



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 February 2020

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 25 February 2020
6.30pm
63 Mt Barker Road Stirling

ORDER OF BUSINESS

1. COMMENCEMENT

2. OPENING STATEMENT

“Council acknowledges that we meet on the traditional lands of the Peramangk and Kurna people and we recognise their connection with the land.

We understand that we do not inherit the land from our ancestors but borrow it from our children and in this context the decisions we make should be guided by the principle that nothing we do should 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
Mayor Jan-Claire Wisdom (10 February to 26 February 2020) approved 28 January 2020

3.3. Absent

4. MINUTES OF PREVIOUS MEETINGS

Council Meeting – 28 January 2020

That the minutes of the ordinary meeting held on 28 January 2020 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. Council Reserve, Woodside
- 8.2. Deputations
 - 8.2.1. Chelsea Lewis re Gumeracha Main Street Project
 - 8.2.2. Mandy Hughes, Lobethal & Districts Community Banking Project
- 8.3. Public Forum

9. PRESENTATIONS (by exception)

Nil

10. QUESTIONS ON NOTICE

- 10.1. Woodside Hall Toilets

11. MOTIONS ON NOTICE

- 11.1. NBN Access for greater Mylor district
- 11.2. Bushfire Recovery – Lobethal
- 11.3. Storm Water Management Grevillea Way Woodside

12. ADMINISTRATION REPORTS – DECISION ITEMS

- 12.1. Gumeracha Main Street Project
 - 1. *That the report be received and noted.*
 - 2. *That the Detailed Design for streetscape improvements for Albert Street, Gumeracha be endorsed.*
- 12.2. West Street Mylor
 - 1. *That the report be received and noted*
 - 2. *To approve an increase in the 2019/20 capital expenditure budget by \$162k and fund the upfront cost of designing and constructing West Street Mylor including associated stormwater works*
 - 3. *That Council recoup the costs of up to \$54k by entering into Infrastructure Agreements with the affected landowners along West Street Mylor, to a maximum value of \$9k each.*

12.3. Budget Review 2

3. *That the report be received and noted.*
4. *To adopt the Operating Budget adjustments presented in Budget Review 2 which result in no change to the Operating Surplus of \$411k for the 2019-20 financial year.*
5. *To adopt the proposed deferral of capital project income of \$1m and expenditure of \$496k to the 2020-21 financial year resulting in a revised capital expenditure budget for 2019-20 of \$18.626m.*
6. *To adopt the change in Council's current Net Borrowing Result of \$3.433m increasing to a Net Borrowing Result of \$3.938m for the 2019-20 financial year as a result of the operating budget and capital program adjustments.*

12.4. Long Term Financial Plan for Consultation

1. *That the report be received and noted*
2. *To endorse the Draft Long Term Financial Plan, as contained in Appendix 1 for community consultation in accordance with Section 122 of the Local Government Act 1999.*
3. *That the CEO be authorised to:*
 - a. *Make any formatting, nomenclature or other minor changes to the Plan prior to being released for public consultation and*
 - b. *Determine the consultation timings, media and processes while ensuring consistency and compliance with the provisions of applicable legislation and Council's Public Consultation Policy.*

12.5. 2020 – 2024 Strategic Plan for Consultation

1. *That the report be received and noted.*
2. *To endorse the draft 2020-24 Strategic Plan, as contained in Appendix 1 for community consultation in accordance with Section 122 of the Local Government Act 1999.*
3. *That the CEO be authorised to:*
 - a. *Make any formatting, nomenclature or other minor changes to the Plan prior to being released for public consultation and*
 - b. *Determine the consultation timings, media and processes while ensuring consistency and compliance with the provisions of applicable legislation and Council's Public Consultation Policy.*

12.6. Safe Environments Policy

1. *That the report be received and noted.*
2. *With an effective date of 10 March 2020, to revoke the 5 June 2019 Safe Environments Policy and to adopt the 25 February 2020 Safe Environments Policy as per Appendix 1.*
3. *That the Chief Executive Officer be authorised to make any formatting, nomenclature or other minor changes to the 25 February 2020 Safe Environments Policy prior to the effective date.*

12.7. Confidential Items Review

1. *That the report be received and noted.*
2. *Pursuant to Section 91(7) of the Local Government Act 1999, Council orders that the following document(s) (or part) shall be kept confidential, being document(s) (or part) relating to a matter dealt with by the Council on a confidential basis under Sections 90(2) and 90(3)(i) of the Act:*
 - *The Report of 27 February 2018, Item No. 19.2, Adelaide Hills Swimming Centre Shade Sail.*

On the grounds that the document(s) (or part) relates to actual litigation, or litigation that the council or council committee believes on reasonable grounds will take place, involving the council or an employee of the council, the disclosure of which could reasonably be expected to prejudice the commercial position of person/agency/business involved with any litigation that may be undertaken.

3. *Pursuant to section 91(9)(c) of the Local Government Act 1999, Council delegates the power to revoke the confidentiality order either partially or in full to the Chief Executive Officer.*

12.8. Permission to Use Council Minutes

1. *That the report be received and noted*
2. *To approve the use of Minutes from the District Council of Stirling as requested in Appendix 1 for a publication on the history of Silver Lake, Mylor.*
3. *To delegate to the Chief Executive Officer or their delegate, permission to consider and, if so determined, approve all future requests for use of Councils' Copyright Protected material.*

12.9. External Audit Plan

1. *That the report be received and noted*
2. *To approve the 2019/20 External Audit Plan by Galpins Accountants, Auditors and Business Consultants as contained in Appendix 1.*

12.10. Strategic Internal Audit Plan 2018 – 23 Revision

1. *That the report be received and noted.*
2. *That Council adopt the revised Strategic Internal Audit Plan (v1.3a) as contained in Appendix 1.*

12.11. Status Report – Council Resolutions Update

Refer to Report

12.12. Nomination for Casual Vacancy of GAROC

1. *That the report be received and noted*
2. *To nominate _____ for the casual member vacancy of GAROC*
3. *Delegate to the Chief Executive to complete and lodge the nomination in accordance with the process set out in Appendix 1*

13. ADMINISTRATION REPORTS – INFORMATION ITEMS

- 13.1. Quarterly Performance Report Q2
- 13.2. Risk Management Plan – Quarterly Update 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. Council Assessment Panel
Nil
- 17.2. Audit Committee - 17 February 2020
That the minutes of the Audit Committee meeting held on 17 February 2020 as supplied, be received and noted
- 17.3. Special Strategic Planning & Development Policy Committee – 18 February 2020
That the minutes of the Special SPDPC meeting held on 18 February 2020 as supplied, be received and noted.
- 17.4. CEO Performance Review Panel
Nil

18. CONFIDENTIAL ITEMS

19. NEXT MEETING

Tuesday 24 March 2020, 6.30pm, 63 Mt Barker Road, Stirling

20. CLOSE MEETING

Council Meeting/Workshop Venues 2020

DATE	TYPE	LOCATION	MINUTE TAKER
MARCH 2020			
Tues 10 March	Workshop	Woodside	N/A
Wed 11 March	CAP	TBA	Karen Savage
Tues 17 March	Professional Development	Stirling	N/A
Tues 24 March	Council	Stirling	Pam Williams
APRIL 2020			
Wed 8 April	CAP	TBA	Karen Savage
Tues 14 April	Workshop	Woodside	N/A
Mon 20 April	Audit	Stirling	TBA
Tues 21 April	Professional Development	Stirling	N/A
Tues 28 April	Council	Stirling	Pam Williams
MAY 2020			
Tues 12 May	Workshop	Woodside	N/A
Wed 13 May	CAP	TBA	Karen Savage
Mon 18 May	Audit	Stirling	TBA
Tues 19 May	Professional Development	Stirling	N/A
Tues 26 May	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 2020

6.00 for 6.30pm

DATE	LOCATION
Tues 31 March	Mylor
Tues 30 June	Basket Range
Tues 29 September	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.