

**ADELAIDE HILLS COUNCIL
MINUTES OF SPECIAL COUNCIL MEETING
TUESDAY 4 SEPTEMBER 2023
63 MT BARKER ROAD STIRLING**

In Attendance

Presiding Member: Acting Mayor Nathan Daniell

Members:

Councillor Kirrilee Boyd
Councillor Adrian Cheater
Councillor Pauline Gill
Councillor Chris Grant
Councillor Malcolm Herrmann
Councillor Lucy Huxter
Councillor Mark Osterstock
Councillor Louise Pascale
Councillor Melanie Selwood

In Attendance:

Greg Georgopoulos	Chief Executive Officer
Terry Crackett	Director Corporate Services
David Waters	Director Community Capacity
John McArthur	A/Director Infrastructure & Operations
Lachlan Miller	Executive Manager Governance & Performance
Tom Portas	System Support

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

Cr Kirsty Parkin
Cr Leith Mudge

Mayor _____ 12 September 2023

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3.1.1 Leave of Absence

- Mayor Jan-Claire Wisdom from 14 August 2023 – 24 September 2023 inclusive, approved at Council 11 April 2023.

3.2 Absent

Nil

4. DECLARATION OF CONFLICT OF INTEREST BY MEMBERS OF COUNCIL

Nil

5. PRESIDING MEMBER'S OPENING REMARKS

Nil

6. CONFIDENTIAL ITEM

6.1 Amy Gillett Bikeway Stage 4 – Alternate Offer to State Government – Exclusion of the Public

Moved Cr Chris Grant
S/- Cr Kirrilee Boyd

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

- Chief Executive Officer, Greg Georgopoulos
- Director Community Capacity, David Waters
- Director Corporate Services, Terry Crackett
- Acting Director Infrastructure & Operations, John McArthur
- Executive Manager Governance & Performance, Lachlan Miller
- Manager Strategic Assets, David Collins
- Manager Open Space, Chris Janssan
- Tom Portas, System Support

be excluded from attendance at the meeting for Agenda Item 6.1: (Amy Gillett Stage 4 - Alternate Offer to State) 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:

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- (j) Section 90(3)(j) 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 –
- (i) would divulge information provided on a confidential basis by or to a Minister of the Crown, or another public authority or official (not being an employee of the council, or a person engaged by the council); and
 - (ii) 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.

Carried Unanimously

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Released 26 August 2024

6.1.1 Amy Gillett Bikeway Stage 4 – Alternate Offer to State Government – Confidential Item

Moved Cr Malcolm Herrmann
S/- Cr Melanie Selwood

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Council resolves:

- 1. That the report be received and noted**
- 2. That the Council makes the following counteroffer to the State Government**
 - a. Council maintains its commitment to provide up to \$500,000 toward the cost of Stage 4 of the Amy Gillett Bikeway (Mt Torrens to Birdwood), Council will contribute \$125,000 per annum for a total of 4 years to the State Government for the completion of Stage 4.**
 - b. Council undertake sweeping, slashing, vegetation, tree management and weed spraying operations of the full length of Amy Gillett (Stages 1 - 4) for the 30 year lifecycle of those assets, at an operational cost of \$100,000 to \$160,000 per annum to Council. That, subject to all the necessary approvals being obtain, Council undertakes responsibility for maintenance of Stages 1-3 (Oakbank to Mount Torrens) from 1 July 2024 and Stage 4 (Mount Torrens to Birdwood) from 1 July in the year following its completion.**
 - c. That the State Government continues to maintain the hard physical assets of the full length of Amy Gillett (Stages 1 - 4) for the lifecycle of those assets.**
 - d. That the State Government completes the design collaboratively with Council to look at practical options and solutions to minimise final costs and maximise the scope of the project outcomes.**
 - e. That the State Government commits \$4.8M funding towards the completion of the project to ensure that the \$2.6M Federal Government Deed of Agreement obligations are met.**
 - f. The State Government undertakes the construction of Stage 4 such that it will meet the project scope obligations as identified in the Deed of Agreement between Council and the Commonwealth Department of Infrastructure, Transport, Regional Development, Communications and the Arts.**
 - g. That the State Government commits to any additional costs above the total project costs of \$7.9M as identified in the Deed of Agreement between Council and the Federal Government.**

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3. That the Council authorise the Chief Executive Officer to present the alternate offer and enter into the necessary agreements with the State Government to ensure that Stage 4 of Amy Gillett is completed.
4. After any agreements with the State Government are finalised, the Chief Executive Officer is authorised to complete the necessary Variation Request form for Project CDG1623 – Amy Gillett Bikeway with the Commonwealth Department of Infrastructure, Transport, Regional Development, Communications and the Arts.
5. If required for the purpose of executing any agreement associated with this matter, to authorise the Mayor and Chief Executive Officer to affix the Council's common seal.
6. That the State Government is encouraged that owners of land which is bisected by the Amy Gillett Bikeway continue to have legal access to all their properties.
7. That Council remind the State Government of the original and ongoing purpose of this Bikeway which is to celebrate the life and achievements of Amy Gillett and the immense value that female athletes provide as leaders for our community.

Carried

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6.1.2 Amy Gillett Bikeway Stage 4 – Alternate Offer to State Government – Duration of Confidentiality

Moved Cr Mark Osterstock
S/- Cr Chris Grant

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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 6.1 in confidence under sections 90(2) and 90(3)(j) 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* to retain the Items in confidence as detailed in the Duration of Confidentiality Table below:

Item	Duration of Confidentiality NB: Item to be reviewed every 12 months if not released
Report	4 September 2024 or upon finalisation of all relevant agreements with the State and Federal Governments.
Related Attachments	4 September 2024 or upon finalisation of all relevant agreements with the State and Federal Governments.
Minutes	4 September 2024 or upon finalisation of all relevant agreements with the State and Federal Governments.
Other	Nil

Pursuant to section 91(9)(c) of the *Local Government Act 1999*, the Council delegates the power to revoke the confidentiality order either partially or in full to the Chief Executive Officer.

Carried Unanimously

7. CLOSE MEETING

The meeting closed at 7.15pm.