



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 July 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.

A handwritten signature in blue ink, appearing to read 'Andrew Aitken', is written over a light blue horizontal line.

Andrew Aitken
Chief Executive Officer



ORDINARY COUNCIL MEETING

AGENDA FOR MEETING
Tuesday 26 July 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

1 That a Leave of Absence from all duties of office be granted to Cr Chris Grant from 29 July to 26 September 2022.

3.3. Absent

4. MINUTES OF PREVIOUS MEETINGS

Council Meeting – 28 June 2022

That the minutes of the ordinary meeting held on 28 June 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
Nil
- 8.2. Deputations
 - 8.2.1. Adelaide Hills Rally - Andrew Admiraal
- 8.3. Public Forum

9. PRESENTATIONS (by exception)

- 9.1. Adelaide Hills Tourism Update – Martin Radcliffe and Tanya Jarman

10. QUESTIONS ON NOTICE

- 10.1. Short Term Tourist Accommodation – Cr Kirsty Parkin
- 10.2. Lobethal Bushland Park – response from State Government – Cr Malcolm Herrmann

11. MOTIONS ON NOTICE

- 11.1. Campbelltown City Council Boundary Reform Proposal Oversight by CEO Performance Review Panel – Cr Mark Osterstock
- 11.2. Speed Limit Review Cudlee Creek – Cr Malcolm Herrmann

12. ADMINISTRATION REPORTS – DECISION ITEMS

- 12.1. Support for Road Closures 2022 Adelaide Hills Rally
 - 1. *That the report be received and noted.*
 - 2. *That, in relation to the 2022 Adelaide Hills Rally, Council supports the event contingent on the organisers, to the satisfaction of the Chief Executive Officer:*
 - a. *Complying with Council’s Festivals and Events Policy – Guideline No. 1 for Competitive Motoring Events*
 - b. *Providing evidence of satisfactory insurance to cover any damage to third party property caused by the event*
 - c. *Entering into a road repair agreement with Council to cover any rectification works required as a result of damage caused by the event*
 - d. *Providing confirmation that the affected business owners are aware of the road closures*
 - e. *Providing written confirmation that the concerns raised by affected residents and businesses have been addressed (noting that not all concerns can necessarily be addressed to the satisfaction of all residents and businesses) and that the event organisers will make their best endeavours*

- to arrange for egress and ingress to those properties within the event where possible where a pressing need has been advised in advance*
- f. Written confirmation from the organisers that they will erect advance notice of road closures on the affected roads, at least three weeks prior to the event*
 - g. Providing evidence of satisfactory procedures for enabling emergency services access to properties on the event route at all times.*
3. *That subject to the requirements of Item 2. being undertaken, Council provides consent for road closure orders in relation to Stage 2 of the event, to be held on Saturday 22 October 2022 as follows:*
- a. Charligate Stage (Charleston)
Closure 10:30am – 4:00pm
Harrison Road, Kings Road, Burnley Road, Teakles Road, Lewis Road, Bell Springs Road and Warmington Run closed – from Quarry Road to Hollows Road (then continued into Mount Barker District Council)*
 - b. Blumberg Creek Stage (Mt Torrens and Birdwood)
Closure 10:00am – 3:30pm
(From Mid-Murray Council) Hanham Road, Mcvitties Road, Number Four Road and Burton Road closed – from R Hicks Road to Onkaparinga Valley Road.*
4. *That the Council confirms that the Chief Executive Officer may use existing powers under delegation to consider, and determine whether or not to provide consent to, any proposals for changes to the road closures in the lead up to the event, so long as the overall scope of the event road closures remains similar to the proposal described above.*

12.2. Parking Time Limit adjacent Stirling Hospital

- 1. That the report be received and noted*
- 2. To retain the current parking restrictions in the vicinity of the Stirling Hospital and to monitor the situation while managing parking controls as per normal operational practices.*

12.3. S221 Permit CFS Last Refuge Signage within Council

- 1. That the report be received and noted*
- 2. To issue a Section 221 (Road Rent) Permit to the SA Country Fire Service, in accordance with the provisions of the Local Government Act 1999, which is sought for the occupation of portion of road reserves located adjacent to Houghton Oval, Kersbrook Oval, Birdwood Oval, Mount Torrens and Gumeracha Ovals for the purposes of the installation of CFS “Bushfire Last Resort Refuge” signage.*
- 3. Authorise the Chief Executive to finalise and sign all necessary documentation pursuant to this resolution.*

12.4. Road Closures Young Drivers Awareness Course 2022-2023

1. *That the report be received and noted*
2. *To, pursuant to Section 33(1) of the Road Traffic Act 1961 and Clause G of the Instrument of General Approval of the Minister dated 22 August 2013:*
 - a. *Declare that the Driver Education Program that is to take place on Newman Road, Charleston is an event to which Section 33 of the Road Traffic Act 1961 applies.*
 - b. *Make an order directing that a section of Newman Road, Charleston, between Five Lanes Road and Lewis Road, be closed to traffic for the period between 9.00am and 6.00pm on Wednesday 12 October 2022, and 9.00am and 6.00pm Wednesday 26 April 2023.*
 - c. *Make an order directing that persons taking part in the event be exempt from the duty to observe the Australian Road Rules Rule 238 (Pedestrians travelling along a road).*
 - d. *To make an order directing that all vehicles except emergency and participant vehicles and local residents living at the named section of Newman Road, be excluded from the closed section of road for the period of the closure.*

12.5. Service Review - Civil Services Maintenance

1. *That the report be received and noted*
2. *To receive and note the Service Review 2021-22 – Civil Service Maintenance Function Report, as contained in Appendix 1.*
3. *To adopt the Service Review 2021-22 – Civil Service Maintenance Function – draft Action Plan, containing the Service Review recommendations, management responses and agreed actions, as contained in Appendix 2*
4. *To note that that the implementation status of the agreed actions will be reported to Council on a biannual basis, nominally March and August.*

12.6. Nomination for GAROC Members

1. *That the report be received and noted*
2. *To determine that the method of selecting a Council Member to be nominated for the Greater Adelaide Regional Organisation of Councils be by an indicative vote 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 nomination for the Greater Adelaide Regional Organisation of Councils and for the meeting to resume once the results of the indicative vote have been declared.*
4. *To endorse the nomination of _____ for the Greater Adelaide Regional Organisation of Councils and authorise the Chief Executive Officer to lodge the completed nomination form to the Local Government Association by COB 19 August 2022.*

- 12.7. Nomination for LGA President
1. *That the report be received and noted*
 2. *To nominate _____ for the LGA President role and authorise the Chief Executive Officer to lodge the completed nomination form to the Local Government Association by COB 19 August 2022.*
- 12.8. 2021-22 CEO Performance Targets Final Outcome
1. *That the report be received and noted*
 2. *That the CEO has achieved the following status in relation to the CEO Performance Targets 2021-2022:*
 - Target 1: New Council website and e-services – Completed*
 - Target 2: Service Review – In Progress*
 - Target 3: Fabrik Activation – Completed*
 - Target 4: EOI: Development of ‘Free’ Camping Sites – Completed*
 - Target 5: Cat Confinement Community Education – Completed*
 - Target 6: Library Services Strategic Plan – Completed*
- 12.9. Proposed CEO Performance Targets 2022-2023
1. *That the report be received and noted*
 2. *To adopt the 2022-23 CEO Performance Targets as per Appendix 1.*
- 12.10. Policy Review – Models for Major Development
1. *That the report be received and noted*
 2. *That with an effective date of 9 August 2022, to revoke the 24 July 2018 Provision of Physical Models or Other Visual Representation tools for Major Development Proposals which require Public Notification Policy and to adopt the 26 July 2022 draft Models for Major Development 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 26 July 2022 draft Models for Major Development Policy prior to the effective date.*
- 12.11. Policy Review – Public Transport
1. *That the report be received and noted*
 2. *That with an effective date of 9 August 2022, to revoke the 28 February 2017 Public Transport Policy and to adopt the revised 26 July 2022 Public Transport Policy (draft) as per Appendix 1.*
 3. *That the Chief Executive Officer be authorised to make any formatting, nomenclature or other minor changes to the Public Transport Policy (draft) prior to the effective date.*

12.12. Policy Review – Festivals and Events

1. *That the report be received and noted.*
2. *That with an effective date of 9 August 2022 to revoke the 10 September 2019 Festivals and Events Policy and adopt the July 2022 Festivals and Events Policy contained in Appendix 1.*
3. *That the Chief Executive Officer be authorised to make minor content, grammatical and formatting amendments to the Festivals and Events Policy prior to the effective date of adoption.*

12.13. Policy Review - Internal Review of Council Decisions

1. *That the report be received and noted.*
2. *With an effective date of 9 August 2022, to revoke the 26 November 2019 Internal Review of Council Decision Policy and to adopt the 26 July 2022 Internal Review of Council Decision Policy as per Appendix 1.*
3. *That the Chief Executive Officer be authorised to make any legislative, formatting, nomenclature or other minor changes to the 26 July 2022 Internal Review of Council Decision Policy as per Appendix 1 prior to the effective date.*

12.14. Status Report – Council Resolutions Update

Refer to Agenda

13. ADMINISTRATION REPORTS – INFORMATION ITEMS

13.1. Q4 2021-22 Council Performance Report

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. Special Council Assessment Panel – 30 June 2022

17.2. Audit Committee
Nil

17.3. CEO Performance Review Panel – 21 July 2022

18. CONFIDENTIAL ITEMS

Nil

19. NEXT MEETING

Tuesday 23 August 2022, 6.30pm, 63 Mt Barker Road, Stirling

20. CLOSE MEETING

Council Meeting/Workshop Venues 2022

DATE	TYPE	LOCATION	MINUTE TAKER
AUGUST 2022			
Thurs 4 August	CEOPRP	Stirling	TBA
Tues 9 August	Workshop	Woodside	Nil
Wed 10 August	CAP	TBA	Karen Savage
Mon 15 August	Audit Committee	Stirling	TBA
Tues 16 August	Professional Development	Stirling	Nil
Tues 23 August	Council	Stirling	Pam Williams
SEPTEMBER 2022			
Tues 6 September	Caretaker Provisions Commence from 12.00noon		
Tues 13 September	Workshop	Woodside	Nil
Wed 14 September	CAP	Stirling	Karen Savage
Tues 20 September	Professional Development	Stirling	Nil
Tues 27 September	Council	Stirling	Pam Williams
OCTOBER 2022			
Tues 11 October	Workshop	Woodside	Nil
Wed 12 October	CAP	TBA	Karen Savage
Mon 17 October	Audit	Stirling	TBA
Tues 18 October	Professional Development	Stirling	Nil
Tues 25 October	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

DATE	LOCATION
Tues 30 August 2022	Bridgewater

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.