

**ADELAIDE HILLS COUNCIL  
MINUTES OF SPECIAL COUNCIL MEETING  
TUESDAY 15 FEBRUARY 2022  
ZOOM VIRTUAL MEETING ROOM**

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In Attendance

**Presiding Member:** Deputy Mayor Nathan Daniell

**Members:**

Councillor Ian Bailey
Councillor Kirrilee Boyd
Councillor Chris Grant
Councillor Linda Green
Councillor Malcolm Herrmann
Councillor John Kemp
Councillor Leith Mudge
Councillor Mark Osterstock
Councillor Kirsty Parkin
Councillor Andrew Stratford

In Attendance:

Andrew Aitken	Chief Executive Officer
Melissa Bright	A/Director Development & Regulatory Services
Lachlan Miller	Executive Manager Governance & Performance

**1. COMMENCEMENT**

The special meeting commenced at 8.06pm

**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.

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**3. APOLOGIES/LEAVE OF ABSENCE**

**3.1 Apology**

Mayor Jan-Claire Wisdom

**3.2 Absent**

Cr Pauline Gill

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

**4.1 Perceived Conflict of Interest, Cr John Kemp, Item 6.1**

Under Section 75A of the *Local Government Act 1999* Cr John Kemp disclosed a Perceived Conflict of Interest in Item 6.1, the nature of which is as follows:

- I am a member of the Council Assessment Panel, and participation in the consideration of this item could lead to the perception that I have formed a biased opinion that would affect my consideration of the DA during the assessment process at the CAP meeting at which it is presented, thereby breaching my CAP Code of Conduct obligations.

Cr John Kemp intends to leave the meeting when the item is considered.

**4.2 Actual Conflict of Interest, Cr Leith Mudge, Item 6.1**

Under Section 75A of the *Local Government Act 1999* Cr Leith Mudge disclosed an Actual Conflict of Interest in Item 6.1, the nature of which is as follows:

- I am a deputy member of the Council Assessment Panel, and participation in consideration of this item could lead to a breach of conduct requirements of the CAP.

Cr Leith Mudge intends to leave the meeting when the item is considered.

**5. PRESIDING MEMBER'S OPENING REMARKS**

Nil

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**5.1 Adjournment of Meeting**

Moved Cr Ian Bailey  
S/- Cr Kirsty Parkin

21/22

That the meeting adjourn for 10 minutes.

<b>Carried Unanimously</b>
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The Special Council adjourned at 8.15pm

The Special Council resumed at 8.24pm without Cr John Kemp and Cr Leith Mudge.

**6. BUSINESS OF THE MEETING**

**6.1 Motion on Notice – Preparation of representation submission re proposed Development at 160 Longwood Road Heathfield – Cr Mark Osterstock**

Moved Cr Mark Osterstock  
S/- Cr Chris Grant

22/22

I move that:

1. To engage an experienced and well credentialed planning lawyer/consultant to prepare a representation submission in relation to the proposed development of a 24 hour retail fuel outlet at 160 Longwood Road Heathfield (PlanSA Ref:21031284). The scope and nature of the matters to be addressed are to include, yet are not limited to,
  - Character and Amenity
  - Bulk and Scale
  - Hours of Operation [Noise]
  - Traffic Management
2. To allocate a budget of up to \$10,000 in relation to the preparation of the representation submission.
3. To conduct a workshop (information or briefing session) on 22 February 2022 to enable the Council Members to receive a briefing from the planning lawyer/consultant in relation to the proposed development.
4. To authorise the Chief Executive Officer to finalise and lodge the submission prior to the conclusion of the public notification period.

<b>Carried on the casting vote of the Presiding Member</b>
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**DIVISION**

Cr Malcom Herrmann called for a division.

The Presiding Member set aside the ruling.

In the affirmative (5)

Councillors Nathan Daniell, Chris Grant, Mark Osterstock, Kirsty Parkin and Kirrilee Boyd.

In the negative (4)

Councillors Malcolm Herrmann, Andrew Stratford, Linda Green and Ian Bailey.

On the basis of the results of the division, the Presiding Member declared the motion

<b>Carried</b>
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Cr John Kemp and Cr Leith Mudge did not participate in the vote and the majority of Members voted in the affirmative.

**7. CLOSE MEETING**

The meeting closed at 9.11pm