



City of Burnside
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Adelaide Hills Council
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18 June 2019

Boundaries Commission

By email: boundaries.commission@sa.gov.au

Dear Commission

**Administrative Boundary Change Proposal
Adelaide Hills Council – City of Burnside**

The Adelaide Hills Council (“AHC”) and the City of Burnside (“COB”) apply to the Boundaries Commission for support for an Administrative Boundary Change Proposal.

Outline of the Submission

Boral Resources (SA) Ltd (“Boral”) own the land parcel that straddles McBeath Drive which is the border between the suburbs of Skye and Horsnell Gully and is also the boundary of AHC & COB being Certificate of Title 6140-938 (Appendix 1).

Boral has received Development Approval to undertake a boundary realignment involving 6 land parcels that results in 3 residential allotments being created on McBeath Drive (Appendix2).

The proposed development contemplates a process under the *Roads (Opening & Closing) Act 1996* (“ROC Act”) for an exchange of land to facilitate the realignment of the public road to a more logical position taking into account the topography of the land. The exchange process is being undertaken in accordance with the ROC Act with both AHC & COB issuing Road Process Orders and entering into Agreements for Exchange.

A condition of the Development Approval is the creation of a buffer zone for fire prevention purposes on the southern side of the new McBeath Dr location which would result in the 3 new allotments straddling the new road location and also the Council boundary. The outcome of which creates administrative concerns with both AHC & COB regarding the management of these allotments.

Both AHC & COB have resolved to undertake a boundary realignment to the position identified in Appendix 3 to resolve these concerns. A copy of the Council resolutions is attached as Appendix 4.

Grounds for Making the Submission

The proposed boundary change is required to address administrative complexities created by the creation of 3 new residential allotments that will straddle both the new location of McBeath Drive and the Council boundary between AHC & COB.



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The proposed boundary change meets the following criteria for an administrative proposal pursuant to Section 10 of the *Local Government Act 1999*:

- The proposed boundary change is to facilitate a development that has been granted an authorisation under the *Planning, Development and Infrastructure Act 2016*.
- The proposed boundary change is required to alter the common boundary between AHC & COB due to both the physical and legal realignment of a common road.
- The proposed boundary change will correct an anomaly created by the approved boundary realignment that will create 3 residential allotments that will straddle the common boundary of AHC & COB.

Other Relevant Information

Specific Community Consultation has not been undertaken in relation to the boundary change proposal however public notification was undertaken as part of the road exchange process with no objections being received.

As Boral are the owners of the land on each side of the affected section of McBeath Drive, broader community consultation in relation to the boundary change proposal has not been undertaken however will be if required by the Boundaries Commission.

We are happy to provide additional information in support of this submission as required.

Contacts at the Councils are:

- City of Burnside – James Brennan, Acting Group Manager Assets and Infrastructure
Ph: 8366 4262 jbrennan@burnside.sa.gov.au
- Adelaide Hills Council – Natalie Westover, Manager Property Services
Ph: 8408 0546 nwestover@ahc.sa.gov.au

Yours sincerely

A handwritten signature in black ink, appearing to read 'Barry Cant'.

Barry Cant
Acting Chief Executive Officer
City of Burnside

A handwritten signature in blue ink, appearing to read 'Andrew Aitken'.

Andrew Aitken
Chief Executive Officer
Adelaide Hills Council

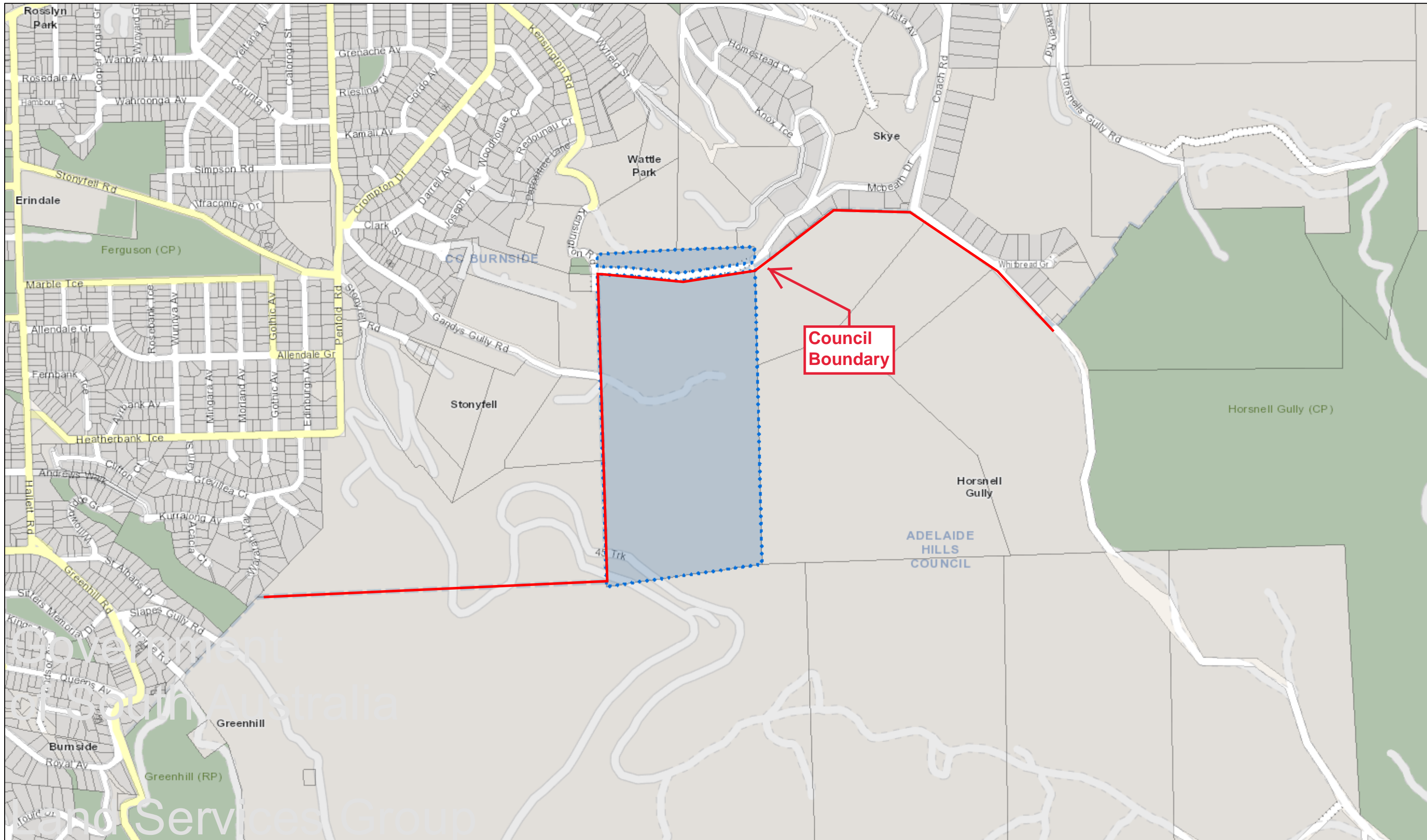
Land Services Group

The Property Location Browser is available on the Land Services Group Website: www.sa.gov.au/landservices

Date created:
December 19, 2018



Government of South Australia
Department of Planning,
Transport and Infrastructure



Disclaimer: The information provided above, is not represented to be accurate, current or complete at the time of printing this report. The Government of South Australia accepts no liability for the use of this data, or any reliance placed on it.

PURPOSE:	DIVISION (BOUNDARY ADJUSTMENT - NO ADDITIONAL ALLOTMENTS)	AREA NAME:	GREENHILL HORSNELL GULLY STONYFELL	APPROVED:	<u>AMENDED PLAN</u> <u>18/02/2016</u>
MAP REF:	6628/42/M,N,P 6628/43/J,R 6628/49/D	COUNCIL:	ADELAIDE HILLS COUNCIL CITY OF BURNSIDE	DEPOSITED/FILED:	
LAST PLAN:		DEVELOPMENT NO:	473/D034/14/001/ 180/D026/14/001/		SHEET 1 OF 7
					.text_01_V01

AGENT DETAILS:	Andrew Davidson PROPERTY DEVELOPMENT CONSULTANTS PO BOX 654 GLENSIDE SA 5065 T 08 8390 0099 F 08 8390 0066 admin@andrewdavidson.com.au www.andrewdavidson.com.au	A.C.N. 007 904 396	SURVEYORS CERTIFICATION
AGENT CODE:	ANDA		
REFERENCE:	3070-PT001		

SUBJECT TITLE DETAILS:										
PREFIX	VOLUME	FOLIO	OTHER	PARCEL	NUMBER	PLAN	NUMBER	HUNDRED / IA / DIVISION	TOWN	REFERENCE NUMBER
CT	5329	300		ALLOTMENT(S)	50	F	33755	ADELAIDE		
CT	5797	721		ALLOTMENT(S)	21	F	129975	ADELAIDE		
CT	5830	634		SECTION(S)	1178			ADELAIDE		
CT	5865	6		ALLOTMENT(S)	1	F	130665	ADELAIDE		
CT	5874	309		ALLOTMENT(S)	31	F	129985	ADELAIDE		
CT	6140	938		SECTION(S)	906			ADELAIDE		
CT	6140	939		SECTION(S)	916			ADELAIDE		
CT	6140	940		SECTION(S)	917			ADELAIDE		
CT	6140	941		ALLOTMENT(S)	91	F	214467	ADELAIDE		
CT	6140	942		ALLOTMENT(S)	92	F	214467	ADELAIDE		
CT	6140	943		ALLOTMENT(S)	93	F	214467	ADELAIDE		
CT	6140	944		ALLOTMENT(S)	94	F	214467	ADELAIDE		
CT	6140	945		ALLOTMENT COMPRISING PIECES	(95*-98*)	F	214467	ADELAIDE		

OTHER TITLES AFFECTED:

EASEMENT DETAILS

STATUS	LAND BURDENED	FORM	CATEGORY	IDENTIFIER	PURPOSE	IN FAVOUR OF	CREATION
EXISTING	1	SHORT	FREE AND UNRESTRICTED RIGHT(S) OF WAY	A		A51 IN F33755	
EXISTING	1	LONG	EASEMENT(S)	B		THE ETSA CORPORATION	TG 8023845
EXISTING	1	LONG	EASEMENT(S)	C		THE ETSA CORPORATION	TG 8023845
EXISTING	91*	LONG	EASEMENT(S)	D		TRANSMISSION LESSOR CORPORATION (SUBJECT TO LEASE 9061500) AND ELECTRANET	T 2739440
EXISTING	7.8.91*	LONG	EASEMENT(S)	E		DISTRIBUTION LESSOR CORPORATION (SUBJECT TO LEASE 8890000)	T 3384332
EXISTING	3	LONG	EASEMENT(S)	F		COUNCIL FOR THE AREA	T 3252557
EXISTING	92*	LONG	EASEMENT(S)	G		THE ETSA CORPORATION	T 1793367
EXISTING	91*	LONG	EASEMENT(S)	H		THE ETSA CORPORATION	T 2739440
EXISTING	91*	LONG	EASEMENT(S)	J		THE ETSA CORPORATION	T 3384332
EXISTING	2	LONG	EASEMENT(S)	K		THE ETSA CORPORATION	T 2739439
EXISTING	2	LONG	EASEMENT(S)	L		THE ETSA CORPORATION	T 3384334
EXISTING	2	LONG	EASEMENT(S)	M		DISTRIBUTION LESSOR CORPORATION (SUBJECT TO LEASE 8890000)	T 2124029
EXISTING	2	LONG	EASEMENT(S)	N		THE MINISTER FOR INFRASTRUCTURE	T 6734222
EXISTING	2	LONG	EASEMENT(S)	P		THE MINISTER FOR INFRASTRUCTURE	T 101214
EXISTING	2	LONG	EASEMENT(S)	Q		THE MINISTER FOR INFRASTRUCTURE	T 2959825
EXISTING	2	LONG	EASEMENT(S)	R		THE MINISTER FOR INFRASTRUCTURE	T 6734222

AMENDED PLAN
18/02/2016

D

SHEET 3 OF 7

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ANNOTATIONS: ALL DATA IS APPROXIMATE AND SUBJECT TO SURVEY.

ROADS TO BE OPENED AND CLOSED UNDER THE ROADS (OPENING & CLOSING) ACT 1991 VIDE PP...

SECTION 90C OF THE REAL PROPERTY ACT 1886 APPLIES TO THIS PLAN (EXTINGUISHING RIGHTS OVER A IN CT5865/6 APPURTENANT TO CT5874/309 AND OVER D IN CT5797/721 APPURTENANT TO CT5865/6)

VIDE CERTIFICATES OF TITLE FOR MISSING BOUNDARY DATA

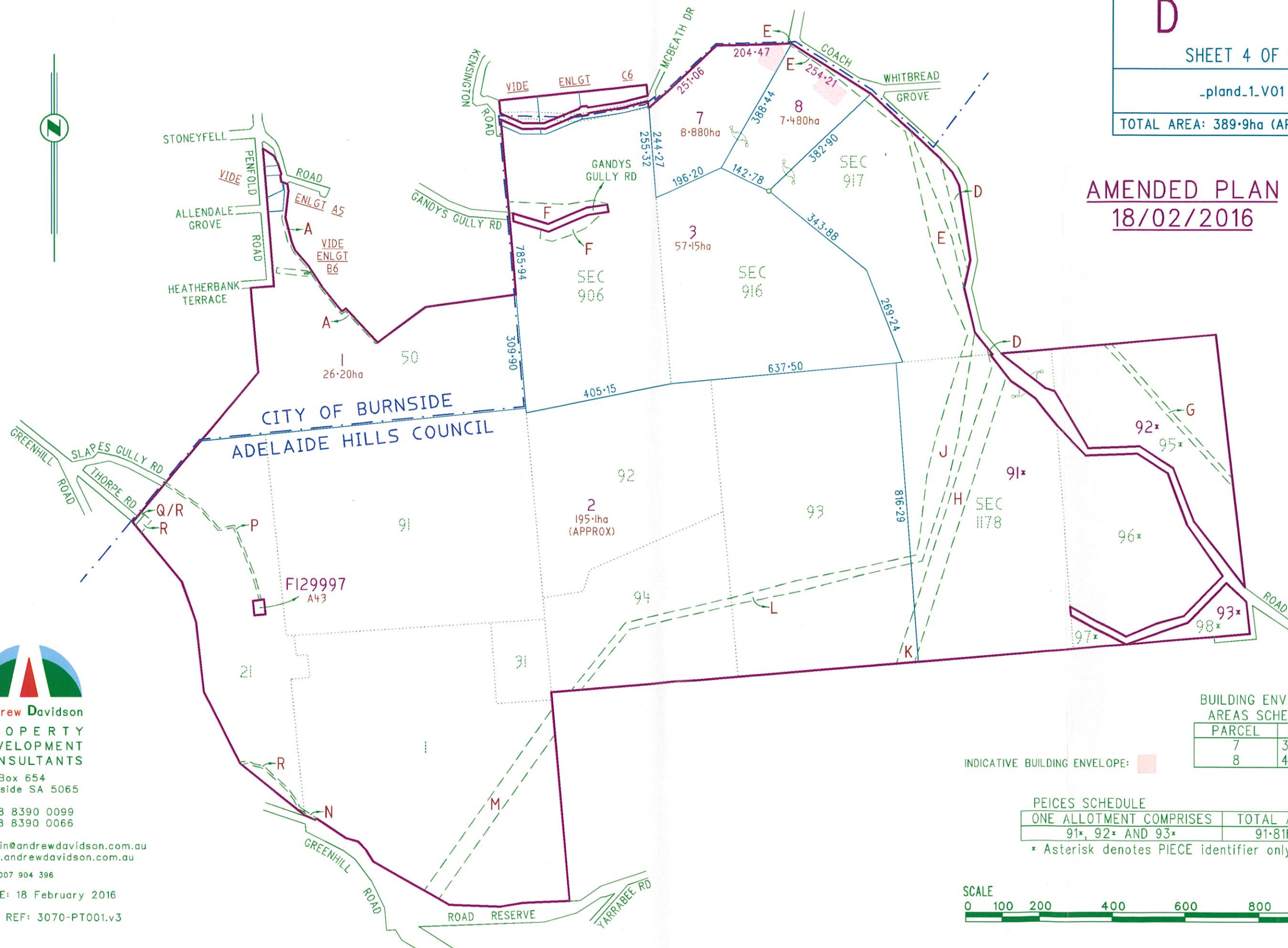
D

SHEET 4 OF 7

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TOTAL AREA: 389.9ha (APPROX)

AMENDED PLAN
18/02/2016



CITY OF BURNSIDE
ADELAIDE HILLS COUNCIL



Andrew Davidson
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ACN 007 904 396

DATE: 18 February 2016
OUR REF: 3070-PT001.v3

BUILDING ENVELOPE
AREAS SCHEDULE

PARCEL	AREA
7	3329m ²
8	4000m ²

INDICATIVE BUILDING ENVELOPE:

PEICES SCHEDULE

ONE ALLOTMENT COMPRISES	TOTAL AREA
91*, 92* AND 93*	91.81ha

* Asterisk denotes PIECE identifier only



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SHEET 5 OF 7

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AMENDED PLAN

18/02/2016

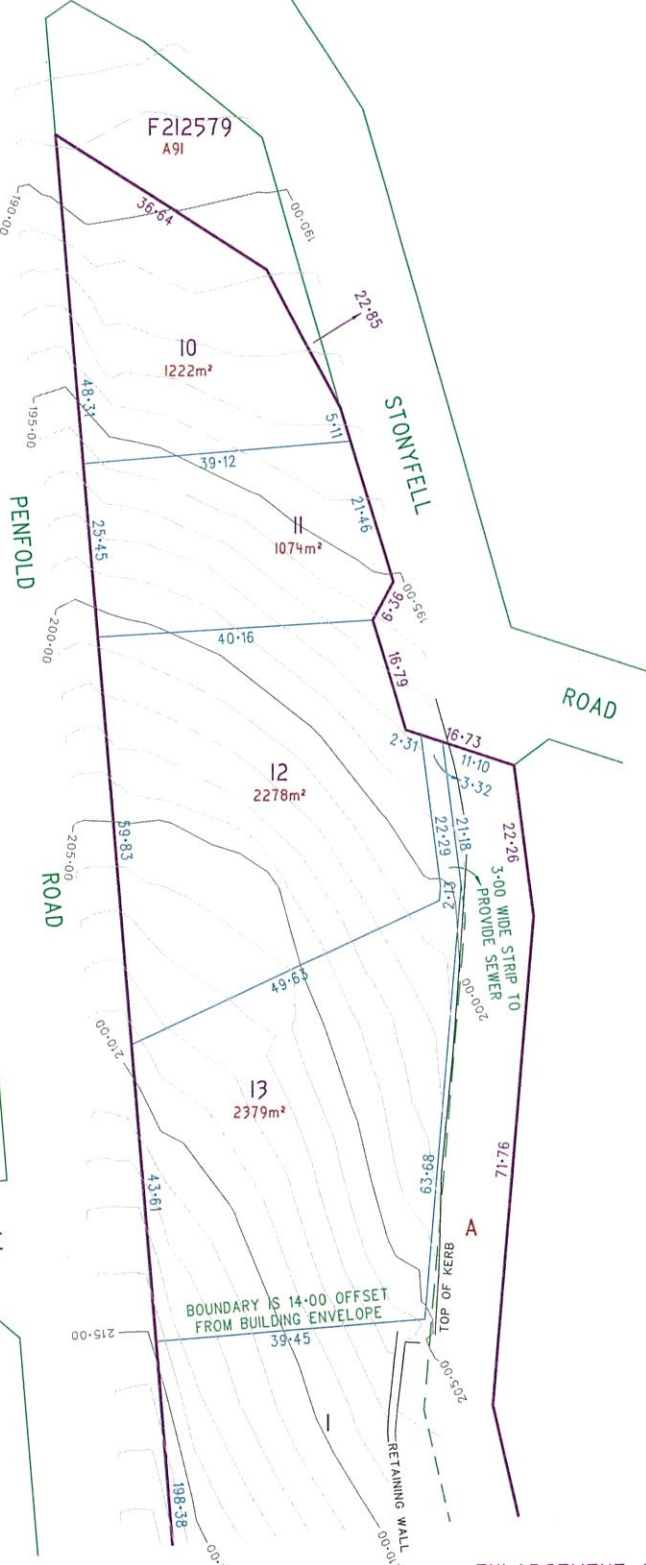
SHEET 5 AMENDED
26/05/2016



NOTATIONS:

CONTOUR DATUM: AHD, INTERVAL: 1m.

STONYFELL ROAD



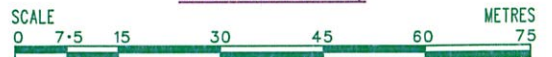
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DATE: 26 May 2016

OUR REF: 3070-PT001.v4

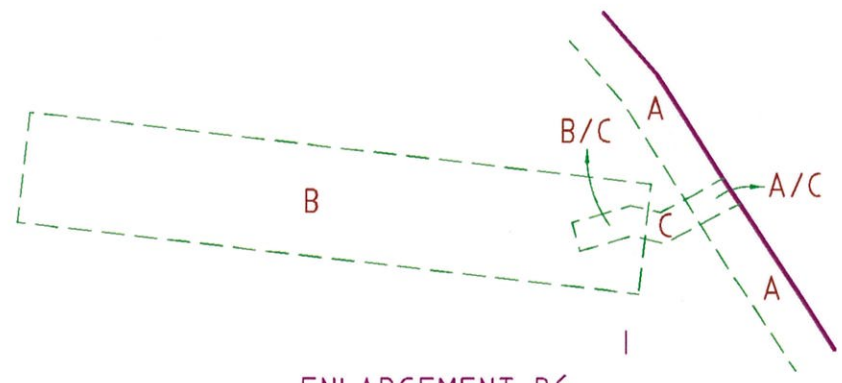
ENLARGEMENT A5



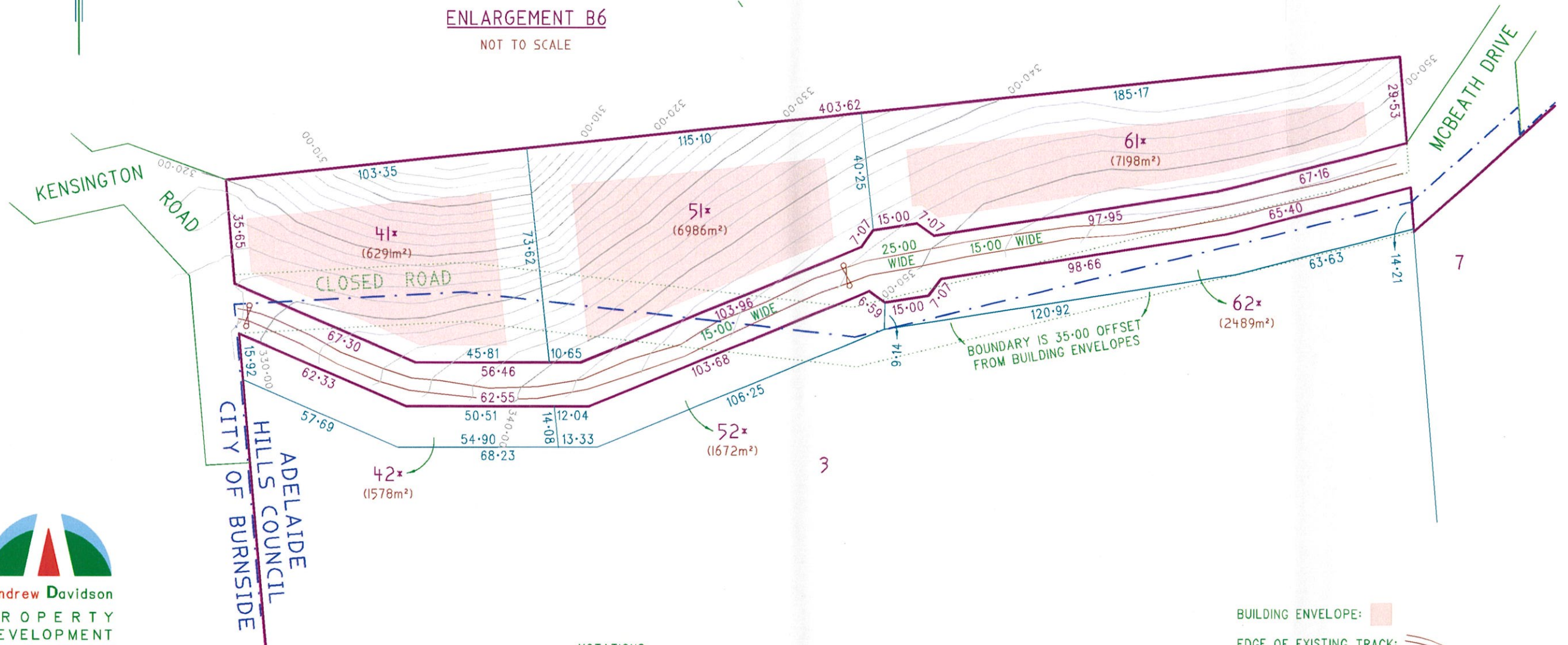
BUILDING ENVELOPE
AREAS SCHEDULE

PIECE	AREA
41*	3325m ²
51*	3546m ²
61*	3059m ²

AMENDED PLAN
18/02/2016



ENLARGEMENT B6
NOT TO SCALE



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DATE: 18 February 2016
OUR REF: 3070-PT001.v3

NOTATIONS:

BUILDING ENVELOPES ARE OFFSET: 6m FROM ROAD AND 14m FROM
SIDE AND REAR BOUNDARIES.
CONTOUR DATUM: AHD, INTERVAL: 2m.

BUILDING ENVELOPE:

EDGE OF EXISTING TRACK:

PROPOSED BARRIER TO ALLOW ACCESS TO EMERGENCY
VEHICLES ONLY:

PIECES SCHEDULE

ONE ALLOTMENT COMPRISES	TOTAL AREA
41* AND 42*	7869m ²
51* AND 52*	8658m ²
61* AND 62*	9687m ²

* Asterisk denotes PIECE identifier only

ENLARGEMENT C6



AMENDED PLAN
18/02/2016

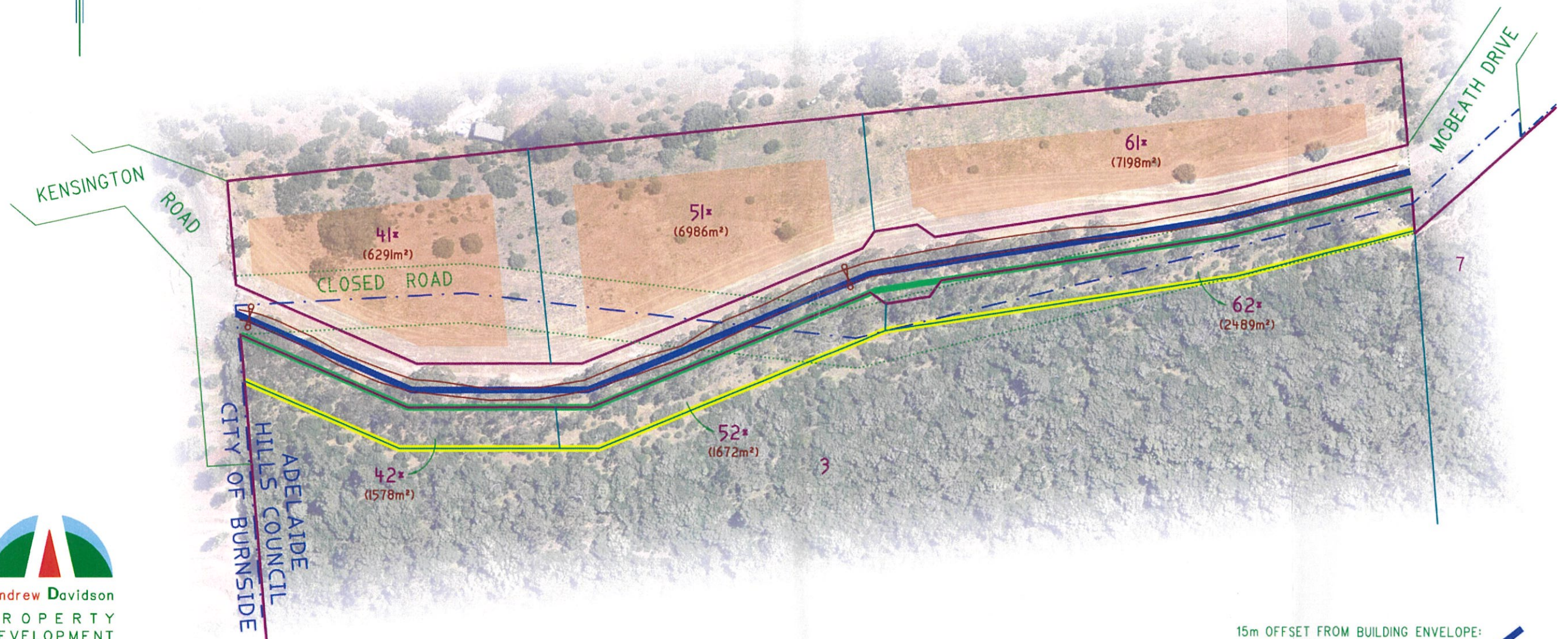
BUILDING ENVELOPE
AREAS SCHEDULE

PIECE	AREA
41*	3325m ²
51*	3546m ²
61*	3059m ²

D

SHEET 7 OF 7

_pland_4_V01



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ACN 007 904 396

DATE: 18 February 2016

OUR REF: 3070-PT001.v3

NOTATIONS:

BUILDING ENVELOPES ARE OFFSET: 6m FROM ROAD AND 14m FROM
SIDE AND REAR BOUNDARIES.

ENLARGEMENT D7



15m OFFSET FROM BUILDING ENVELOPE:
(MINIMUM REQUIRED TO SCRUBLAND)



21m OFFSET FROM BUILDING ENVELOPE:
(MINIMUM REQUIRED TO SCRUB)



35m OFFSET FROM BUILDING ENVELOPE:
(MINIMUM REQUIRED TO WOODLAND)



BUILDING ENVELOPE:



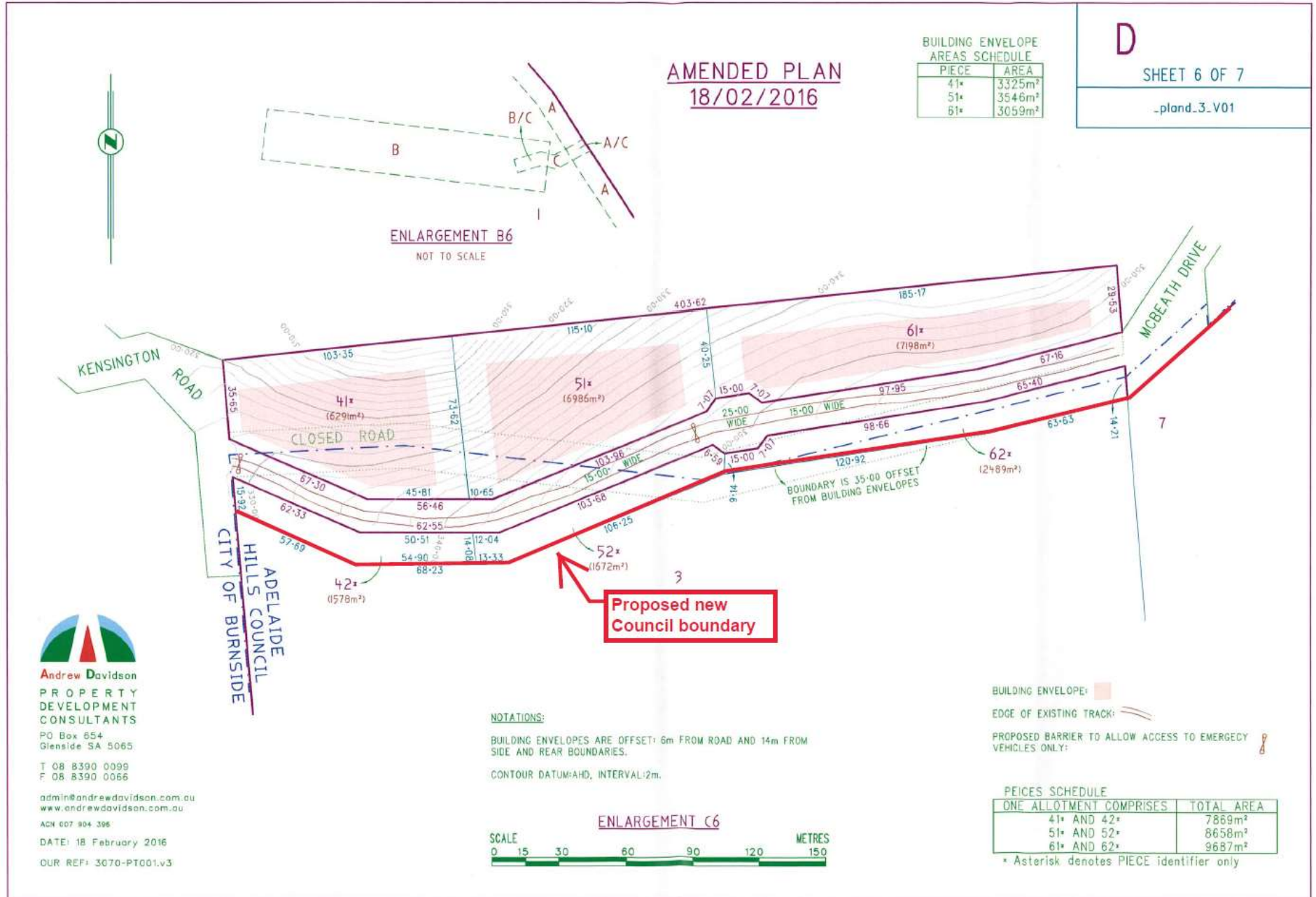
EDGE OF EXISTING TRACK:



PROPOSED BARRIER TO ALLOW ACCESS TO EMERGENCY
VEHICLES ONLY:



APPENDIX 3 – PROPOSED LOCATION OF NEW COUNCIL BOUNDARY



**ADELAIDE HILLS COUNCIL
MINUTES OF SPECIAL COUNCIL MEETING
TUESDAY 11 SEPTEMBER 2018
36 NAIRNE ROAD WOODSIDE**

In Attendance

Presiding Member: Mayor Bill Spragg

Members:

Councillor	Ward
Councillor Ron Nelson Councillor Jan-Claire Wisdom	Manoah
Councillor Ian Bailey Councillor Jan Loveday	Marble Hill
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 / Minute Secretary
John McArthur	Manager Waste & Emergency Management
Natalie Westover	Manager Property Services
Sharon Leith	Strategic and Sustainability Officer
Steven Watson	Governance and Risk Coordinator

1. COMMENCEMENT

The special council meeting commenced at 6.32pm

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”.

**ADELAIDE HILLS COUNCIL
MINUTES OF SPECIAL COUNCIL MEETING
TUESDAY 11 SEPTEMBER 2018
36 NAIRNE ROAD WOODSIDE**

3. APOLOGIES/LEAVE OF ABSENCE

3.1 Apology

Councillor Kirrilee Boyd
Councillor Andrew Stratford

3.2 Leave of Absence

Nil

3.3 Absent

Nil

4. DECLARATION OF CONFLICT OF INTEREST BY MEMBERS OF COUNCIL

4.1 Nil

5. PUBLIC FORUM

Heath Sandiland – Pomona Road Bike Track
Elaine Anderson - Pomona Road Bike Track

6. BUSINESS OF THE MEETING

6.1 Pomona Road Bike Track Trial

Moved Cr Ian Bailey
S/- Cr Nathan Daniell

That:

1. The report be received and noted.
2. Council support a trial of a BMX facility in Stirling, within the Service Women's War Memorial Reserve (adjacent Pomona Road)
3. A report is prepared to Council by 26 November 2019 on completion of the trial.

Variation

With consent from the mover and seconder leave of the meeting was granted to vary the motion as follows:

4. Other sites for BMX Tracks be explored in the Adelaide Hills Council area and be included in the report to Council by 26 November 2019.

**ADELAIDE HILLS COUNCIL
MINUTES OF SPECIAL COUNCIL MEETING
TUESDAY 11 SEPTEMBER 2018
36 NAIRNE ROAD WOODSIDE**

Variation

With consent from the mover and seconder leave of the meeting was granted to vary the motion as follows:

5. The CEO continues conversations with the RSL to agree on ways to further acknowledge and appreciate the Service Women's War Memorial.

Motion as varied

**Moved Cr Ian Bailey
S/- Cr Nathan Daniell**

223/18

That:

1. **The report be received and noted.**
2. **Council support a trial of a BMX facility in Stirling, within the Service Women's War Memorial Reserve (adjacent Pomona Road)**
3. **A report is prepared to Council by 26 November 2019 on completion of the trial.**
4. **Other sites for BMX Tracks be explored in the Adelaide Hills Council area and be included in the report to Council by 26 November 2019.**
5. **The CEO continues conversations with the RSL to agree on ways to further acknowledge and appreciate the Service Women's War Memorial.**

Carried Unanimously

Leave of the meeting granted to bring Item 6.5 forward in the agenda.

6.5 Draft Gumeracha Main Street Masterplan

**Moved Cr Malcolm Herrmann
S/- Cr Linda Green**

224/18

That:

1. **The report be received and noted.**
2. **Council endorses a broader community engagement process from 11 October to 2 November 2018 to enable the local community to provide feedback on the outcomes within the draft Masterplan.**
3. **The Chief Executive Officer be authorised to consider and respond to minor changes to the draft Masterplan and to timing, advertisements and extent of the broader community engagement process.**
4. **A report is provided back to Council by January 2019.**

Carried Unanimously

**ADELAIDE HILLS COUNCIL
MINUTES OF SPECIAL COUNCIL MEETING
TUESDAY 11 SEPTEMBER 2018
36 NAIRNE ROAD WOODSIDE**

Leave of the meeting granted to bring Item 6.7 forward in the agenda.

6.7 Draft Gumeracha Precinct Federation Park and Oval Masterplan

Moved Cr Malcolm Herrmann

S/- Cr Linda Green

225/18

That:

1. The report be received and noted.
2. Council endorse a broader community engagement process from 11 October to 2 November 2018 to enable the local community to provide feedback on the outcomes within the draft Masterplan.
3. The Chief Executive Officer be authorised to consider and respond to minor changes to the draft Masterplan and to the timing, advertisements and extent of the broader community engagement process.
4. A report is provided back to Council by January 2019.

Carried Unanimously

6.2 Parliamentary Inquiry into the Heritage System regarding Places or Objects

Moved Cr Linda Green

S/- Cr John Kemp

226/18

Council resolves:

1. That the report be received and noted
2. To approve the submission on the South Australian Environment, Resources and Development Committee Inquiry into the Heritage System as detailed in Appendix 2 of the report subject to the inclusion of the following words:
 - a. That the submission be amended to include the following words to be inserted in the first line of point b. under Inquiry Point 2, to read as follows:

“Council considers that anyone seeking heritage listing of a place should have the right to be heard in support of their submission. In addition if a landowner is not a party to the nomination than they too should have the right to be heard in support of their position.”

- b. That the submission be amended to include the following words to be inserted after the first paragraph under Inquiry Point 4:

“It is noted that there is a perception that heritage listing is an impediment for owners to maintain or repair their heritage places. This perception has led in some cases to unexpected consequences whereby owners of buildings nominated for heritage listing have declared that if their building was to be approved for listing, they would not continue to look after the building and they

**ADELAIDE HILLS COUNCIL
MINUTES OF SPECIAL COUNCIL MEETING
TUESDAY 11 SEPTEMBER 2018
36 NAIRNE ROAD WOODSIDE**

would let it decay or fall in to a state of disrepair. This is clearly not the intent of heritage listing, and it is therefore suggested that the Inquiry look at ways to educate owners of heritage buildings, as a way to break down any misconceptions that owners may have toward Heritage protection and also to promote Heritage listing as an inherently positive outcome for the owner and the community for any building deemed worthy of protection.”

Carried Unanimously

6.3 AHBTC Divestment Update

Moved Cr Ian Bailey
S/- Cr Nathan Daniell

227/18

That the report be received and noted.

Carried Unanimously

6.4 2017-18 Preliminary End of Year Financial Results and Carry Forwards

Moved Cr John Kemp
S/- Cr Ron Nelson

228/18

That:

1. The report be received and noted.
2. The Preliminary End of Year Results for 2017-18 is noted.
3. Carry forward projects from 2017-18 totalling an amount of \$2.091m of expenditure and \$1.451m of income (Attachments 2 and 3 to this report) be approved.
4. The 2018-19 Proposed Budgeted Uniform Presentation of Finances reflecting a Budgeted Operating Surplus of \$302k before Capital Revenue and revised Net Borrowings of \$4.333m as summarised in Attachment 4 to this report be adopted.

Carried Unanimously

6.5 Item 6.5 was considered earlier in the meeting.

6.6 Road Exchange McBeath Drive, Skye Horsnell Gully

Moved Cr John Kemp
S/- Cr Lynton Vonow

229/18

**ADELAIDE HILLS COUNCIL
MINUTES OF SPECIAL COUNCIL MEETING
TUESDAY 11 SEPTEMBER 2018
36 NAIRNE ROAD WOODSIDE**

That:

- 1. The report be received and noted.**
- 2. In accordance with sections 12 and 15 of the Roads (Opening and Closing) Act 1991, as regards the land within the Adelaide Hills Council area, enter into an Agreement for Exchange with Boral Resources (SA) Ltd and issue a Road Process Order to open as road portions of Section 906 Hundred of Adelaide numbered "1", "2" and "3" on Preliminary Plan No. 17/0066 (Appendix 1) and in exchange to close portions of McBeath Drive marked "A", "B", "C" and "D" on Preliminary Plan No. 17/0066, subject to the following:

 - a. Boral Resources (SA) Ltd agreeing to pay all costs associated with the road exchange process including but not limited to all survey, valuation and reasonable legal costs;**
 - b. Boral Resources (SA) Ltd agreeing to pay all costs associated with a Council boundary adjustment between Adelaide Hills Council and the City of Burnside to rectify the resulting Council boundary anomaly from the road exchange process****
- 3. The closed road is excluded as Community Land pursuant to the Local Government Act 1999.**
- 4. Council approves the sale of the differential between the total area of closed road and the total area of opened road of approximately 1,242m² to Boral Resources (SA) Ltd for the amount of \$6,210 as determined by an independent valuation.**
- 5. Subject to the successful completion of the road exchange process, Council undertakes a process in conjunction with the City of Burnside to realign the local government boundary along the new location of McBeath Drive to the south side of pieces 42, 52 and 62 of the proposed residential allotments in accordance with the provisions of the Local Government (Boundary Adjustment) Amendment Act 2017 (to commence on 1 January 2019) and/or Part 2 of Chapter 3 of the Local Government Act 1999.**
- 6. The Mayor and Chief Executive Officer be authorised to sign all documents necessary, including affixation of the common seal, to give effect to this resolution. .**

Carried Unanimously

6.7 Item 6.7 was considered earlier in the meeting.

6.8 Burials outside Cemeteries Policy

Moved Cr John Kemp
S/- Cr Ron Nelson

230/18

That:

- 1. The report be received and noted.**

**ADELAIDE HILLS COUNCIL
MINUTES OF SPECIAL COUNCIL MEETING
TUESDAY 11 SEPTEMBER 2018
36 NAIRNE ROAD WOODSIDE**

2. The Burials outside Cemeteries Policy as provided as Appendix 1 is endorsed for community consultation.
3. That the CEO be authorised to consider and respond to minor changes to the draft Policy and to the timing, advertisements and extent of the broader consultation process.

Carried

6.9 Exclusion of Community Land – Crafers Retirement Village

Moved Cr John Kemp
S/- Cr Ian Bailey

231/18

That:

1. The report be received and noted.
2. To exclude the land identified as Allotment 121 on the plan attached as Appendix 1 as Community Land pursuant to the Local Government Act 1999 when the land is vested in the Adelaide Hills Council as a land grant from the Crown

Carried Unanimously

Cr Lynton Vonow left Chamber at 7.55pm

6.10 Revocation of Community Land – Bridgewater Retirement Village

Cr Lynton Vonow returned to the Chamber at 7.57pm

Moved Cr Ian Bailey
S/- Cr Lynton Vonow

232/18

That:

1. The report be received and noted.
2. To commence a process to revoke the Community Land classification of the land located on the corner of Mt Barker Road and Second Avenue Bridgewater known as 511 Mt Barker Road Bridgewater contained in Certificate of Title Volume 5488 Folio 788 (Land) on which a portion of the Bridgewater Retirement Village is located by:
 - a. Preparing a report as required under section 194(2)(a) of the Local Government Act 1999 and making it publicly available.
 - b. Undertaking consultation in accordance with its Public Consultation Policy as required under section 194(2)(b) of the Local Government Act 1999.
3. To commence a process to vary the charitable trust affecting the Land by investigating land parcels owned by the Adelaide Hills Council, including Carripook Park, Candlebark Reserve and Vincent Playground Reserve, that may be suitable for the development of a landscaped garden for the benefit of the community and for the construction of a memorial to the Ash Wednesday Bushfires of 1983 as

**ADELAIDE HILLS COUNCIL
MINUTES OF SPECIAL COUNCIL MEETING
TUESDAY 11 SEPTEMBER 2018
36 NAIRNE ROAD WOODSIDE**

contemplated by the charitable trust over the Land and invite community suggestions and feedback in relation to any appropriate land parcels.

4. To approve a budget allocation in the amount of \$10,000 for legal expenses for the preparation of an Application to the Supreme Court to vary the charitable trust.
5. That a further report be presented to Council for consideration after community consultation and further investigations have been completed

Carried Unanimously

6.11 Road Closure Glenside Lane, Crafers

Moved Cr John Kemp

S/- Cr Linda Green

233/18

That:

1. The report be received and noted.
2. Subject to there being no objections lodged during the public notification period, to make a Road Process Order pursuant to the Roads (Opening & Closing) Act 1991 in accordance with the Preliminary Plan attached to this report as Appendix 2 as follows:
 - a. to close and merge the piece of land identified as "A" in the Preliminary Plan with Allotment 105 in Deposited Plan No 42581 comprised in Certificate of Title Volume 5291 Folio 390;
 - b. to close and merge the pieces of land identified as "B" and "D" in the Preliminary Plan with Allotment 103 in Deposited Plan No 42581 comprised in Certificate of Title Volume 5291 Folio 388; and
 - c. to close and merge the pieces of land identified as "C" and "E" in the Preliminary Plan with Allotment comprising pieces 101 and 102 in Deposited Plan No 42581 comprised in Certificate of Title Volume 5281 Folio 387.
3. Subject to issue of a Road Process Order in accordance with the Preliminary Plan, 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 Ken Lehmann and Mrs Nydia Lehmann, the owners of Certificate of Title Volume 5291 Folio 390 for the amount of \$46,500 plus GST (if applicable) and all fees and charges associated with the road closure process.
 - The pieces marked "B", "C", "D" and "E" be sold to Mr Mark Edward Penfold Jolly, Mr Christopher Rawson Penfold Jolly and Mrs Angela Evelyn Penfold Foley, as Executors for the Estate of the Late Marjorie Anne Patterson Jolly, the owners of Certificates of Title Volume 5291 Folios 387 and 388 for the amount of \$45,500 plus GST (if applicable) and all fees and charges associated with the road closure process.

**ADELAIDE HILLS COUNCIL
MINUTES OF SPECIAL COUNCIL MEETING
TUESDAY 11 SEPTEMBER 2018
36 NAIRNE ROAD WOODSIDE**

4. Authorise the Chief Executive Officer to finalise and sign all necessary documentation to give effect to this resolution.

Carried Unanimously

6.12 Sale of closed unnamed road off Burton Road, Mt Torrens

Moved Cr Malcolm Herrmann
S/- Cr Ian Bailey

234/18

That:

1. The report be received and noted.
2. To sell the land comprised in Certificate of Title Volume 6191 Folio 688 known as Closed Road U in Road Plan No. 1793 and identified on the plan attached as Appendix 1 (Land) for the amount of \$9,500 (exclusive of GST) to the adjoining land owner R T & T L Gladigau.
3. To delegate to the Chief Executive Officer to sign all documentation necessary to effect the sale of the Land.

Carried Unanimously

6.13 Sale of closed unnamed road off McVitties Road, Birdwood

Moved Cr John Kemp
S/- Cr Linda Green

235/18

That:

1. The report be received and noted.
2. To sell the land comprised in Certificate of Title Volume 6193 Folio 468 known as Closed Road S in Road Plan No. 1793 and identified on the plan attached as Appendix 1 (Land) for the amount of \$8,500 (exclusive of GST) to the adjoining land owner Talunga Pty Ltd.
3. To delegate to the Chief Executive Officer to sign all documentation necessary to effect the sale of the Land.

Carried Unanimously

6.14 East Waste Kerbside Recycling Contract

Cr Ian Bailey left the Chamber at 8.09pm
Cr Ian Bailey returned to the Chamber at 8.11pm

Moved Cr Linda Green

**ADELAIDE HILLS COUNCIL
MINUTES OF SPECIAL COUNCIL MEETING
TUESDAY 11 SEPTEMBER 2018
36 NAIRNE ROAD WOODSIDE**

S/- Cr John Kemp

236/18

Council resolves:

1. That the report be received and noted.
2. To note the inclusion of Council's annual kerbside recycling tonnes in the forthcoming East Waste request for tender process for the receipt and processing of Member Councils' recycling material.

Carried Unanimously

Cr Jan-Claire Wisdom left the chamber 8.15pm

Cr Jan-Claire Wisdom returned to the chamber 8.16pm

7. Former Ashton Landfill

7.1.1 Ashton Landfill – Exclusion of the Public

Moved Cr Nathan Daniell

S/- Cr John Kemp

237/18

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 Waste and Emergency Management, John McArthur
- Governance and Risk Coordinator, Steven Watson
- Council's Legal Advisor, Stephen Williams (Norman Water House)

be excluded from attendance at the meeting for Agenda Item 7.1 (Ashton Landfill) 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)(i) of the *Local Government Act 1999*, the information to be received, discussed or considered in relation to this Agenda Item is information relating to actual litigation, or litigation that the council or council committee believes on reasonable grounds will take place, involving the council or an employee of the council, the disclosure of which could reasonably be expected to prejudice the commercial position of person/agency/business involved with any litigation that may be undertaken.

**ADELAIDE HILLS COUNCIL
MINUTES OF SPECIAL COUNCIL MEETING
TUESDAY 11 SEPTEMBER 2018
36 NAIRNE ROAD WOODSIDE**

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.

Carried Unanimously

**ADELAIDE HILLS COUNCIL
MINUTES OF SPECIAL COUNCIL MEETING
TUESDAY 11 SEPTEMBER 2018
36 NAIRNE ROAD WOODSIDE**

7.1.2 Ashton Landfill – Confidential Item

**ADELAIDE HILLS COUNCIL
MINUTES OF SPECIAL COUNCIL MEETING
TUESDAY 11 SEPTEMBER 2018
36 NAIRNE ROAD WOODSIDE**

7.1.3 Ashton Landfill – Period of Confidentiality

Moved Cr Ian Bailey

S/- Cr Ron Nelson

239/18

That:

1. 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) (i) 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 10 September 2019.
2. 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.

Carried Unanimously

8. CLOSE SPECIAL COUNCIL MEETING

The meeting closed at 8.21pm.

Council Meeting Minutes

**22 May 2018 | 7.00 pm
Council Chamber
401 Greenhill Road, Tusmore**

Members Present: Mayor David Parkin
Councillors Wilkins, Lemon, Bills, Monceaux, Ford, Cornish, Davey,
Piggott, Davis, Osterstock, Lord (from 7.08pm)

Staff Present: Paul Deb, Chief Executive Officer
Martin Cooper, General Manager, Corporate and Development
Barry Cant, General Manager, Urban and Community

The Mayor read the opening prayer.

The Mayor acknowledged those who gave their life for this Country and also acknowledged the Traditional Owners.

The Mayor advised of the relevant legislation and offences that address behaviour that disrupts a Council Meeting and informed all present that offences apply to both members of the gallery and Elected Members

Evacuation Procedure

The Mayor read the evacuation procedure.

Recording of Council Meetings

The Mayor advised that the Council Meeting is recorded and live streamed.

Apologies

Nil

Leave of Absence

Nil

Confirmation of Minutes**Recommendation**

C11698

That the Minutes of the meeting of Council held on 8 May 2018 be taken as read and confirmed.

Moved Councillor Davis, Seconded Councillor Lemon

CARRIED

Mayor's Report**Recommendation**

C11699 That the Mayor's report be received.

Moved Councillor Davey, Seconded Councillor Monceaux

CARRIED

Reports of Members, Delegates and Working Parties

Councillor Monceaux helped with History Month Wheal Watkins Mine tours on 13 May 2018 and 19 May 2018; attended the LGA/SA Health Working Party meeting on 17 May 2018; met with the Community Grants Committee on 18 May 2018; took part in a meeting for Metropolitan councils revising the Public Health Plan Summary on 18 May 2018 and attended the Burnside Historical Society meeting on 21 May 2018 about the first Cornish miner in Kapunda.

Councillor Bills attending a meeting on the Burnside Village proposed redevelopment with the external parties involved on 16 May 2018 (in lieu of the confidential workshop held in April).

Councillor Lemon attended the workshop on Dog and Cat Management Plan Workshop on 8 May 2018.

Councillor Wilkins attended a conference in Hobart and undertook activities relating to heritage research.

Councillor Piggott attended the Recycling Waste Technical Review Committee with East Waste on 11 May 2018; met representatives of the Burnside Village planning team with Councillor Bills on 16 May 2018 and attended a special East Waste Board meeting on 18 May 2018.

Councillor Davey attended the Dog and Cat Management Plan Workshop on 8 May 2018; attended an update meeting of the Civic Centre Masterplan Group on 15 May 2018; attended a meeting of the Quality Committee of Burnside War Memorial Hospital on 16 May 2018 and attended a meeting of the Community Grants Committee on 18 May 2018.

Councillor Cornish took part in a Civic Centre Masterplan Group meeting on 15 May 2018.

Deputations

Councillor Lord entered the Chamber at 7.08pm.

Dr and Mrs Gardner – Miller Reserve Vegetation

Stephen Merrett – Parking Policy

Petitions

Nil

Questions on Notice

Cessation of Legal Expenses (10.1)

Councillor Ford asked the following Question on Notice:

1. Please explain why my notice of motion that "Council resolves immediately to cease funding the legal expenses of seven persons connected to the City of Burnside in their personal litigation against Cr Bagster", which you ruled ultra vires, was not tabled to provide transparency?

The proposed motion was ultra vires. Accordingly, it was not an item of business for the Council (i.e. there was no decision to make on it). Hence it was not included in the Agenda which is a list of items of business for the Council. It is on this basis that it was not required to be, and was not, tabled either.

Motions on Notice

Parking Policy Revision – Councillor Cornish (11.1)

Motion

1. That Part 2 and Part 3.2 of Council Resolution C11590 from 20 February 2018, which states:
 1. *That the Report be received.*
 2. *That, with respect to the Parking Policy, the Fees and Charges for 2018/19 include the following:*
 - 2.1. *A \$50 charge for second, third and tradesperson's parking permits;*
 - 2.2. *A \$10 charge for all replacement permits; and*
 - 2.3. *Concession discount of 50 per cent.*
 3. *That Council endorsed the following revised Policies:*
 - 3.1. *Hedge Encroachment onto Road Reserve Policy;*
 - 3.2. *Parking Policy; and*
 - 3.3. *Privately Funded Development Plan Amendment.*

be rescinded.
2. That the Parking Policy in place immediately prior to the resolution of 20 February 2018 be reaffirmed.
3. That the Administration develops a Parking Policy revision strategy that will include involvement strategies from Council's Community Engagement (Public Consultation) Policy. The strategy will review Parking Restrictions and the Parking Permit scheme.

4. That all current applications for permits be assessed against the previous Parking Policy (immediately prior to 20 February 2018) and that all permit holders be notified of this resolution.

Moved Councillor Cornish, Seconded Councillor Wilkins

LOST

A Division was called by Councillor Wilkins.

IN FAVOUR

Councillor Monceaux
Councillor Bills
Councillor Wilkins
Councillor Lord
Councillor Cornish

AGAINST

Councillor Osterstock
Councillor Lemon
Councillor Davis
Councillor Piggott
Councillor Davey
Councillor Ford

The Division resulted in the Motion being

LOST

Motion

C11700

1. That the Administration provide a report reviewing the parking policy including, but not limited to, issues raised by the community and during the Council debates, consideration of all permits being transferable and appropriateness of fees for permits.
2. That the Administration provides advice in respect to appropriate changes to be considered by Council at its meeting scheduled for 26 June 2018.

Moved Councillor Piggott, Seconded Councillor Davis

CARRIED UNANIMOUSLY

Tree Replacement on Goat Track – Councillor Davey (11.2)

This item was withdrawn by Councillor Davey.

Annual Planting of Replacement Trees – Councillor Davey (11.3)

This item was withdrawn by Councillor Davey.

Questions without Notice

Nil

Motions without Notice

Nil

Reports of Officers

Councillor Osterstock left the Chamber at 8.56pm and resumed his seat in the Chamber at 8.58pm.

Regional Subsidiary Financial Results (Operational) (14.2)**Motion**

C11701

1. That the Report be received.
2. That Council approve the Eastern Health Authority Third Budget Review for 2017/18, noting the revised Forecast result is a Surplus of \$32,000.
3. That Council approve the Eastern Health Authority draft 2018/19 Annual Business Plan and Budget, noting the draft Budget result is a breakeven position.
4. That Council approve the East Waste Management Authority draft 2018/19 Annual Business Plan to inform the Budget, noting the draft Budget result is a Surplus of \$65,000.
5. That Council approve the Highbury Landfill Authority draft 2018/19 Budget, noting the draft Budget result is a Deficit of \$5,170.

Moved Councillor Cornish, Seconded Councillor Davey

CARRIED

Third Quarter 2017/18 Budget Update (Operational) (14.1)**Motion**

1. That the Report be received.
2. That the following variances to the 2017/18 Quarter 2 Forecast are adopted to create the Quarter 3 Forecast (full year):
 - 2.1 Operating Income net decrease of \$115,662.
 - 2.2 Operating Expenditure net decrease of \$663,495.
 - 2.3 Capital Expenditure on Renewal and Replacement of Existing Assets net decrease of \$498,476.
 - 2.4 Capital Expenditure on New and Upgrade Assets net decrease of \$437,768
3. That the following Capital Projects be carried forward and included in the 2018/19 Budget:
 - 3.1 Constable Hyde Redevelopment of \$54,000;
 - 3.2 Magill Village Redevelopment Project \$102,000;
 - 3.3 Kensington Garden Masterplan and Works \$303,000; and
 - 3.4 Creek Rehabilitation Works \$200,000.

4. That Council request the Administration to provide a report to the next meeting of Council (first meeting in June 2018) on the effect of paying an additional \$1 million in long term debt reduction in 2017/18 in addition to the budgeted loan repayment.

Moved Councillor Ford, Seconded Councillor Osterstock

LOST

A Division was called by Councillor Ford.

IN FAVOUR

Councillor Monceaux
Councillor Bills
Councillor Lord
Councillor Ford

AGAINST

Councillor Osterstock
Councillor Lemon
Councillor Wilkins
Councillor Davis
Councillor Piggott
Councillor Davey
Councillor Cornish

The Division resulted in the Motion being

LOST

Motion

C11702

1. That the Report be received.
2. That the following variances to the 2017/18 Quarter 2 Forecast are adopted to create the Quarter 3 Forecast (full year):
 - 2.1 Operating Income net decrease of \$115,662.
 - 2.2 Operating Expenditure net decrease of \$663,495.
 - 2.3 Capital Expenditure on Renewal and Replacement of Existing Assets net decrease of \$498,476.
 - 2.4 Capital Expenditure on New and Upgrade Assets net decrease of \$437,768
3. That the following Capital Projects be carried forward and included in the 2018/19 Budget:
 - 3.1 Constable Hyde Redevelopment of \$54,000;
 - 3.2 Magill Village Redevelopment Project \$102,000;
 - 3.3 Kensington Garden Masterplan and Works \$303,000; and
 - 3.4 Creek Rehabilitation Works \$200,000.

Moved Councillor Davis, Seconded Councillor Davey

CARRIED

A Division was called by Councillor Osterstock.

IN FAVOUR

Councillor Osterstock
Councillor Lemon
Councillor Wilkins
Councillor Davis
Councillor Piggott
Councillor Davey
Councillor Cornish

AGAINST

Councillor Monceaux
Councillor Bills
Councillor Lord
Councillor Ford

The Division resulted in the Motion being

CARRIED

Adjournment of Meeting

C11703 That the Council Meeting be adjourned for a refreshment break of 10 minutes before recommencing at 9.13pm.

Moved Councillor Davis, Seconded Councillor Davey

CARRIED

Resumption

C11704 That the meeting be resumed at 9.13pm.

Moved Councillor Osterstock, Seconded Councillor Piggott

CARRIED

Partial Waiver of Encumbrance at 5 Wilson Court, Rosslyn Park SA 5072 – Certificate of Title Volume 5110 Folio 82 (Operational) (14.3)

Motion

C11705

1. That the Report be received.
2. That Council grant consent to the partial waiver of the Encumbrance at 5 Wilson Court, Rosslyn Park, SA, 5072, to allow for the construction of a two-storey detached dwelling with undercroft garage and storage area, swimming pool, landscaping, earthworks and retaining walls in accordance with the granted Development Plan Consent on 26 March 2018 (Development Application 180\1305\17).
3. That the registered proprietor of the land be informed accordingly as to the outcome of their request.

Moved Councillor Davis, Seconded Councillor Lemon

CARRIED

McBeath Drive, Skye – Proposed Road Exchange and Local Government Boundary Realignment (Operational) (14.4)

Motion

C11706

1. That the Report be received.
2. That, in accordance with sections 12 and 15 of the *Roads (Opening and Closing) Act 1991*, Council enter into an Agreement for Exchange and make a Road Process Order, to open as road portions of Section 906 Hundred of Adelaide numbered "1", "2" and "3" on Preliminary Plan 17/0066 and in exchange to close portions of McBeath Drive marked "A", "B", "C" & "D" on Preliminary Plan 17/0066.
3. That, subject to the successful completion of a Road Process Order being made as per Recommendation Item 2 above, that:
 - 3.1 The portions of closed road marked "A", "B", "C" & "D" on Preliminary Plan 17/0066 be excluded from classification as community land pursuant to Section 193(4) of the *Local Government Act 1999*; and

- 3.2 The Council undertake a process in consultation with Adelaide Hills Council to realign the City of Burnside local government boundary south of the realigned McBeath Drive and proposed residential allotments 42, 52 and 62, in accordance with the provisions of the Local Government (Boundary Adjustment) Amendment Bill 2017 (yet to be assented) and / or Part 2 of Chapter 3 of the Local Government Act 1999.
4. That Council approves the sale of the differential between the total area of closed road and the total area of opened road being approximately 110m² to Boral Resources (SA) Ltd for an amount to be determined by a licensed valuer subject to:
 - 4.1 The successful completion of a Road Process Order being made as per Recommendation Item 2 above;
 - 4.2 Boral Resources (SA) Ltd meeting all costs associated with the proposed Road Exchange Process;
 - 4.3 Boral Resources (SA) Ltd meeting all costs associated with a resulting local government boundary realignment process; and
 - 4.4 Any conditions the Chief Executive Officer considers appropriate.
5. That proceeds from the sale of any closed road be directed into the Council's Open Space Reserve Fund.
6. That Council authorises the Mayor and Chief Executive Officer to execute and affix the Council's Common Seal (where necessary) to give effect to the transactions set out above.
7. That Council reaffirms its intention to maintain the closure of Kensington Road at its eastern end.

Moved Councillor Piggott, Seconded Councillor Lemon

CARRIED

6 Conyngham Street, Glenside (Council Depot) –Proposed Master Plan (Strategic) (14.5)

Motion

1. That the Report be received.
2. That Council adopts the detailed design for the redevelopment of the Conyngham Street Depot site, as provided in Attachment B to this Report.
3. That Council adopts the Project Plan for the Conyngham Street Depot Master Plan Project, as provided in Attachment C, and commences work in the 2018/19 Financial Year, in accordance with the schedule identified in the Project Plan.
4. That regular project updates be presented to Council, with respect to project progression, budget and scope.
5. That the Administration investigate additional funding and expenditure off-set opportunities to assist Council in minimising the overall cost of the project.
6. That the draft 2018/19 Annual Business Plan and Budget is presented for final approval, ensuring that this Project is adequately financed within the total Capital Budget adopted for public consultation and without affecting Council's estimated financial position.

Moved Councillor Lemon, Seconded Councillor Wilkins

Amended Motion

1. That the Report be received.
2. That Council adopts the detailed design for the redevelopment of the Conyngham Street Depot site, as far as possible as a Carbon Neutral Facility, as provided in Attachment B to this Report.
3. That Council adopts the Project Plan for the Conyngham Street Depot Master Plan Project, as provided in Attachment C, and commences work in the 2018/19 Financial Year, in accordance with the schedule identified in the Project Plan.
4. That regular project updates be presented to Council, with respect to project progression, budget and scope.
5. That the Administration investigate additional funding and expenditure off-set opportunities to assist Council in minimising the overall cost of the project.
6. That the draft 2018/19 Annual Business Plan and Budget is presented for final approval, ensuring that this Project is adequately financed within the total Capital Budget adopted for public consultation and without affecting Council's estimated financial position.

Moved Councillor Davey

Due to lack of seconder the motion

LAPSED

Motion

C11707

1. That the Report be received.
2. That Council adopts the detailed design for the redevelopment of the Conyngham Street Depot site, as provided in Attachment B to this Report.
3. That Council adopts the Project Plan for the Conyngham Street Depot Master Plan Project, as provided in Attachment C, and commences work in the 2018/19 Financial Year, in accordance with the schedule identified in the Project Plan.
4. That regular project updates be presented to Council, with respect to project progression, budget and scope.
5. That the Administration investigate additional funding and expenditure off-set opportunities to assist Council in minimising the overall cost of the project.
6. That the draft 2018/19 Annual Business Plan and Budget is presented for final approval, ensuring that this Project is adequately financed within the total Capital Budget adopted for public consultation and without affecting Council's estimated financial position.

Moved Councillor Lemon, Seconded Councillor Wilkins

CARRIED

A Division was called by Councillor Osterstock.

IN FAVOUR

Councillor Osterstock
Councillor Lemon
Councillor Wilkins
Councillor Davis
Councillor Lord
Councillor Cornish

AGAINST

Councillor Monceaux
Councillor Bills
Councillor Piggott
Councillor Davey
Councillor Ford

The Division resulted in the Motion being

CARRIED

Subsidiaries, Regional Subsidiaries and other Organisations/Entities

Eastern Waste Management Authority (15.1)

Nil

Eastern Health Authority (15.2)

Nil

Highbury Landfill Authority (15.3)

Nil

ERA Water (15.4)

ERA Water Board Special Meeting – Minutes of 3 May 2018 (15.4.1)

Recommendation

C11708

That the minutes of the ERA Water Board Special Meeting held 3 May 2018 be received.

Moved Councillor Osterstock, Seconded Councillor Piggott

CARRIED

Eastern Region Alliance (15.5)

Nil

Council Correspondence

Nil

Other Business

Nil

