

**ADELAIDE HILLS COUNCIL  
MINUTES OF SPECIAL COUNCIL MEETING  
WEDNESDAY 1 AUGUST 2018  
63 MT BARKER ROAD STIRLING**

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In Attendance:

**Presiding Member:** Mayor Bill Spragg

**Members:**

Councillor	Ward
Councillor Jan-Claire Wisdom	Manoah
Councillor Ian Bailey Councillor Jan Loveday	Marble Hill
Councillor Kirrilee Boyd Councillor Nathan Daniell Councillor John Kemp	Mt Lofty
Councillor Lynton Vonow	Onkaparinga Valley
Councillor Linda Green Councillor Malcolm Herrmann	Torrens Valley

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
Chris Janssan	Manager Open Space
David Collins	Manager Sustainable Assets
Renee O'Connor	Sport & Recreation Planner
Steven Watson	Governance & Risk Coordinator Minute Taker

**1. COMMENCEMENT**

The special council meeting commenced at 7.00pm.

**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.”

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**3. APOLOGIES/LEAVE OF ABSENCE**

**3.1 Apology**

Cr Ron Nelson  
Cr Andrew Stratford

**3.2 Leave of Absence**

Nil

**3.3 Absent**

Nil

**4. DECLARATION OF INTEREST BY MEMBERS OF THE COMMITTEE**

Under Section 75A of the Local Government Act 1999 Cr Kemp disclosed a Perceived Conflict of Interest in Item 7.1, Stonehenge Reserve Masterplan Update, the nature of which is as follows:

- 'I'm a social member of the Stirling Tennis Club'.

Cr John Kemp intends to: participate in discussions and vote when this item is discussed.

Under Section 75A of the Local Government Act 1999 Cr Loveday disclosed a Perceived Conflict of Interest in Item 7.1, Stonehenge Reserve Masterplan Update, the nature of which is as follows:

- 'I know personally and have worked with a resident who has an interest in Stonehenge'.

Cr Jan Loveday intends to: participate in discussions and vote when this item is discussed.

Under Section 74 of the Local Government Act 1999 Cr Wisdom disclosed a Material Conflict of Interest in Item 6.1 Local Government (Rate Oversight) Amendment Bill 2018 the nature of which is as follows:

- 'Depending on the outcome of the final board decision, dependant partly on the decision, the LGA could suffer a material gain/loss'.

Cr Jan-Claire Wisdom intends to leave the chamber when this item is discussed.

**5. PUBLIC FORUM**

Nil

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**6. BUSINESS OF THE MEETING**

Cr Jan-Claire Wisdom declared a Material Conflict of Interest at Agenda Item 6.1 Local Government (Rate Oversight) Amendment Bill 2018, 'Declaration of Interest by Members of the Council' in relation to Item 6.1.

7.07pm Cr Jan-Claire Wisdom left the chamber.

**6.1 Local Government (Rate Oversight) Amendment Bill 2018**

7.16pm Cr Lynton Vonow left the chamber.

7.19pm Cr Lynton Vonow returned to the chamber.

7.34pm Cr Lynton Vonow left the chamber.

7.36pm Cr Lynton Vonow returned to the chamber.

**Moved Cr Ian Bailey**  
**S/- Cr John Kemp**

**178/18**

**MINUTE RELEASED 28 SEPTEMBER 2018**

**Council resolves:**

- 1. That the report be received and noted.**
- 2. That the Adelaide Hills Council opposes the *Local Government (Rate Oversight) Amendment Bill 2018* given the research into the effects of rate capping on councils and their communities and the detrimental impact experienced by councils in New South Wales and Victoria, including increasing the burden of 'red tape' as well as the impact on service delivery, long term financial planning and asset sustainability.**
- 3. To note that this research leads the Adelaide Hills Council to conclude that rate capping is associated with higher levels of debt; lower levels of infrastructure maintenance; and reveals no evidence of higher levels of efficiency.**
- 4. That it prefers, and would welcome, the State Government instead taking a more constructive partnering approach with Local Government to further enhance the capability of councils to achieve efficiencies and to limit the detrimental impact of cost shifting and other financial burdens by State Government on local councils (e.g. the Waste Levy, which the State Government increased by 15% for all councils this financial year).**
- 5. That it recognises the long, challenging and successful period of adjustment made by South Australian councils following the Local Government Association's Financial Sustainability Review in 2006.**

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6. To highlight the responsible approach already being taken by South Australian councils, including Adelaide Hills Council, in long term financial planning, asset management planning and achieving annual budgeted efficiencies (e.g. approximately \$450,000 of efficiencies in its 2018-19 Adelaide Hills Council Annual Business Plan & Budget), despite the cumulative impact of State Government cost shifting and other financial burdens.
7. That it recognises and supports the transparency, benefits and socio-economic prosperity that currently arise from decisions being made at a local level by democratically elected councils, especially those made following extensive consultation with local communities relating to council strategies, plans, services, annual budgets and rate rises.
8. To support the LGA using its best endeavours to secure the best possible outcome for local government and the communities they serve.
9. To note that the LGA Board will hold a special meeting to consider the endorsed positions of member councils, and
10. To note that the LGA Board will consider the matter on the basis of both a 'one vote, one value' counting method and a weighted voting method (using the same weighting system applied at LGA General Meetings) and notes that the LGA Board will also use identified criteria to inform and resolve a position.

<b>Carried Unanimously</b>
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7.50pm Cr Jan-Claire Wisdom returned to the chamber

**7. CONFIDENTIAL ITEMS**

**7.1 Stonehenge Reserve Masterplan Update - Exclusion of the Public**

Cr John Kemp declared a Perceived Conflict of Interest at Agenda Item 7.1, Stonehenge Reserve Masterplan Update, 'Declaration of Interest by Members of the Council' in relation to Item 7.1.

Cr John Kemp remained in the chamber and voted.

Cr Jan Loveday declared a Perceived Conflict of Interest at Agenda Item 7.1, Stonehenge Reserve Masterplan Update, 'Declaration of Interest by Members of the Council' in relation to Item 7.1.

Cr Jan Loveday remained in the chamber and voted.

The majority of persons who were entitled to vote at the meeting voted in favour of the motion.

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**MINUTE RELEASED 28 SEPTEMBER 2018**

Moved Cr Ian Bailey  
S/- Cr Linda Green

179/18

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
- Manager Property Services, Natalie Westover
- Manager Open Space, Chris Janssan
- Sport & Recreation Planner, Renee O'Connor
- Sport & Recreation Planning – Project Officer, Andrew Gehling
- Governance & Risk Coordinator, Steven Watson

be excluded from attendance at the meeting for Agenda Item 7.1: (Stonehenge Reserve Masterplan Update) 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) (b) of the *Local Government Act 1999*, the information to be received, discussed or considered in relation to this Agenda Item is information the disclosure of which could reasonably be expected to confer a commercial advantage on a person with whom the council is conducting, or proposing to conduct business, or to prejudice the commercial position of the council and would, on balance, be contrary to the public interest.

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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Cr John Kemp voted "for" the motion.  
Cr Jan Loveday voted "for" the motion.

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**7.1.1 Stonehenge Reserve Masterplan Update – Confidential Item**

**MINUTE RELEASED 28 SEPTEMBER 2018**

Moved Cr John Kemp

180/18

S/- Cr Jan-Claire Wisdom

Council resolves:

1. That the report be received and noted
2. To approve progressing Option 3 – Land Purchase as described in this report.
3. To authorise the Chief Executive Officer to undertake any and all consultation on Option 3 – Land Purchase as described in the report, including, but not limited to, the determination of dates for community consultation in accordance with the provisions of Council's Public Consultation Policy.
4. To require a report to be brought to Council on the outcome of the proposed consultation.

<b>Carried</b>
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**DIVISION**

Cr Jan Loveday called for a division.

The Mayor set aside his ruling.

In the affirmative (7)

Councillors Boyd, Kemp, Vonow, Daniell, Herrmann, Green, Wisdom.

In the negative (2)

Councillors Bailey, Loveday.

On the basis of the results of the division, the Mayor declared the motion **Carried**

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**7.1.2 Stonehenge Reserve Masterplan Update – Period of Confidentiality**

Moved Cr John Kemp **181/18**  
S/- Cr Jan Loveday

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 7.1 in confidence under sections 90(2) and 90(3)(b) 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 consultation has concluded.

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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Cr John Kemp voted "for" the motion.  
Cr Jan Loveday voted "for" the motion.

**MINUTE PARTIALLY RELEASED 01 AUGUST 2018**

**7.2 Retirement Village Review – Exclusion of the Public**

Moved Cr Linda Green **182/18**  
S/- Cr John Kemp

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
- Manager Property Services, Natalie Westover
- Consultant, Justin Hazell, Colliers International
- Governance & Risk Coordinator, Steven Watson

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be excluded from attendance at the meeting for Agenda Item 7.2: (Retirement Village Review) in confidence.

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

Section 90(3) (b) of the *Local Government Act 1999*, the information to be received, discussed or considered in relation to this Agenda Item is information the disclosure of which could reasonably be expected to confer a commercial advantage on a person with whom the council is conducting, or proposing to conduct, business, or to prejudice the commercial position of the council and would, on balance, be contrary to the public interest.

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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**7.2.1 Retirement Village Review – Confidential Item**

**MINUTE PARTIALLY RELEASED 01 AUGUST 2018**

**Moved Cr Jan-Claire Wisdom  
S/- Cr John Kemp**

**183/18**

**Council resolves:**

1. That the report be received and noted
2. To enter into a Contract for Sale and Purchase with Clayton Church Homes Inc as the Purchaser (Contract) (*Appendix 2*) to sell the Council's retirement village properties being the villages located at:
  - a. Balhannah – 13 Junction Road (CT 5106-613) comprising 7 units
  - b. Crafers – 2 Station Road (CR 5563-828 & CT 5389-555) comprising 6 units
  - c. Gumeracha – 5 Albert Street (CT 5800-272) comprising 14 units
  - d. Lobethal – 3 Jeffrey Street (CT 6017-705) comprising 14 units
  - e. Woodside – 11 Nairne Road (CT 5463-774) comprising 16 unitsfor consideration in the amount of \$7,042,000 and in accordance with the conditions of the Contract.
3. To enter into a Contract for Sale and Purchase with the State Government for the freeholding and purchase of the land contained in Crown Record 5563-828 being Allotment 21, 1 Station Road Crafers, for an amount of not more than \$580,000 with the final figure to be determined once the plan of division is finalised and a final valuation is obtained.
4. To undertake a boundary realignment at the Crafers village between the land contained in Crown Record 5563-828 and the adjoining Crafers War Memorial Reserve contained in CR 5563-827 to rectify an encroachment of fencing and garden from the village onto the reserve, including any necessary amendments to the dedication of the reserve to reflect the boundary realignment.
5. To enter into a Grant of Easement between the State Government and Council for the creation of service easements in favour of the Crafers village over the adjacent crown land reserve contained in CR 5563-827.
6. To terminate the joint venture arrangement with Renewal SA over units 1 to 6 at the Lobethal village contained in CT 6017-705 in consideration of the amount of \$200,000 as determined by an independent valuation and in accordance with the lease between Council and Renewal SA (as successor to South Australian Housing Trust).
7. To serve on Clayton Church Homes Inc. a disclosure statement pursuant to Section 7 of the *Land and Business (Sale and Conveyancing) Act 1994*.

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9. To authorise the Mayor and CEO to sign all necessary documents, including by affixing the common seal, to give effect to this resolution.

Cr Ian Bailey moved an amendment to the motion;

That the following be included:

10. The net funds from the sale of the Retirement Village portfolio be applied to a reduction in net financial liabilities.

Seconded Cr Linda Green

Cr Ian Bailey, with the consent of Cr Linda Green, sought and was granted leave of the meeting to vary the motion as follows;

**That (as varied)**

- 10. The net funds from the sale of the Retirement Village portfolio be initially applied to a reduction in net financial liabilities.**

The amendment was put.

<b>Carried</b>
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The Motion as amended.

Council resolves:

1. That the report be received and noted
2. To enter into a Contract for Sale and Purchase with Clayton Church Homes Inc as the Purchaser (Contract) (*Appendix 2*) to sell the Council's retirement village properties being the villages located at:
  - f. Balhannah – 13 Junction Road (CT 5106-613) comprising 7 units
  - g. Crafers – 2 Station Road (CR 5563-828 & CT 5389-555) comprising 6 units
  - h. Gumeracha – 5 Albert Street (CT 5800-272) comprising 14 units
  - i. Lobethal – 3 Jeffrey Street (CT 6017-705) comprising 14 units
  - j. Woodside – 11 Nairne Road (CT 5463-774) comprising 16 units
 for consideration in the amount of \$7,042,000 and in accordance with the conditions of the Contract.
3. To enter into a Contract for Sale and Purchase with the State Government for the freeholding and purchase of the land contained in Crown Record 5563-828 being Allotment 21, 1 Station Road Crafers, for an amount of not more than \$580,000 with the final figure to be determined once the plan of division is finalised and a final valuation is obtained.
4. To undertake a boundary realignment at the Crafers village between the land contained in Crown Record 5563-828 and the adjoining Crafers War Memorial Reserve contained in CR 5563-827 to rectify an encroachment of fencing and garden from the

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village onto the reserve, including any necessary amendments to the dedication of the reserve to reflect the boundary realignment.

5. To enter into a Grant of Easement between the State Government and Council for the creation of service easements in favour of the Crafers village over the adjacent crown land reserve contained in CR 5563-827.
6. To terminate the joint venture arrangement with Renewal SA over units 1 to 6 at the Lobethal village contained in CT 6017-705 in consideration of the amount of \$200,000 as determined by an independent valuation and in accordance with the lease between Council and Renewal SA (as successor to South Australian Housing Trust).
7. To serve on Clayton Church Homes Inc. a disclosure statement pursuant to Section 7 of the *Land and Business (Sale and Conveyancing) Act 1994*.



9. To authorise the Mayor and CEO to sign all necessary documents, including by affixing the common seal, to give effect to this resolution.
10. That the net funds from the sale of the Retirement Village portfolio be initially applied to a reduction in net financial liabilities.

Carried Unanimously
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9.08pm Cr John Kemp left the chamber and did not return

**MINUTE PARTIALLY RELEASED 01 AUGUST 2018**

**7.2.2 Retirement Village Review – Period of Confidentiality**

Moved Cr Malcolm Herrmann  
S/- Cr Linda Green

**184/18**

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 7.2 in confidence under sections 90(2) and 90(3)(b) 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 settlement with the exception of Clause 8 and Appendix 2 which shall be retained in confidence until 31 July 2023.

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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**8. CLOSE SPECIAL COUNCIL MEETING**

The meeting closed at 9.19pm