20. CLOSE MEETING**



## Council Meeting/Workshop Venues 2022

DATE	TYPE	LOCATION	MINUTE TAKER
<b>MAY 2022</b>			
Tues 3 May	Special Council Meeting (to be confirmed)	Stirling	Pam Williams
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
<b>JUNE 2022</b>			
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
<b>JULY 2022</b>			
Tues 12 July	Workshop	Woodside	N/A
Wed 13 July	CAP	TBA	Karen Savage
Tues 19 July	Professional Development	Stirling	N/A
Tues 26 July	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

# 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

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*For full details, see Code of Practice for Meeting Procedures on [www.ahc.sa.gov.au](http://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

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*For full details, see Code of Practice for Meeting Procedures on [www.ahc.sa.gov.au](http://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.