



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 23 August 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



ORDINARY COUNCIL MEETING

AGENDA FOR MEETING
Tuesday 23 August 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
- 3.2. Leave of Absence
 - Cr Chris Grant 29 July 2022 to 26 September 2022, approved at Council 26 July 2022
 - Mayor Jan-Claire Wisdom (to be advised)
- 3.3. Absent

4. MINUTES OF PREVIOUS MEETINGS

Council Meeting – 26 July 2022

That the minutes of the ordinary meeting held on 26 July 2022 as supplied, be confirmed as an accurate record of the proceedings of that meeting.

Special Council Meeting 9 August 2022

That the minutes of the special meeting held on 9 August 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
Nil
- 8.3. Public Forum

9. PRESENTATIONS (by exception)

10. QUESTIONS ON NOTICE

- 10.1. Flammable aluminium composite external cladding panels (Cr Malcolm Herrmann)

11. MOTIONS ON NOTICE

- 11.1. Undergrounding of Power Lines Lobethal, Mt Torrens and Woodside (Cr Malcolm Herrmann)

12. ADMINISTRATION REPORTS – DECISION ITEMS

- 12.1. Community Development Grant 2022-2023 Recommendations
 - 1. *That the report be received and noted.*
 - 2. *That Council approve the awarding of Community Development Grants for 2022-2023 totalling \$37,270.00 as follows (refer to agenda)*
- 12.2. Community & Recreation Facility Grants 2022-2023 Recommendations
 - 1. *That the report be received and noted*
 - 2. *That Council approves the awarding of Community Recreation and Facility Grants for 2022-2023 totalling \$179,910.10 as follows (refer to agenda).*

12.3. Proposed Road Closure – Unmade public road Fidlers Hill Road Inglewood

1. *That the report be received and noted;*
2. *The land marked “A” in Preliminary Plan No. 22/0025 (known as the Road Land) be declared surplus to Council’s requirements;*
3. *That the Chief Executive, or his delegate, are authorised to negotiate with the owners of 9 Fidlers Hill Road, Inglewood for the sale and transfer of the piece marked “A” in Preliminary Plan No. 22/0025 for the sum of \$27,250 plus GST, together with all fees and charges associated with the road closure process;*
4. *Subject to agreement from the owner of 9 Fidlers Hill Road, Inglewood to purchase the Road Land for the sum of \$27,250.00 plus GST, to make a Road Process Order pursuant to the Roads (Opening & Closing) Act 1991 to close and merge the pieces of land identified as “A” in the Preliminary Plan No. 22/0025 attached to this report with Section 171 Hundred of Para Wirra comprised in Certificate of Title Volume 5426 Folio 204;*
5. *That upon the deposit of the Road Closure, the land will be excluded from the classification of Community Land and not be included in Council’s Community Land Register;*
6. *Council staff to provide advice to the new landowner on how to best manage the biodiversity values of the site. If Agreement is not reached with the owner of 9 Fidlers Hill Road to transfer the land, then the land will continue to be held by Council;*
7. *That the Chief Executive Officer is authorised to finalise and sign all necessary documentation to close and sell the above portion of closed road pursuant to this resolution.*

12.4. Preliminary End of Year Financial Results and Carry Forwards

1. *That the report be received and the preliminary end of year financial results for 2021-22 be noted.*
2. *That the Operating Initiatives Carry Forward projects from 2021-22 totalling an amount of \$144k of expenditure (Appendix 1 of this report) be approved for inclusion in the 2022-23 Budget.*
3. *That the Operating Grants Carry Forward amounts from 2021-22 totalling \$385k of Grant Income and \$145k of grant expenditure (Appendix 2 of this report) be approved for inclusion in the 2022-23 Budget.*
4. *That the Capital carry forward projects from 2021-22 totalling an amount of \$4.450m of expenditure and \$602k of income (Appendices 4 and 5 to this report) be approved for inclusion in the 2022-23 Budget.*
5. *That the additional budget requests and changes resulting in a decrease in \$717k in Operating Income and an increase of \$64k in Operating Expenditure (Appendix 6) be approved for inclusion in the 2022-23 Budget.*
6. *That the 2022-23 proposed Budgeted Uniform Presentation of Finances reflecting a revised budgeted Operating Surplus of \$676k before Capital Revenue and revised Net Borrowings of \$6.934m as summarised in Appendix 7 and 8 to this report be adopted.*

12.5. Draft Community & Recreation Facilities Framework

1. *That the report be received and noted*
2. *To receive and note the Community and Recreation Facilities Framework and Play Space Framework Community Engagement Outcomes Report contained in Appendix 5.*
3. *With an effective date on 1 July 2023, to adopt the draft Community and Recreation Facilities Framework, including the Community and Recreation Facilities Policy (Appendix 1), the Community and Recreation Facilities Service Levels (Appendix 2), the Community and Recreation Facility Guidelines (Appendix 3), and the Facility Maintenance Fund Guidelines (Appendix 4).*
4. *With an effective date on 1 July 2023, rescind the Sport and Recreation Policy.*
5. *That the Chief Executive Officer be authorised to make any formatting, nomenclature or other minor changes to the draft Community and Recreation Facilities Framework, including the Community and Recreation Facilities Policy (Appendix 1), the Community and Recreation Facilities Service Levels (Appendix 2), the Community and Recreation Facility Guidelines (Appendix 3), and the Facility Maintenance Fund Guidelines (Appendix 4) prior to the date of effect.*

12.6. Play Space Framework

1. *That the report be received and noted*
2. *To receive and note the Community and Recreation Facilities Framework and Play Space Framework Community Engagement Outcomes Report contained in Appendix 4.*
3. *To adopt the draft Play Space Framework, including the Play Space Policy (Appendix 1), the Guidelines for Maintenance and Upgrades of existing Play Spaces (Appendix 2) and the Service Levels for Play Spaces (Appendix 3) from 6 September 2022.*
4. *That the Chief Executive Officer be authorised to make any formatting, nomenclature or other minor changes to the draft Play Space Policy (Appendix 1), the Guidelines for Maintenance and Upgrades of existing Play Spaces (Appendix 2) and the Service Levels for Play Spaces (Appendix 3) prior to the date of effect.*

12.7. Draft Asset Management Plan – Community Wastewater Management Scheme 2023-2032 for public consultation

1. *That the report be received and noted*
2. *That Council approve the Draft Asset Management Plan Community Wastewater Management System 2023 - 2032 as contained in Appendix 1 for community consultation.*
3. *That the Chief Executive Officer be authorised to make any formatting, nomenclature or other minor changes to the Draft Asset Management Plan Community Wastewater Management System 2023 - 2032 prior to the consultation commencement.*

12.8. Policy Review – Disposal of Assets

1. *That the report be received and noted*
2. *With an effective date of 06 September 2022, to revoke the 10 October 2019 Disposal of Assets Policy and to adopt the 23 August 2022 Disposal of Assets Policy as per Appendix 1.*
3. *That the Chief Executive Officer be authorised to make any formatting, nomenclature, or other minor changes to the Policy as per Appendix 1 prior to the date of effect.*

12.9. Policy Review – Procurement

1. *That the report be received and noted*
2. *With an effective date of 06 September 2022, to revoke the 1 October 2019 Procurement Policy and to adopt the 23 August 2022 Procurement Policy as per Appendix 1.*
3. *That the Chief Executive Officer be authorised to make any formatting, nomenclature or other minor changes to the Policy as per Appendix 1 prior to the date of effect.*

12.10. Policy Review – Waste & Resource Recovery Services

1. *That the report be received and noted*
2. *With an effective date of 7 September 2022, to revoke the 27 March 2018 Waste & Resource Recovery Service Policy and to adopt the 23 August 2022 Waste & Resource Recovery Services Policy as per Appendix 1.*
3. *That the Chief Executive Officer be authorised to make any formatting, nomenclature or other minor changes to the 23 August 2022 Waste & Resource Recovery Services Policy as per Appendix 1 during the period of currency.*

12.11. Status Report – Council Resolutions Update

Refer to Agenda

13. ADMINISTRATION REPORTS – INFORMATION ITEMS

13.1. Circular Procurement Pilot Project Update

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 August 2022
That the minutes of the CAP meeting held on 10 August 2022 as supplied, be received and noted.
- 17.2. Audit Committee - 15 August 2022
That the minutes of the Audit Committee meeting held on 15 August 2022 as supplied, be received and noted
- 17.3. CEO Performance Review Panel – 4 August 2022
That the minutes of the CEOPRP meeting held on 4 August 2022 as supplied, be received and noted.
- 17.4. Boundary Change Committee
Nil

18. CONFIDENTIAL ITEMS

- 18.1. 2022 CEO Performance & Remuneration Reviews
- 18.2. Acting and Substantive Chief Executive Officer Recruitment
- 18.3. East Waste Recycling Contract
- 18.4. East Waste Revised Annual Plan
- 18.5. Ministerial Exemption

19. NEXT MEETING

Tuesday 27 September 2022, 6.30pm, 63 Mt Barker Road, Stirling

20. CLOSE MEETING

Council Meeting/Workshop Venues 2022

DATE	TYPE	LOCATION	MINUTE TAKER
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
Thurs 13 October	CEOPRP	Stirling	TBA
Mon 17 October	Audit	Stirling	TBA
Tues 18 October	Professional Development	Stirling	Nil
Tues 25 October	Council	Stirling	Pam Williams
NOVEMBER 2022			
New Council mid November 2022			
TBA	Workshop	Woodside	N/A
TBA	CAP	TBA	Karen Savage
TBA	Professional Development	Stirling	N/A
TBA	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 30 August 2022	Bridgewater Football Club

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 deputy 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.