

**ADELAIDE HILLS COUNCIL
MINUTES OF SPECIAL COUNCIL MEETING
MONDAY 6 NOVEMBER 2023
63 MT BARKER ROAD STIRLING**

In Attendance

Presiding Member: Mayor Jan-Claire Wisdom

Members:

Councillor Adrian Cheater
Councillor Nathan Daniell
Councillor Pauline Gill
Councillor Malcolm Herrmann
Councillor Lucy Huxter
Councillor Leith Mudge
Councillor Mark Osterstock
Councillor Kirsty Parkin
Councillor Melanie Selwood

In Attendance:

Greg Georgopoulos	Chief Executive Officer
Terry Crackett	Director Corporate Services
Natalie Armstrong	Director Community and Development
David Waters	Director Environment and Infrastructure
Michael Kelledy (Kelledy Jones)	Governance Support
Kylie Hopkins	Minute Secretary
Karen Cummings	Manager Property Services
Renee O'Connor	Coordinator Sport & Recreation
Lincoln Smith	Norman Waterhouse Lawyers
Felice D'Agostino	Norman Waterhouse Lawyers

1. COMMENCEMENT

The meeting commenced at 6:31pm

2. OPENING STATEMENT

Council acknowledges that we meet on the traditional lands and waters of the Peramangk and Kaurna 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 Louise Pascale
Cr Kirrilee Boyd

3.2 Leave of Absence

Cr Chris Grant from 30 October 2023 to 10 November 2023 approved at Council 10 October 2023

3.3 Absent

Nil

4. DECLARATION OF CONFLICT OF INTEREST BY MEMBERS OF COUNCIL

Nil

5. PRESIDING MEMBER'S OPENING REMARKS

The Mayor welcomed CEO, Greg Georgopoulos back from leave and thanked Natalie Armstrong for Acting whilst he was away.

6. PUBLIC FORUM

Melanie Keetch, Houghton Districts Football Club, Houghton Hub Funding Request
Kyron Lovell, Houghton Districts Football Club, Houghton Hub Funding Request
Julie Sharpe, Houghton Resident/Yoga Instructor, Houghton Hub Funding Request
Matt Thomas, Inglewood, Houghton Hub Funding Request

7. BUSINESS OF THE MEETING

7.1 Houghton Hub Funding Request

Moved Cr Malcolm Herrmann
S/- Cr Pauline Gill

Council resolves:

1. That the report be received and noted.
2. To note that the Council has already provided \$40,000 (plus GST) as a contribution to Stage One of the Houghton, Inglewood and Hermitage Memorial Park Committee's Houghton Hub project.

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3. That Council makes a financial contribution of up to \$325,000 (plus GST) as a maximum contribution to Stage Two Houghton, Inglewood and Hermitage Memorial Park Committee's Houghton Hub project.
4. That the funding contribution is allocated and administered in the same manner as Council's Community and Recreation Facility Grants Program guidelines and processes.
5. That the Chief Executive Officer, or delegate, be authorised to develop and enter into, on the Council's behalf, an appropriate funding agreement which contains conditions including, but not limited to:
 - a. meeting appropriate milestones;
 - b. that the Council's funding is contingent on the Committee securing necessary funding by 30 June 2024 from other sources to complete the project and that the project itself is to be completed by 30 June 2025;
 - c. that a project management plan is developed to the satisfaction of the Council;
 - d. that the Council accepts no responsibility for cost overruns related to the project;
 - e. that the funding commitment can be terminated by the Council if the terms of the funding agreement are not met by the other party.
 - f. that the scope of the project includes the outcome being a shared, multi-use community facility with outcomes in line with the Council's Community and Recreation Facilities Policy as it relates to the development of community facilities.

AMENDMENT 1 (red text)

Moved Cr Mark Osterstock
S/- Cr Leith Mudge

Council resolves:

1. That the report be received and noted.
2. To note that the Council has already provided \$40,000 (plus GST) as a contribution to Stage One of the Houghton, Inglewood and Hermitage Memorial Park Committee's Houghton Hub project.
3. That Council makes a financial contribution of up to ~~\$60,000~~ ~~\$325,000~~ (plus GST) as a maximum contribution to Stage Two Houghton, Inglewood and Hermitage Memorial Park Committee's Houghton Hub project.

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4. That the funding contribution is allocated and administered in the same manner as Council's Community and Recreation Facility Grants Program guidelines and processes.
5. That the Chief Executive Officer, or delegate, be authorised to develop and enter into, on the Council's behalf, an appropriate funding agreement which contains conditions including, but not limited to:
 - a. meeting appropriate milestones;
 - b. that the Council's funding is contingent on the Committee securing necessary funding by 30 June 2024 from other sources to complete the project and that the project itself is to be completed by 30 June 2025;
 - c. that a project management plan is developed to the satisfaction of the Council;
 - d. that the Council accepts no responsibility for cost overruns related to the project;
 - e. that the funding commitment can be terminated by the Council if the terms of the funding agreement are not met by the other party.
 - f. that the scope of the project includes the outcome being a shared, multi-use community facility with outcomes in line with the Council's Community and Recreation Facilities Policy as it relates to the development of community facilities.
6. That the Chief Executive Officer provide further information for the Council's consideration at the Ordinary Council Meeting on 28 November 2023 regarding the proposal for the Council to commit funding the Stage 2 of the project, including further detail on the merits of the proposal against the criteria contained in the Council's 'Community and Recreation Facilities Policy' for the expenditure of funds on sport and recreation buildings, and provide alternate funding options, open to both the committee and Council for consideration.

VARIATION

The Mover (Cr Mark Osterstock), with the consent of the Seconder (Cr Leith Mudge), sought and was granted leave of the meeting to vary Point 3 of the motion as follows:

3. That Council makes a financial contribution of \$60,000 (plus GST) as a minimum contribution to Stage Two Houghton, Inglewood and Hermitage Memorial Park Committee's Houghton Hub project.

The amendment with the variation was put and Lost

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AMENDMENT 2 (red text)

Moved Cr Nathan Daniell
S/- Cr Kirsty Parkin

Council resolves:

1. That the report be received and noted.
2. To note that the Council has already provided \$40,000 (plus GST) as a contribution to Stage One of the Houghton, Inglewood and Hermitage Memorial Park Committee's Houghton Hub project.
3. That Council makes a financial contribution of **\$160,000 up to \$325,000** (plus GST) as a **maximum minimum** contribution to Stage Two Houghton, Inglewood and Hermitage Memorial Park Committee's Houghton Hub project.
4. That the funding contribution is allocated and administered in the same manner as Council's Community and Recreation Facility Grants Program guidelines and processes.
5. That the Chief Executive Officer, or delegate, be authorised to develop and enter into, on the Council's behalf, an appropriate funding agreement which contains conditions including, but not limited to:
 - a. meeting appropriate milestones;
 - b. that the Council's funding is contingent on the Committee securing necessary funding by 30 June 2024 from other sources to complete the project and that the project itself is to be completed by 30 June 2025;
 - c. that a project management plan is developed to the satisfaction of the Council;
 - d. that the Council accepts no responsibility for cost overruns related to the project;
 - e. that the funding commitment can be terminated by the Council if the terms of the funding agreement are not met by the other party.
 - f. that the scope of the project includes the outcome being a shared, multi-use community facility with outcomes in line with the Council's Community and Recreation Facilities Policy as it relates to the development of community facilities.

Cr Adrian Cheater sought leave of the meeting to vary the amendment which was not supported by the Mover (Cr Nathan Daniell).

The amendment was put and Carried
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MOTION AS AMENDED

Moved Cr Malcolm Herrmann
S/- Cr Pauline Gill

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Council resolves:

- 1. That the report be received and noted.**
- 2. To note that the Council has already provided \$40,000 (plus GST) as a contribution to Stage One of the Houghton, Inglewood and Hermitage Memorial Park Committee's Houghton Hub project.**
- 3. That Council makes a financial contribution of \$160,000 (plus GST) as a minimum contribution to Stage Two Houghton, Inglewood and Hermitage Memorial Park Committee's Houghton Hub project.**
- 4. That the funding contribution is allocated and administered in the same manner as Council's Community and Recreation Facility Grants Program guidelines and processes.**
- 5. That the Chief Executive Officer, or delegate, be authorised to develop and enter into, on the Council's behalf, an appropriate funding agreement which contains conditions including, but not limited to:**
 - a. meeting appropriate milestones;**
 - b. that the Council's funding is contingent on the Committee securing necessary funding by 30 June 2024 from other sources to complete the project and that the project itself is to be completed by 30 June 2025;**
 - c. that a project management plan is developed to the satisfaction of the Council;**
 - d. that the Council accepts no responsibility for cost overruns related to the project;**
 - e. that the funding commitment can be terminated by the Council if the terms of the funding agreement are not met by the other party.**
 - f. that the scope of the project includes the outcome being a shared, multi-use community facility with outcomes in line with the Council's Community and Recreation Facilities Policy as it relates to the development of community facilities.**

Carried

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DIVISION

Cr Pauline Gill called for a division.

The Mayor set aside the ruling.

In the affirmative (5)

Councillors Selwood, Osterstock, Daniell, Mudge, Parkin

In the negative (4)

Councillors Herrmann, Gill, Huxter, Cheater

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

7.1.1 Short Adjournment

Moved Cr Nathan Daniell

S/- Cr Mark Osterstock

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That the Council meeting adjourns for a short break at 8.12pm.

Carried Unanimously

8:32pm the Council meeting resumed.

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8. CONFIDENTIAL ITEMS

8.1 CEO Performance Review Process – Exclusion of the Public

Moved Cr Malcolm Herrmann

S/- Cr Nathan Daniell

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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:

- Norman Waterhouse Lawyers, Lincoln Smith
- Norman Waterhouse Lawyers, Felice D'Agostino

be excluded from attendance at the meeting for Agenda Item 8.1: (CEO Performance Review Process) in confidence.

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

Section 90(3)(a) and (h) 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 would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead) specifically, the present matter relates to the CEO Probation Review Process and it would be unreasonable at this stage to disclose that information;
- legal advice from Norman Waterhouse Lawyers.

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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8.1.1 CEO Performance Review Process – Confidential Item

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8.1.2 CEO Performance Review Process – Duration of Confidentiality

Moved Cr Nathan Daniell
S/- Cr Adrian Cheater

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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 18.1.1 in confidence under sections 90(2) and 90(3)(a) and (h) 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 further order
Related Attachments	Until further order
Minutes	Until further order
Other (including legal advice from Norman Waterhouse Lawyers relating to this matter)	Until further 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.

Carried Unanimously

9. CLOSE MEETING

The meeting closed at 9.25pm