

**ADELAIDE HILLS COUNCIL  
MINUTES OF SPECIAL COUNCIL MEETING  
TUESDAY 7 MAY 2019  
63 MT BARKER ROAD STIRLING**

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In Attendance

**Presiding Member:** Mayor Jan-Claire Wisdom

**Members:**

Councillor Ian Bailey
Councillor Kirrilee Boyd
Councillor Nathan Daniell
Councillor Pauline Gill
Councillor Chris Grant
Councillor Linda Green
Councillor John Kemp
Councillor Leith Mudge
Councillor Mark Osterstock
Councillor Kirsty Parkin
Councillor Andrew Stratford

In Attendance:

Andrew Aitken	Chief Executive Officer
Terry Crackett	Director Corporate Services
Peter Bice	Director Infrastructure & Operations
Marc Salver	Director Development & Regulatory Services
David Waters	Director Community Capacity
Lachlan Miller	Executive Manager Governance & Performance
Natalie Westover	Manager Property Services
John McArthur	Manager Waste & Emergency Management
Mike Carey	Manager Financial Services
Steven Watson	Governance & Risk Coordinator
Renee O'Connor	Sport & Recreation Planner
Pam Williams	Minute Secretary

**1. COMMENCEMENT**

The special meeting commenced at 6.31pm.

**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”.

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Mayor \_\_\_\_\_ 28 May 2019

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**3. APOLOGIES/LEAVE OF ABSENCE**

**3.1 Apology**

**3.2 Leave of Absence**

Cr Malcolm Herrmann 24 April – 13 May 2019 (approved at Council 23 April 2019)

**Moved Cr Nathan Daniell**

**S/- Cr Pauline Gill**

**93/19**

**That Leave of Absence be approved for Mayor Jan-Claire Wisdom from 11 – 19 May 2019.**

<b>Carried</b>
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**3.3 Absent**

Nil

**4. DECLARATION OF CONFLICT OF INTEREST BY MEMBERS OF COUNCIL**

Nil

**5. Presiding Member's Opening Remarks**

I advise Council that a Code of Conduct for Council Members complaint has been received. In accordance with clause 4.5 of the Code of Conduct Complaint Handling Procedure I have determined that the alleged conduct is behaviour which falls under Part 2 of the Code and further under clause 4.8, and I have determined to refer the complaint to the Local Government Governance Panel.

Consistent with clause 4.11 of the Procedures I am bringing the existence of the complaint to Council's attention but I will not be providing details of the allegations or parties involved at this point in time.

**6. Public Forum**

- Neil Sandercock, Stirling Tennis Club
- Anthony Southern, Stirling Comets Netball Club

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**7. BUSINESS OF THE MEETING**

**7.1 Stonehenge Reserve Masterplan Update and Findings from Consultation**

Moved Cr John Kemp

S/- Cr Linda Green

94/19

Council resolves:

1. That the report be received and noted.
2. To not proceed with any of the masterplanning options at Stonehenge Reserve at this point in time.
3. To proceed with resurfacing works at both the Stonehenge Reserve and Heathfield sites.
4. To delegate to the CEO to seek variations and finalise arrangements to the grant funding agreements with the Office for Recreation, Sport & Racing, and Tennis SA that allow new court construction at alternative sites. The CEO to report back to Council on those finalised arrangements.
5. To notify those who have registered through the Stonehenge Reserve Project's engagement site of the outcome of the consultation and this report.

<b>Carried Unanimously</b>
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**7.2 Stirling Library Lawn Rotunda Consultation Report**

Moved Cr Ian Bailey

S/- Cr Nathan Daniell

95/19

Council resolves that the report be received and noted.

<b>Carried Unanimously</b>
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**7.3 Road Closure Tay Crescent, Woodforde**

Moved Cr John Kemp  
S/- Cr Pauline Gill

96/19

Council resolves:

1. That the report be received and noted.
2. To make a Road Process Order pursuant to the *Roads (Opening & Closing) Act 1991* to close and merge the piece of land identified as "A" in the Preliminary Plan No. 18/0057 and being portion of the land in Certificate of Title Volume 2546 Folio 56 with Allotment 11 in Deposited Plan No. 6530 comprised in Certificate of Title Volume 5637 Folio 217.
3. Subject to the closure of the road identified in the Preliminary Plan attached, that:
  - The closed road be excluded as Community Land pursuant to the *Local Government Act 1999*; and
  - The piece marked "A" be sold to Mr Robert Walter & Mrs Sharyn Walter, the owners of the property with which it is merging for the amount of \$65,000 incl GST (if applicable) and all fees and charges associated with the road closure process.
4. Authorise the Chief Executive to finalise and sign all necessary documentation to close and sell the above portion of closed road pursuant to this resolution.

<b>Carried Unanimously</b>
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**7.4 Road Closure Peake Road, Birdwood**

Moved Cr Linda Green  
S/- Cr John Kemp

97/19

Council resolves:

1. That the report be received and noted.
2. 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 Number 19/0002 with Section 6286 being the land comprised in Certificate of Title Volume 5496 Folio 550.
3. Subject to the closure of the road identified in the Preliminary Plan attached, that:
  - The closed road be excluded as Community Land pursuant to the *Local Government Act 1999*; and
  - The piece marked "A" be sold to Mr Paul & Mrs Michele Edwards, the owners of the property with which it is merging for the amount of \$19,000 plus GST and all fees and charges associated with the road closure process.
4. Authorise the Chief Executive to finalise and sign all necessary documentation to close and sell the above portion of closed road pursuant to this resolution.

<b>Carried</b>
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**7.5 Road Closure Sandy Waterhole Road Woodside**

Moved Cr Mark Osterstock  
S/- Cr Ian Bailey

**98/19**

**Council resolves:**

- 1. That the report be received and noted**
- 2. 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. 19/0001 attached to this report with Section 3961 being the land comprised in Certificate of Title Volume 5471 Folio 906.**
- 3. Subject to the closure of the road identified in the Preliminary Plan attached, that:**
  - **The closed road be excluded as Community Land pursuant to the *Local Government Act 1999*; and**
  - **The piece marked "A" be sold to Deepwater Pty Ltd, the owners of the property with which it is merging for the amount of \$20,000 plus GST (if applicable) and all fees and charges associated with the road closure process.**
- 4. Authorise the Chief Executive to finalise and sign all necessary documentation to close and sell the above portion of closed road pursuant to this resolution.**

<b>Carried</b>
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Under Section 75A of the *Local Government Act 1999* Cr Linda Green disclosed an Actual conflict of interest in Item 7.6, Fees & Charges, the nature of which is as follows:

- I have a Community Wastewater Management System (CWMS) connection and may be impacted by changes to fees

Cr Linda Green intends to leave the Chamber when this item is discussed.

Under Section 75A of the *Local Government Act 1999* Cr Andrew Stratford disclosed an Actual conflict of interest in Item 7.6, Fees & Charges, the nature of which is as follows:

- I own property connected to the CWMS and may be impacted by Council considering changes to fees

Cr Andrew Stratford intends to leave the Chamber when this item is discussed.

7.54pm Cr Linda Green and Cr Andrew Stratford left the Chamber.

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**7.6 Fees & Charges**

Moved Cr Chris Grant  
S/- Cr Kirsty Parkin

99/19

**Council resolves:**

1. That the report be received and noted.
2. To adopt the 2019/20 Fees and Charges Schedule included at Appendix 1 to apply on and from 1 July 2019, with the fee for the second green organics bin to be set at \$50.00 per annum.
3. Council notes that the statutory fees will be included on the schedule of fees and charges available for public inspection subsequent to being gazetted.

<b>Carried Unanimously</b>
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The majority of persons who were entitled to vote at the meeting voted in favour of the motion.

7.59pm Cr Linda Green & Cr Andrew Stratford returned to the Chamber.

**7.7 Garrod Crescent & Place Declaration of Public Road**

Moved Cr Kirsty Parkin  
S/- Cr John Kemp

100/19

**Council resolves:**

1. That the report be received and noted.
2. To declare Allotments 89 and 90 in Filed Plan No. 158344 contained in Certificate of Title Volume 6221 Folio 964 known as Garrod Place and portion of Garrod Crescent, Stirling as public road pursuant to section 208 of the *Local Government Act 1999*.
3. To authorise the publication of the resolution in the Government Gazette as required by section 208(4) of the *Local Government Act 1999* to declare the roads to be public roads.

<b>Carried Unanimously</b>
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**7.8 Murray Darling Association Support**

**Moved Cr Andrew Stratford  
S/- Cr John Kemp**

**101/19**

**Council resolves:**

- 1. That the report be received and noted.**
- 2. That Council supports the Murray Darling Association (MDA) in its objective to ensure local government has a role in informing the decisions that impact our local communities under the Murray Darling Basin Plan, and in their bid to secure recurrent funding for the provision of effective consultation and engagement with councils within the Murray-Darling Basin communities through their local representatives.**
- 3. That Council authorises the Chief Executive Officer (or his delegate) to:**
  - a) Write a letter of support to the Murray Darling Association for the State and Federal Governments to contribute to the ongoing funding of the MDA.**
  - b) Write to our local state and federal MPs encouraging them to support State and Federal Governments contributing to the ongoing funding of the MDA.**
  - c) Write to the LGA and all councils in our MDA region, encouraging them to join the MDA and support the activation and development of advocacy priorities of this region.**

<b>Carried Unanimously</b>
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**8. CONFIDENTIAL ITEM**

**RELEASED 17 February 2022**

**8.1 Unsolicited Approach to Purchase Community Land – Exclusion of the Public**

Moved Cr Linda Green

S/- Cr Kirsty Parkin

102/19

Pursuant to section 90(2) of the *Local Government Act 1999* the Council orders that all members of the public, except:

- CEO, Andrew Aitken
- Director Infrastructure & Operations, Peter Bice
- Director Development & Regulatory Services, Marc Salver
- Director Corporate Services, Terry Crackett
- Director Community Capacity, David Waters
- Executive Manager Governance & Performance, Lachlan Miller
- Governance & Risk Coordinator, Steven Watson
- Sport & Recreation Planner, Renee O'Connor
- Manager Property Services, Natalie Westover
- Minute Secretary, Pam Williams

be excluded from attendance at the meeting for Agenda Item 8.1: (Unsolicited Approach to Purchase Community Land) in confidence.

The Council is satisfied that it is necessary that the public, with the exception of Council staff in attendance as specified above, be excluded to enable Council to consider the report at the meeting on the following grounds:

Section 90(3) (d) of the *Local Government Act 1999*, the information to be received, discussed or considered in relation to this Agenda Item is commercial information of a confidential nature (not being a trade secret) the disclosure of which could reasonably be expected to prejudice the commercial position of the person who supplied the information, or to confer a commercial advantage on a third party.

Accordingly, on this basis the principle that meetings of the Council should be conducted in a place open to the public has been outweighed by the need to keep the information and discussion confidential.

<b>Carried Unanimously</b>
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**RELEASED 17 February 2022**

**8.1.1 Unsolicited Approach to Purchase Community Land – Confidential Item**

Moved Cr John Kemp  
S/- Cr Kirsty Parkin

**103/19**

**Council resolves:**

- 1. That the report be received and noted**
- 2. That the CEO be authorised to advise the Agostino Group in writing that the Council is not in a position to make a decision in respect of the request to purchase a portion of the land in Certificate of Title Volume 5192 Folio 258 at this time, however following the completion of the Crafers Urban Design Framework project, the Council will further consider the request.**

<b>Carried Unanimously</b>
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**RELEASED 17 February 2022**

**8.1.2 Unsolicited Approach to Purchase Community Land – Period of Confidentiality**

Moved Cr Kirrilee Boyd  
S/- Cr Leith Mudge

104/19

Subject to the CEO, or his delegate, disclosing information or any document (in whole or in part) for the purpose of implementing Council's decision(s) in this matter in the performance of the duties and responsibilities of office, Council, having considered Agenda Item 8.1 in confidence under sections 90(2) and 90(3) (d) of the *Local Government Act 1999*, resolves that an order be made under the provisions of sections 91(7) and (9) of the *Local Government Act 1999* that the report, related attachments and the minutes of Council and the discussion and considerations of the subject matter be retained in confidence until the matter is further presented to Council for a decision, but not longer than 12 months.

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.

<b>Carried Unanimously</b>
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**9. CLOSE MEETING**

The meeting closed at 8.36pm.