

**ADELAIDE HILLS COUNCIL
MINUTES OF ORDINARY COUNCIL MEETING
TUESDAY 27 FEBRUARY 2024
63 MT BARKER ROAD STIRLING**

In Attendance

Presiding Member: Acting Mayor Nathan Daniell

Members:

Councillor Kirrilee Boyd
Councillor Adrian Cheater
Councillor Pauline Gill
Councillor Malcolm Herrmann
Councillor Leith Mudge
Councillor Mark Osterstock
Councillor Kirsty Parkin
Councillor Louise Pascale
Councillor Melanie Selwood

In Attendance:

Greg Georgopoulos	Chief Executive Officer
Ashley Curtis	Acting Director Corporate Services
Natalie Armstrong	Director Community and Development
David Waters	Director Environment and Infrastructure
Tracy Riddle (Kelledy Jones)	Governance Support
Zoë Gill	Governance and Risk Coordinator
Rebekah Lyons	Minute Secretary
Tom Portas	Technical Support
Jennifer Blake	Manager Communications, Engagements and Events
Deryn Atkinson	Manager Development Services
Gary Lewis	Manager Financial Services

1. COMMENCEMENT

The 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.

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3. APOLOGIES/LEAVE OF ABSENCE

3.1 Apology

Cr Lucy Huxter

3.2 Leave of Absence

Mayor Jan-Claire Wisdom, 13 February 2024 to 14 May 2024, approved by Council at its meeting of 13 February 2024.

Cr Chris Grant, 17 February 2024 to 16 March 2024, approved by Council at its meeting of 19 December 2023.

6:31pm Cr Louise Pascale joined the meeting.

3.3 Absent

Nil

4. MINUTES OF PREVIOUS MEETINGS

4.1 Council Meeting – 13 February 2024

Moved Cr Malcolm Herrmann
S/- Cr Pauline Gill

36/24

Council resolves that the minutes of the Ordinary Council meeting held on 13 February 2024, as supplied, be confirmed as an accurate record of the proceedings of that meeting.

Carried Unanimously

4.2 Special Council Meeting – 20 February 2024

Moved Cr Mark Osterstock
S/- Cr Adrian Cheater

37/24

Council resolves that the minutes of the Special Council meeting held on 20 February 2024, as supplied, be confirmed as an accurate record of the proceedings of that meeting.

Carried Unanimously

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5. DECLARATION OF CONFLICT OF INTEREST BY MEMBERS OF COUNCIL

5.1 General Conflict of Interest, Cr Melanie Selwood – Item 19.2 Amy Gillett Bikeway Prudential Report and Construction Funding

Under section 75B of the *Local Government Act 1999* Cr Melanie Selwood disclosed a General (section 74) Conflict of Interest in Item 19.2.

5.2 Material Conflict of Interest, Acting Mayor Nathan Daniell – Item 12.1 Appointment of Selection Panel for CAP Members and adoption of Revised Terms of Reference for CAP

Under section 75C of the *Local Government Act 1999* Acting Mayor Nathan Daniell disclosed a Material (section 75) Conflict of Interest in Item 12.1.

5.3 Material Conflict of Interest, Councillor Leith Mudge – Item 12.1 Appointment of Selection Panel for CAP Members and adoption of Revised Terms of Reference for CAP

Under section 75C of the *Local Government Act 1999* Cr Leith Mudge disclosed a Material (section 75) Conflict of Interest in Item 12.1.

6. PRESIDING MEMBER'S OPENING REMARKS

The Acting Mayor welcomed members of the Gallery and thanked them for attending the meeting. Acting Mayor Daniell expressed his keen interest in hearing from those planning to speak during the Public Forum.

7. QUESTIONS ADJOURNED/LYING ON THE TABLE

7.1 Questions Adjourned

Nil

7.2 Questions Lying on the Table

Nil

8. PETITIONS/DEPUTATIONS/PUBLIC FORUM

With leave of the meeting Item 8.3 was brought forward on the agenda.

8.3 Public Forum

Susie O'Brien of Hahndorf, Amy Gillett Bikeway.

Melanie Walker and Rachel Crees of Paracombe, extension of green bin collection to Paracombe.

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With leave of the meeting the duration of Item 8.3 was extended for an additional 5 minutes.

Daisy Karamanlis of Lenswood, state of the pathway between Lenswood Primary School and the Lenswood General Store.

8.1 Petitions

Nil

8.1.1 Pathway Between Lenswood Primary School and Lenswood General Store

Moved Cr Malcolm Herrmann

S/- Cr Pauline Gill

38/24

Council resolves:

- 1. That the petition signed by 21 signatories requesting improvements to the pathway along Lobethal Road between Lenswood Primary School and the general store in Lenswood to be received and noted.**
- 2. That maintenance work be undertaken to improve the surface condition of the existing roadside verge.**
- 3. That a proposal for further improvements to the pathway be considered as part of the 2024-25 Annual Business Plan and Budget deliberations.**
- 4. That the CEO advise the principal signatory of the Council's noting of the petition and of any resolutions relating to the matter.**

Carried Unanimously

8.2 Deputations

Nil

8.3 Public Forum

This item was considered earlier in the meeting.

9. PRESENTATIONS

Nil

10. QUESTIONS ON NOTICE

Nil

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11. MOTIONS ON NOTICE

11.1 Provision of fortnightly FOGO kerbside collection to Paracombe

6:53pm Cr Malcolm Herrmann left the meeting room.

6:54pm Cr Malcolm Herrmann returned to the meeting room.

Moved Cr Melanie Selwood

S/- Cr Pauline Gill

39/24

That:

1. Council notes that there is a trial of options regarding FOGO kerbside collection currently in progress;
2. The CEO prepare a report to Council exploring the provision of fortnightly FOGO kerbside collection to Paracombe and other comparable clusters of smaller residential properties outside the current service areas, before the trial is completed;
3. The report include:
 - a. Financial implications;
 - b. Boundary of most populated areas within which FOGO kerbside collection could be achievable;
 - c. Recommendations to Council regarding the implementation of FOGO bins in Paracombe;
 - d. Any other relevant matters;
4. The report be returned no later than 30 May 2024.

VARIATION

Through the presiding member, with the consent of the Mover and Seconder, leave of the meeting was sought and granted to vary section 3(c) of the motion, as follows:

That:

- 1. Council notes that there is a trial of options regarding FOGO kerbside collection currently in progress;**
- 2. The CEO prepare a report to Council exploring the provision of fortnightly FOGO kerbside collection to Paracombe and other comparable clusters of smaller residential properties outside the current service areas, before the trial is completed;**

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- 3. The report include:**
- a. Financial implications;
 - b. Boundary of most populated areas within which FOGO kerbside collection could be achievable;
 - c. Recommendations to Council regarding the implementation of FOGO bins in Paracombe; and other comparable clusters of smaller residential properties outside the current service areas
 - d. Any other relevant matters;
- 4. The report be returned no later than 30 May 2024.**

Carried Unanimously

11.2 Community Meetings

**Moved Cr Kirsty Parkin
S/- Cr Kirrilee Boyd**

40/24

That:

1. The Adelaide Hills Council organises and runs at least four Community Meetings a year in different locations across Adelaide Hills Council to give community members, Council staff and Elected Members the opportunity to connect, hear the voices of community members on current issues and help ensure community members are aware of Council initiatives.
2. This schedule of quarterly events should commence in the first financial quarter of next financial year – from June 2024 – to give staff time to plan and schedule events.

7:23pm Cr Louise Pascale left the meeting room.

7:23pm Cr Adrian Cheater left the meeting room.

7:24pm Cr Adrian Cheater returned to the meeting room.

VARIATION

Through the presiding member, with the consent of the Mover and Seconder, leave of the meeting was sought and granted to vary section 2 of the motion, as follows:

That:

1. **The Adelaide Hills Council organises and runs at least four Community Meetings a year in different locations across Adelaide Hills Council to give community members, Council staff and Elected Members the opportunity to connect, hear the voices of**

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community members on current issues and help ensure community members are aware of Council initiatives.

2. This schedule of quarterly events should commence in the first financial quarter of next financial year – from July 2024 – to give staff time to plan and schedule events.

Carried Unanimously

12. OFFICER REPORTS – DECISION ITEMS

12.1 Appointment of Selection Panel for Council Assessment Panel (CAP) Membership and Adoption of Terms of Revised Terms of Reference for CAP

Under section 75C of the *Local Government Act 1999* Acting Mayor Nathan Daniell disclosed a Material (section 75) Conflict of Interest in Item 12.1 Appointment of Selection Panel for CAP Members and adoption of Revised Terms of Reference for CAP, the nature of which is as follows:

- I receive a sitting fee as a deputy member when I attend a panel meeting and have a pecuniary interest in the Revised Terms of Reference.

7:26pm Acting Mayor Nathan Daniell left the meeting room.

Under section 75C of the *Local Government Act 1999* Cr Leith Mudge disclosed a Material (section 75) Conflict of Interest in Item 12.1 Appointment of Selection Panel for CAP Members and adoption of Revised Terms of Reference for CAP, the nature of which is as follows:

- I receive a sitting fee as a panel member and have a pecuniary interest in the Revised Terms of Reference.

7:26pm Cr Leith Mudge left the meeting room.

With leave of the meeting Cr Malcolm Herrmann presided over Item 12.1 in the absence of Acting Mayor Nathan Daniell.

12.1.1 Appointment of Selection Panel for Council Assessment Panel (CAP) Membership

**Moved Cr Melanie Selwood
S/- Cr Adrian Cheater**

41/24

Council resolves:

1. That the report be received and noted.

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2. To appoint Cr Leith Mudge and Cr Nathan Daniell and the CEO (or delegate) as members of the Council Assessment Panel Independent Member Selection Panel.

Carried Unanimously

7:33pm Cr Louise Pascale returned to the meeting room.

12.1.2 Adoption of Terms of Revised Terms of Reference for CAP

Moved Cr Melanie Selwood
S/- Cr Mark Osterstock

42/24

Council resolves:

3. To revoke the Council Assessment Panel Terms of Reference dated 26 April 2022 and to adopt the Council Assessment Panel Terms of Reference contained in *Appendix 2* of this Report and
4. The CEO be authorised to make minor content, grammatical and formatting amendments to the Council Assessment Panel Terms of Reference during the period of currency.

Carried Unanimously

7:34pm Acting Mayor Nathan Daniell returned to the meeting room and resumed the Chair.

7:34pm Cr Leith Mudge returned to the meeting room.

12.2 Council and Information or Briefing Sessions Time and Place of Meetings

Moved Cr Adrian Cheater
S/- Cr Kirrilee Boyd

/24

Council resolves:

1. That the report be received and noted.
2. Commencing 28 February 2024, Ordinary Council Meetings will be held at 63 Mount Barker Road, Stirling and are scheduled to commence at 6.30pm on the 2nd Tuesday of the month for a period of 3 months up to the 11th of June 2024 (3rd Tuesday in January).
3. The Chief Executive Officer be authorised to adjust the Ordinary Council Meeting schedule, including the time and place of the meeting, where matters necessitate a

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change such as a meeting date occurring on a public holiday, catastrophic fire danger day or other valid reason.

4. Commencing 28 February 2024, times and venues of Special Council Meetings, requested in accordance with the legislative provisions, are to be determined by the Chief Executive Officer.
5. Commencing 28 February 2024 until the end of Council term, Information or Briefing sessions are scheduled as follows:
6. Workshops and Professional Development Sessions scheduled ordinarily at 6.30pm on the 1st and 4th Tuesday of each month, held at 36 Nairne Road, Woodside, and 63 Mount Barker Road, Stirling.
7. The Chief Executive Officer be authorised to schedule additional or Information or Briefing or remove sessions where workload dictates, or adjust the Information or Briefing Sessions schedule, including time and place of the sessions, where matters necessitate a change such as an Information or Briefing Session date occurring on a public holiday, catastrophic fire danger day or other valid reason. The Chief Executive Officer is authorised to adjust any Policy which is impacted by the setting of the time and place of meetings.
8. The CEO investigates, presents and workshops any potential policy considerations in the interest of improving Ordinary Meeting duration, procedures and accessibility within the above mentioned 3 month period.
9. The CEO develops a report to address the format and procedures of Informational Briefing Sessions/Workshops including consideration for defining terms such as 'workshop' item or 'informational briefing' items and how they can be facilitated accordingly.

12.2.1 Formal Motion

**Moved Cr Malcolm Herrmann
S/- Cr Pauline Gill**

43/24

Council resolves that the item be adjourned to the next Ordinary meeting of Council.

Carried

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12.2.2 Motion Without Notice

Having taken into account the Guiding Principles, the Acting Mayor accepted the following Motion Without Notice.

**Moved: Cr Malcolm Herrmann
S/- Cr Melanie Selwood**

44/24

Council resolves that an Ordinary Council Meeting be held on Tuesday 12 March 2024 from 6.30pm at 63 Mt Barker Road, Stirling.

Carried

12.3 Local Government Participation and Elections Review Report

7:55pm Cr Louise Pascale left the meeting room and did not return.

7:57pm Cr Pauline Gill left the meeting room and did not return.

**Moved Cr Adrian Cheater
S/- Cr Leith Mudge**

45/24

Council resolves:

1. That the report be received and noted.
2. That Council endorse the Adelaide Hills Council Local Government Participation and Election Review Final Submission be issued to the Office for Local Government with a copy provided to the Local Government Authority for their information.

VARIATION

Through the presiding member, with the consent of the Mover and Seconder, leave of the meeting was sought and granted to vary the motion by adding Point 3.

Council resolves:

1. That the report be received and noted.
2. That Council endorse the Adelaide Hills Council Local Government Participation and Election Review Final Submission be issued to the Office for Local Government with a copy provided to the Local Government Authority for their information.
3. That the CEO is authorised to make administrative changes that do not substantively change the content of the submission.

Carried Unanimously

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12.4 Adelaide Hills Council Budget Review 2

8:07pm Cr Kirrilee Boyd left the meeting room.

8:09pm Cr Kirrilee Boyd returned to the meeting room.

Moved Cr Malcolm Herrmann

S/- Cr Melanie Selwood

46/24

Council resolves:

- 1. That the report on the 2023/24 Budget Review 2 be received and noted.**
- 2. To adopt the proposed budget adjustments presented in Budget Review 2 which result in:**
 - a. A change to the Operating Surplus from of \$558k to an Operating Surplus of \$572k for the 2023-24 financial year.**
 - b. A reduction of \$605k in capital expenditure for the 2023-24 financial year to reflect estimated carry forwards relating to project delivery resulting in a revised capital expenditure budget for 2023-24 of \$25m.**
 - c. Council's Net Borrowing Result for the 2023-24 financial year being reduced by \$2.0m to \$8.492m.**
- 3. Council notes that the above adjustments results in Council meeting the approved financial targets of:**
 - a. Operating Surplus Ratio of 1% (within the approved range of 1%-5%)**
 - b. Operating Surplus Ratio using the Underlying Surplus of 1.7% (within the approved range of 1%-5%)**
 - c. Net Financial Liabilities Ratio of 56% (within the approved range of 25% to 75%)**
- 4. Council notes that the Asset Renewal Funding Ratio of 136% exceeded the approved range of 95% to 105%.**

Carried Unanimously

13. OFFICER REPORTS - INFORMATION ITEMS

13.1 Quarterly Council Performance Report

Moved Cr Mark Osterstock

S/- Cr Kirsty Parkin

47/24

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Council resolves that the Quarterly Council Performance Report – Q2 2023-24 be received and noted.

Carried Unanimously

14. CORRESPONDENCE FOR INFORMATION

Nil

15. QUESTIONS WITHOUT NOTICE

Cr Melanie Selwood – Current agreements with community clubs and halls.

15.1 Motion Without Notice

Having taken into account the Guiding Principles, the Acting Mayor accepted the following Motion Without Notice.

Moved: Cr Malcolm Herrmann

S/- Cr Adrian Cheater

48/24

Council resolves that the minutes of the meeting reflect the Question Without Notice and the answer in relation to the Houghton Hub Project Proposal.

Carried Unanimously

Question: Cr Malcolm Herrmann requested a response with respect to the funding application for the Houghton Hub Project Proposal.

Answer: David Waters, Director Environment and Infrastructure: the Houghton Hub Project Proposal was not listed in the successful projects issued by the Office of Recreation, Sport and Racing. Mr Waters expressed there may be potential implications for the project as the Council's funding commitment to the project is contingent on the Houghton Hub Community Group receiving funding from the State Government.

16. MOTIONS WITHOUT NOTICE

Nil

17. REPORTS

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17.1 Council Member Function or Activity on the Business of Council

Cr Louise Pascale

- 24 February – Morialta Residents Association Annual General Meeting

Cr Malcolm Herrmann

- 1 February – RSL Gumeracha Sub Branch
- 2 February – Mount Torrens Centennial Park
- 25 February – Oakbank Area School Old Scholars Reunion

Cr Kirsty Parkin

- 24 February – Meeting with residents of Piccadilly concerns regarding development and planning in their area
- 27 February – Informal, positive meeting with Dog Park users

Cr Adrian Cheater

- 21 February - Lobethal Community Association

17.2 Reports of Members as Council/Committee Representatives on External Organisations

Cr Malcolm Herrmann

- 5 February – GRFMA Audit Committee (via Zoom)
- 7 February – GRFMA Workshop Munno Para

Cr Adrian Cheater

- 22/23 February Southern and Hills LGA Strategy Planning and Board Meeting

17.3 CEO Report

Greg Georgopoulos, CEO, provided Council with a verbal update, including:

- Director of Corporate Services acting arrangements in place for the next 6 months whilst the formal recruitment process is undertaken.
- Southern & Hills LGA meeting on Kangaroo Island. Greg discussed the focus to redefine the value proposition and the strategic purpose for the group. The CEO will update Council regarding the developments.
- Council representation at the Stirling Rotary Community meeting being held on Wednesday 28 February.

18. REPORTS OF COMMITTEES

18.1 Council Assessment Panel

Nil

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18.2 Audit Committee

Moved Cr Malcolm Herrmann
S/- Cr Melanie Selwood

49/24

Council resolves that the minutes of the Audit Committee meeting held on 19 February 2024, as supplied, be received and noted.

Carried Unanimously

18.3 CEO Performance Review Panel

Nil

18.4 Boundary Change Committee

Nil

18.4.1 Short Adjournment

Moved Cr Melanie Selwood
S/- Cr Adrian Cheater

50/24

That the Council meeting adjourn for a short break.

Carried Unanimously

8:36pm the Council meeting adjourned.

8:47pm the Council meeting resumed.

19. CONFIDENTIAL ITEMS

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19.1 Recovery of Unpaid Rates – Exclusion of the Public

Moved Cr Mark Osterstock
S/- Cr Adrian Cheater

51/24

Carried Unanimously

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 Environment & Infrastructure, David Waters
- A/Director Corporate Services, Ashley Curtis
- Manager Finance, Gary Lewis
- Director Community & Development, Natalie Armstrong
- Governance & Risk Officer, Zoe Gill
- Governance Support, Tracy Riddle
- Minute Secretary, Rebekah Lyons
- IT Support, Tom Portas

be excluded from attendance at the meeting for Agenda Item 19.1: (Recovery of unpaid rates) in confidence.

The Council is satisfied that it is necessary that the public, except for 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 (SA)*, 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 that will take place, involving the Council or an employee of the Council, the disclosure of which could reasonably be expected to prejudice the legal processes required to progress the sale of land.

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.

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19.1.1 Recovery of Unpaid Rates – Confidential Item

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19.1.2 Recovery of Unpaid Rates – Duration of Confidentiality

Moved Cr Malcolm Herrmann
S/- Cr Mark Osterstock

53/24

Carried Unanimously

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 18.1 in confidence under sections 90(2) and 90(3)(k) 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	Until either the negotiations for sale are completed or a settlement reached or until legal proceedings have concluded, but no longer than 12 months.
Related Attachments	Until either the negotiations for sale are completed or a settlement reached or until legal proceedings have concluded, but no longer than 12 months.
Minutes	Until either the negotiations for sale are completed or a settlement reached or until legal proceedings have concluded, but no longer than 12 months.
Other (presentation, documents, or similar)	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.

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19.2 Amy Gillett Bikeway – Prudential Report and Construction Funding - Exclusion of the Public

Moved Cr Kirsty Parkin
S/- Cr Adrian Cheater

54/24

Carried Unanimously

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 Environment & Infrastructure, David Waters
- Acting Director Corporate Services, Ashley Curtis
- Director Community & Development, Natalie Armstrong
- Governance and Risk Coordinator, Zoe Gill
- Governance Support, Tracy Riddle
- Minute Secretary, Rebekah Lyons
- IT Support, Tom Portas
- Manager Strategic Assets, David Collins

be excluded from attendance at the meeting for Agenda Item 19.2: (Amy Gillett Bikeway Stage 4 – Prudential Review and Construction Funding) 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:

- (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 Committee should be conducted in a place open to the public has been outweighed by the need to keep the information and discussion confidential.

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19.2.1 Amy Gillett Bikeway – Prudential Report and Construction Funding – Confidential Item

Under section 75B of the *Local Government Act 1999* Cr Melanie Selwood disclosed a General (section 74) Conflict of Interest in Item 19.2 Amy Gillett Bikeway, the nature of which is as follows:

- I have a lease with the Department for Transport and Infrastructure on a separate parcel of land.

Cr Melanie Selwood advised the meeting her private interest would not result in her acting in manner contrary to her public duty and intended to remain in the meeting when the item is discussed, and to participate in the debate and vote on the matter.

Moved Cr Malcolm Herrmann

S/- Cr Melanie Selwood

55/24

Council resolves:

- 1. That the report Amy Gillett Bikeway Stage 4 – Prudential Review and Construction Funding Report be received and noted.**
- 2. That the resolution of the Council’s Audit Committee, having considered the matter at its meeting held on 12 February 2024, be noted.**
- 3. That Council, having considered the Prudential Review and the Audit Committee’s advice, determine that:**
 - a. The Council accept the State Government’s proposal that:**
 - i. the Council complete the further design and construction of the Amy Gillett Bikeway Stage 4 Mount Torrens to Birdwood**
 - ii. the Council accept the funding offer of \$2.6M from the State Government**
 - iii. the Council accept responsibility for ongoing maintenance and operation of the Amy Gillett Bikeway Stage 4 Mount Torrens to Birdwood**
 - iv. the State Government remains the owner of the land on which the bikeway is constructed and is the owner of the bikeway asset once constructed**
- 4. That Council reaffirms the allocation of \$500,000 of Council funds to the project and note that it will be necessary to expend those funds in line with a project implementation plan, to be determined, over the next two years.**
- 5. That Council notes the total committed funding for the project is \$5.7M, comprising \$2.6M from the Federal Government, \$2.6M from the State Government and the Council’s own funding commitment of \$500,000.**

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6. That Council acknowledges that it will be responsible for providing or sourcing funding for any project costs in excess of the committed funding of \$5.7M.
7. That Council note that the Council Administration's current project cost estimate is \$5.96m, inclusive of \$1.2M contingency.
8. That Council endorses a nominal additional contingency amount of \$260,000 to be made available, should it be necessary, to complete the works where other funding sources cannot be secured. This ensures total available funding is \$5.96M.
9. That the Council authorises the Chief Executive Officer, for and on behalf of the Council, to negotiate and enter into a funding deed with the State Government with the following provisions:
 - a. The ability for all parties to withdraw from the project and the agreement should it become apparent that the total project cost will exceed available, and any additional, secured funding.
 - b. The ability for the Council to make reasonable changes to the scope of the project which do not affect the fundamental outcome of extending the pathway to Birdwood.
10. That the Chief Executive Officer and Mayor are authorised, if necessary, to affix the seal of the Adelaide Hills Council to the respective funding deed.
11. That reasonable changes may be made to the scope of the project as it progresses, to contain costs to deliver the project to the available funding, which do not affect the fundamental outcome of extending the pathway to Birdwood.
12. That the necessary funding be made available from Council's \$500,000 allocation to progress preconstruction activities, including but not limited to, final planning and design, cost consultant engagement, tender specification development and continuation of the native vegetation assessment and clearance application, such that the project can progress and meet the funding partner timelines of 30 June 2025 for construction completion.
13. That engagement of consultants/ contractors via the LGA Procurement Panel Contract is approved to expediate progressing of the design and early construction works.
14. That the Chief Executive Officer take all reasonable steps to expedite commencement and delivery of on-ground works to ensure funding partner milestone targets are met.
15. That the CEO engage an external cost consultant immediately using existing project funds, to review and verify current project cost estimates.

Carried Unanimously Cr Selwood voted in favour of the item

**ADELAIDE HILLS COUNCIL
MINUTES OF ORDINARY COUNCIL MEETING
TUESDAY 27 FEBRUARY 2024
63 MT BARKER ROAD STIRLING**

19.2.2 Amy Gillett Bikeway – Prudential Report and Construction Funding – Duration of Confidentiality

Moved Cr Kirsty Parkin

S/- Cr Malcolm Herrmann

56/24

Carried Unanimously

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 19.2 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	19 December 2024 or with agreement with the State and Federal Governments, whichever is the earlier.
Related Attachments	19 December 2024 or with agreement with the State and Federal Governments, whichever is the earlier.
Minutes	19 December 2024 or with agreement with the State and Federal Governments, whichever is the earlier.
Other	N/A

Notwithstanding, the fact that the Council is working with other levels of government to find a way to complete the Amy Gillett Bikeway extension within available funding levels shall not be subject to the confidentiality order.

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.

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19.3 Audit Committee Minutes of Meeting – 12 February 2024 - Exclusion to the Public

Moved Cr Adrian Cheater
S/- Cr Kirsty Parkin

57/24

Carried Unanimously

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 Environment & Infrastructure, David Waters
- Acting Director Corporate Services, Ashley Curtis
- Director Community & Development, Natalie Armstrong
- Governance and Risk Coordinator, Zoe Gill
- Governance Support, Tracy Riddle
- Minute Secretary, Rebekah Lyons
- IT Support, Tom Portas
- Manager Strategic Assets, David Collins

be excluded from attendance at the meeting for Agenda Item 19.3: (Audit Committee Minutes of Meeting – 12 February 2024) 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:

- (k) 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 Committee should be conducted in a place open to the public has been outweighed by the need to keep the information and discussion confidential.

ADELAIDE HILLS COUNCIL
MINUTES OF ORDINARY COUNCIL MEETING
TUESDAY 27 FEBRUARY 2024
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19.3.1 Audit Committee Minutes of Meeting – 12 February 2024 – Confidential Item

Moved Cr Melanie Selwood
S/- Cr Adrian Cheater

58/24

Council resolves that the confidential minutes of the Audit Committee meeting held on Monday 12 February 2024, as supplied, be received and noted.

Carried Unanimously

**ADELAIDE HILLS COUNCIL
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TUESDAY 27 FEBRUARY 2024
63 MT BARKER ROAD STIRLING**

19.3.2 Audit Committee Minutes of Meeting – 12 February 2024 – Duration of Confidentiality

Moved Cr Kirrilee Boyd
S/- Cr Leith Mudge

59/24

Carried Unanimously

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 19.3 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	19 December 2024 or with agreement with the State and Federal Governments, whichever is the earlier.
Related Attachments	19 December 2024 or with agreement with the State and Federal Governments, whichever is the earlier.
Minutes	19 December 2024 or with agreement with the State and Federal Governments, whichever is the earlier.
Other	N/A

Notwithstanding, the fact that the Council is working with other levels of government to find a way to complete the Amy Gillett Bikeway extension within available funding levels shall not be subject to the confidentiality order.

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.

**ADELAIDE HILLS COUNCIL
MINUTES OF ORDINARY COUNCIL MEETING
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20. NEXT ORDINARY MEETING

The next ordinary meeting of the Adelaide Hills Council will be held on Tuesday 12 March 2024 from 6.30pm at 63 Mt Barker Road, Stirling.

21. CLOSE MEETING

The meeting closed at 9.12pm