

**ADELAIDE HILLS COUNCIL
MINUTES OF SPECIAL COUNCIL MEETING
TUESDAY 1 MARCH 2022
63 MT BARKER ROAD STIRLING**

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 Malcolm Herrmann
Councillor John Kemp
Councillor Leith Mudge
Councillor Mark Osterstock
Councillor Kirsty Parkin
Councillor Andrew Stratford

In Attendance:

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

1. COMMENCEMENT

The special meeting commenced at 6.30pm.

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.

3. APOLOGIES/LEAVE OF ABSENCE

3.1 Apology

Nil

Mayor _____ 22 March 2022

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3.2 Leave of Absence

Nil

3.3 Absent

Nil

4. DECLARATION OF CONFLICT OF INTEREST BY MEMBERS OF COUNCIL

4.1 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.

4.2 Actual Conflict of Interest, Cr John Kemp, Item 6.1

Under Section 75A of the *Local Government Act 1999* Cr John Kemp disclosed an Actual 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.

4.3 Perceived Conflict of Interest, Cr Nathan Daniell, Item 6.1

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

- I am an employee of the Department of Education currently working at the Heathfield High School. I understand that the Heathfield High School Governing Council has taken a position in relation to the proposed development and will be submitting a representation. As such, there could be a perception of a conflict of interest however I believe that I am able to bring an objective and impartial mind to the Council's decision.

Cr Nathan Daniell intends to participate in the debate and vote on the item.

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4.4 Perceived Conflict of Interest, Cr Mark Osterstock, Item 6.1

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

- I am a parent of a child at Heathfield High School. I understand that the Heathfield High School Governing Council has taken a position in relation to the proposed development and will be submitting a representation. As such, there could be a perception of a conflict of interest however I believe that I am able to bring an objective and impartial mind to the Council's decision.

Cr Mark Osterstock intends to participate in the debate and vote on the item.

5. PRESIDING MEMBER'S OPENING REMARKS

Mayor Wisdom advised Council of the passing of Mrs Jean Evans and led a tribute to the contributions that Jean made to the Adelaide Hills community as both an Elected Member and a volunteer over many years. She also highlighted Jean's service to the cattle industry which resulted in the awarding of an Order of Australia Medal in 2017.

Moved Cr Ian Bailey
S/- Cr Linda Green

44/22

Council resolves:

- 1. To express its condolences to the family and friends of Mrs Jean Evans upon her passing.**
- 2. That the summary of Mrs Jean Evans' contributions to the Adelaide Hills community and the beef cattle industry be included in the meeting minutes.**

Carried Unanimously

Mayor Wisdom advised that the Adelaide Hills was announced as a finalist (5th) in the wotif.com 2022 Aussie Town of the Year Awards. These awards aim to recognise ten locations across the country for their contribution to Australian tourism, encouraging Aussies to make the most of the year ahead by exploring their own backyard.

6. BUSINESS OF THE MEETING

6.47pm - Councillors John Kemp and Leith Mudge left the meeting in respect of their declared conflicts of interest regarding Item 6.1.

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6.1 Council Development Representation Submission – 160 Longwood Road Heathfield

7.16pm – Councillor Malcolm Herrmann left the meeting and did not return.

**Moved Cr Mark Osterstock
S/- Cr Nathan Daniell**

45/22

Council resolves:

- 1. That the report be received and noted**
- 2. That it objects to the proposed development of a 24 hour retail fuel outlet at 160 Longwood Road Heathfield (PlanSA Ref:21031284) and submits that planning consent be refused. The proposed development is considered to be seriously at variance with the Planning and Design Code, specifically the Rural Neighbourhood zone and the Adelaide Hills subzone. Further it is considered to lack merit with the relevant provisions of the Code in relation to character and amenity, size and scale, hours of operation, bushfire mitigation, advertising, and land use interfaces.**
- 3. To approve the draft Representation Submission for the proposed development of a 24 hour retail fuel outlet at 160 Longwood Road Heathfield (PlanSA Ref:21031284) as contained in *Appendix 1* for lodgement.**
- 4. To authorise the Chief Executive Officer to make any minor changes to the draft Representation Submission arising from Council’s consideration of the matter and to finalise and lodge the submission prior to the conclusion of the public notification period.**

Carried Unanimously

The majority of Members voted in the affirmative and Councillors Mark Osterstock and Nathan Daniell voted in the affirmative.

7.40pm - Councillors John Kemp and Leith Mudge returned to the meeting.

7. CONFIDENTIAL ITEM

Nil

8. CLOSE MEETING

The meeting closed at 7.41pm.

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Item 5 Mrs Jean Evans

Mrs Jean Evans was the first female Council Member of the former District Council of Stirling, where she served from 1981 for 12 years, including some time as Deputy Chair. Mrs Evans is remembered as a 'nuts & bolts' Councillor who was heavily involved in community activities and was on the committees of numerous sporting, educational and other bodies for the District Council of Stirling, including:

- Council delegate to the Local Government Association
- Chair of the Engineering, Sport & Recreation Committee
- Member of the Animal & Plant Control Board

Mrs Evans' other community and professional activities involved:

- 17 years on the Mt Lofty Ranges Ministerial Advisory Committee Catchment Program
- 25 years on the Heathfield High School Council Parents and Friends Committee
- 15 years on the Upper Sturt Primary Parents and Friends Committee
- 27 years as Secretary of the Hills Branch SA Farmers Federation
- Life Member of the Uraidla Summertown Show - 70 years as a member
- First female member of the Mt Barker Adult Education Council
- Member of the Mt Lofty & District Historical Society
- SA 'Legend' of Agricultural Shows
- Chair of the Upper Sturt Soldiers Memorial Hall
- SA Farmers Federation Committee Member
- Secretary & President of Limousin Cattle Breeders Association
- Organiser of Floral Festivals in the district

In 2017 Mrs Evans was awarded the Medal of the Order of Australia (OAM) in the Australia Day Honours for service to the beef cattle industry and to the community.