



ORDINARY COUNCIL MEETING

NOTICE OF MEETING

To: Acting Mayor Nathan Daniell

Councillor Ian Bailey
Councillor Kirilee Boyd
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 27 October 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.

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

Andrew Aitken
Chief Executive Officer



ORDINARY COUNCIL MEETING

AGENDA FOR MEETING
Tuesday 27 October 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 Kaurna 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

- Cr Kirsty Parkin (19 October to 2 November 2020) approved 22 September 2020
- Mayor Jan-Claire Wisdom (26 September to 26 October 2020) approved 22 September 2020

Mayor Jan-Claire Wisdom 27 October 2020 to 20 November 2020

3.3. Absent

4. MINUTES OF PREVIOUS MEETINGS

Council Meeting – 22 September 2020

That the minutes of the ordinary meeting held on 22 September 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
- 7.2. Questions Lying on the Table

8. PETITIONS / DEPUTATIONS / PUBLIC FORUM

- 8.1. Petitions
 - 8.1.1. Opposition to Development Application, 118 Silver Lake Road Mylor
- 8.2. Deputations
 - 8.2.1. Mr John Hill re Park'N'Ride facilities
 - 8.2.2. Ms Penny Haberfeld re Freeway noise
- 8.3. Public Forum

9. PRESENTATIONS (by exception)

Nil

10. QUESTIONS ON NOTICE

Nil

11. MOTIONS ON NOTICE

- 11.1. Speed Limit Reduction Longwood & Red Hill Roads – Cr Osterstock
 - 1. *receives the residents' request, and*
 - 2. *undertakes a speed limit review on sections of Longwood and Red Hill Roads in response to the submission received from local residents, and*
 - 3. *communicate the outcome of the review and proposed action to Council Members via the Council and Committee Meeting Action Tracker*

- 11.2. South Eastern Freeway Noise – Cr Mudge
 - That the Mayor write to the Minister for Infrastructure and Transport and Minister for Planning asking the State Government to:*
 - 1. *Undertake a comprehensive noise study that includes a noise survey and modelling of the impacts of development and traffic volumes along the South Eastern Freeway (the Freeway), both now and into the future.*
 - 2. *Implement noise mitigation measures along the Freeway corridor to reduce noise to acceptable levels for nearby residents and businesses.*
 - That copies of the letter be forwarded to the Member for Heysen, Member for Kavel, the State Opposition Leader and the Federal Member for Mayo.*

11.3. Memorial Seat for former Cr Bill Gale – Cr Herrmann

That, in conjunction with the Gale family, that Council purchase and install a park seat with a plaque to commemorate the contribution the late ex Cr Bill Gale made to the Adelaide Hills Council and, in particular, to the Woodside area.

12. ADMINISTRATION REPORTS – DECISION ITEMS

12.1. Lew Brickhill Memorial Investigation

- 1. That the report be received and noted.*
- 2. That Council approve a \$5,600 expenditure budget to undertake an engineering design for the restoration and reinstatement of the lookout tower at Lobethal Bushland Park*
- 3. Subject to recommendation two above a quote for restoration and reinstatement works of the lookout tower at Lobethal Bushland Park be obtained.*
- 4. That consideration be given to funding the restoration and reinstatement of the Lobethal Bushland Park lookout tower in the development of the 2021-2022 budget.*

12.2. Disability Access and Inclusion Plan

- 1. That the report be received and noted.*
- 2. To endorse the provisional Adelaide Hills Council Disability Access and Inclusion Plan (DAIP) 2020-2024: A brighter future for all, as contained in Appendix 1, for publication on Council's website and further community consultation.*
- 3. To delegate to the Chief Executive Officer to determine the timings, media and processes around further community consultation while ensuring consistency and compliance with the provisions of applicable legislation and Council's Public Consultation Policy*
- 4. That an amended edition of the DAIP incorporating further community and stakeholder feedback on the provisional DAIP (received during further community consultation) be referred back to the Council for consideration and adoption at the Council Meeting scheduled for 27 January 2020.*

12.3. Mylor BMX Consultation Findings

- 1. That the report be received and noted.*
- 2. That Council approve a \$15,000 expenditure budget to undertake remediation of the Aldgate Quarry site.*
- 3. That funds be considered as part of Council's 2021-22 Annual Budget and Business Planning process for the construction of a pump track at Sherry Park in Mylor.*

- 12.4. General Purpose Financial Statements
- 1. That the report be received and noted.*
 - 2. That, in accordance with Section 127 of the Local Government Act 1999 and the Local Government (Financial Management) Regulations 1999, Council adopts the General Purpose Financial Statements for the financial year ended 30 June 2020.*
 - 3. To authorise the Mayor and CEO to sign the General Purpose Financial Statements for the financial year ended 30 June 2020.*
- 12.5. Draft Road, Footpath and Kerb Asset Management Plan 2020
- 1. That the report be received and noted.*
 - 2. That the Draft Road, Footpath and Kerb Asset Management Plan 2020 as contained in (Appendix 1) be released for community consultation.*
 - 3. That the CEO be authorised to 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. Nomination of East Waste Audit Committee Independent Member
- 1. That the report be received and noted*
 - 2. That Council nominates Paula Davies and Lachlan Miller to East Waste for consideration as an Independent Member of the East Waste Audit Committee.*
- 12.7. Resilient Hills and Coasts Sector Agreement
- 1. That the report be received and noted.*
 - 2. To note the achievements of the Resilient Hills & Coasts partnership to date, and its future priorities for action.*
 - 3. To recommit to the partnership by authorising the Mayor to sign the RH&C Sector Agreement 2020-2025, as contained in Appendix 1.*
- 12.8. Change to Community Land Management Plan 10 – Vehicle Access Control Reserves
- 1. That the report be received and note*
 - 2. That the proposed amendment of Plan 10 of the Community Land Management Plan – Vehicle Access Control Reserves has no impact or no significant impact on the interests of the community and therefore the provisions of section 198(3) of the Local Government Act 1999 requiring community consultation do not apply.*
 - 3. To amend Plan 10 of the Community Land Management Plan - for Vehicle Access Control Reserves to permit leases or licences to adjoining landowners to occupy a portion of a reserve immediately abutting their property.*
 - 4. That it be a condition of any lease or licence to an adjoining landowner to occupy a portion of a reserve that vehicle access across the reserve is prohibited and any fence constructed does not include a gate wide enough to cater for a vehicle.*

12.9. Revocation of Community Land – Closed Road R855 Upper Hermitage

1. *That the report be received and noted*
2. *To commence a revocation of community land process for the land described as “A” in Road Plan No. 855 (“Closed Road”) including consultation in accordance with Council’s Public Consultation Policy and the Local Government Act 1999 with the intention of selling the Closed Road to the adjoining owners.*
3. *That a further report be presented to Council at the completion of the consultation.*

12.10. Rescission of Resolution 153/19 - Oakbank Soldiers Memorial Hall

1. *That the report be received and noted*
2. *To rescind the resolution made on 24 September 2019 and numbered 153/19.*
3. *To continue to provide assistance to the Oakbank Soldiers Memorial Hall Inc Committee consistent with support provided by Council to other community owned halls.*

12.11. Strategic Boundary Review

1. *That the report be received and noted.*
2. *That the Strategic Boundary Review Report in Appendix 1 be received and noted.*
3. *To conduct a workshop session in the first quarter of 2021 to further explore the boundary reform options identified in the Strategic Boundary Review Report.*

12.12. Confidential Items Review

Refer to Agenda Item

12.13. Review of Development Application Fee Waiver Policy

1. *That the report be received and noted*
2. *With an effective date of 10 November 2020, to revoke the 9 May 2017 Development Application Fee Waiver Policy and to adopt the 27 October 2020 Draft Development Application Fee Waiver Policy as contained in Appendix 1 of this report.*
3. *That the CEO is permitted to make any formatting, nomenclature or other minor changes to the Policy as per Appendix 1 prior to the effective date.*

12.14. Status Report – Council Resolutions Update

Refer to Agenda Item

13. ADMINISTRATION REPORTS – INFORMATION ITEMS

- 13.1. Waste & Resources Management Strategy 2016 - 2021 Status 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 – 14 October 2020
That the minutes of the CAP meeting held on 14 October 2020 as supplied, be received and noted.
- 17.2. Strategic Planning & Development Policy Committee
Nil
- 17.3. Audit Committee - 19 October 2020
That the minutes of the Audit Committee meeting held on 19 October 2020 as supplied, be received and noted.
- 17.4. CEO Performance Review Panel
Nil

18. CONFIDENTIAL ITEMS

- 18.1. Audit Committee Independent Member Appointment
- 18.2. Appointment of CEO PRP Independent Member
- 18.3. Event Opportunity

19. NEXT MEETING

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

20. CLOSE MEETING



Council Meeting/Workshop Venues 2020/21

NOVEMBER 2020			
Tues 10 November	Workshop	Woodside	N/A
Wed 11 November	CAP	TBA	Karen Savage
Mon 16 November	Audit Committee	Stirling	TBA
Tues 17 November	Professional Development	Stirling	N/A
Tues 24 November	Council	Stirling	Pam Williams
Thurs 26 November	CEO PRP	Stirling	TBA
DECEMBER 2020			
Tues 8 December	Workshop	Woodside	N/A
Wed 9 December	CAP	TBA	Karen Savage
Tues 15 December	Council	Stirling	Pam Williams
JANUARY 2021			
Wed 13 January	CAP	TBA	Karen Savage
Wed 27 January **	Council	Stirling	Pam Williams

**** Meeting date moved to Wednesday due to Australia Day Public Holiday**

Meetings are subject to change, please check agendas for times and venues. All meetings (except Council Member Professional Development) are open to the public.

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
1. 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

2. The public may be permitted to address or ask questions of the Council on a relevant and/or timely topic.
3. The Presiding Member will determine if an answer is to be provided.
4. 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.
5. Each presentation in the Public Forum is to be no longer than five (5) minutes (including questions), except with leave from the Council.
6. The total time allocation for the Public Forum will be ten (10) minutes, except with leave from the Council.
7. If a large number of presentations have been requested, with leave from the Council, the time allocation of five (5) minutes may be reduced.
8. 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.
9. Members may ask questions of all persons appearing relating to the subject of their presentation.