

**ADELAIDE HILLS COUNCIL
MINUTES OF ORDINARY COUNCIL MEETING
TUESDAY 14 DECEMBER 2021
63 MT BARKER ROAD STIRLING**

In Attendance

Presiding Member: Mayor Jan-Claire Wisdom

Members:

Councillor Ian Bailey
Councillor Kirrilee Boyd
Councillor Nathan Daniell
Councillor Chris Grant
Councillor Linda Green
Councillor Malcolm Herrmann
Councillor John Kemp
Councillor Leith Mudge
Councillor Mark Osterstock
Councillor Kirsty Parkin
Councillor Andrew Stratford

In Attendance:

Andrew Aitken	Chief Executive Officer
Terry Crackett	Director Corporate Services
Peter Bice	Director Infrastructure & Operations
Melissa Bright	Acting Director Development & Regulatory Services
David Waters	Director Community Capacity
Lachlan Miller	Executive Manager Governance & Performance
John McArthur	Manager Sustainability Waste and Emergency Management
Sharon Leith	Sustainability Officer
Steven Watson	Governance & Risk Coordinator Minute Taker

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.

6.32pm Cr John Kemp joined the meeting

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3. APOLOGIES/LEAVE OF ABSENCE

3.1. Apology

Apologies were received from Cr Pauline Gill.

3.2. Leave of Absence

Moved Cr Kirrilee Boyd

S/- Cr Ian Bailey

270/21

1 That a Leave of Absence from all duties of office be granted to Cr Pauline Gill from 14 December 2021 to 01 February 2022.

2 That any committee, panel or advisory group membership currently held by Cr Pauline Gill be undertaken by the Deputy during the leave of absence.

Carried Unanimously

3.3. Absent

Nil

4. MINUTES OF PREVIOUS MEETINGS

4.1. Council Meeting – 23 November 2021

Moved Cr Malcolm Herrmann

S/- Cr Linda Green

271/21

That the minutes of the Ordinary Council meeting held on 23 November 2021 as supplied, be confirmed as an accurate record of the proceedings of that meeting.

Carried Unanimously

5. DECLARATION OF CONFLICT OF INTEREST BY MEMBERS OF COUNCIL

5.1. Perceived Conflict of Interest, Cr Kirsty Parkin Item 12.4 Nomination to Dog & Cat Management Board.

Under Section 75A of the *Local Government Act 1999* Cr Kirsty Parkin declared a Perceived Conflict of Interest for Item 12.4, Nomination to Dog & Cat Management Board, the nature of which is as follows:

- My father is the Chair of the Dog & Cat Management Board.

Cr Kirsty Parkin intends to leave the meeting when this item is discussed.

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5.2. Material Conflict of Interest, Cr Mark Osterstock Item 12.4 Nomination to Dog & Cat Management Board.

Under Section 74 of the *Local Government Act 1999* Cr Mark Osterstock declared a Material Conflict of Interest for Item 12.4, Nomination to Dog & Cat Management Board, the nature of which is as follows:

- I intend on nominating for the Dog & Cat Management Board.

Cr Mark Osterstock intends to leave the meeting when this item is discussed.

5.3. Perceived Conflict of Interest, Cr Andrew Stratford Item 7.1.1 Woodside Recreation Ground Reuse Proposal Environmental & Economic Analysis and Item 7.1.2 Woodside Recreation Ground Reuse further information.

Under Section 75A of the *Local Government Act 1999* Cr Andrew Stratford declared a Perceived Conflict of Interest for Item 7.1.1 Woodside Recreation Ground Reuse Proposal Environmental & Economic Analysis and Item 7.1.2 Woodside Recreation Ground Reuse further information, the nature of which is as follows:

- I am a member of two clubs which are affiliated with the Woodside Recreation Grounds Committee.

Cr Andrew Stratford intends to participate in discussions and vote.

6. PRESIDING MEMBER'S OPENING REMARKS

Mayor Jan-Claire Wisdom thanked Council Members, staff and the members of the public for joining the meeting.

The Mayor informed the Chamber of the passing of Brian Barker of Mylor, and spoke of his dedication to the area, especially his volunteer work with the Hut, RSL and Mylor History Group.

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7. QUESTIONS ADJOURNED/LYING ON THE TABLE

7.1. Questions Adjourned

7.1.1 Woodside Recreation Ground Water Reuse Proposal Environmental and Economic Analysis from 203/21 28 September 2021 meeting

Cr Andrew Stratford declared a Perceived Conflict of Interest at Agenda Item 5 'Declaration of Interest by Members of the Council' in relation to Item 7.1.1.

**Moved Cr Leith Mudge
S/- Cr Ian Bailey**

272/21

That Leave of the meeting be granted for the debate to start over.

Carried Unanimously

**Moved Cr Chris Grant
S/- Cr Nathan Daniell**

273/21

Council resolves:

- 1. That the report be received and noted.**
- 2. To decline the \$327,000 grant funding through the Local Government Infrastructure Partnership Program funding and not enter into an agreement with SA Water to purchase recycled water for the Woodside Recreation Ground.**

Carried

Cr Andrew Stratford voted 'against' the motion.

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

Cr Chris Grant called for a Division.

The Mayor set aside the ruling.

In the affirmative (6)
Councillors Osterstock, Parkin, Kemp, Grant, Daniell and Bailey.

In the negative (5)
Councillors Herrmann, Stratford, Mudge, Green and Boyd.

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

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7.1.2 Woodside Recreation Ground Reuse Further Information

Cr Andrew Stratford declared a Perceived Conflict of Interest at Agenda Item 5 'Declaration of Interest by Members of the Council' in relation to Item 7.1.2.

**Moved Cr Mark Osterstock
S/- Cr Leith Mudge**

274/21

Council resolves:

- 1. The report be received and noted.**
- 2. That a report be prepared for Council's information on the costs associated with bore water saving initiatives that could be implemented in respect to Council-owned recreational assets that are currently irrigated by bore water.**

Carried Unanimously

Cr Andrew Stratford voted 'for' the motion.

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

7.2. Questions Lying on the Table

Nil

8. PETITIONS/DEPUTATIONS/PUBLIC FORUM

8.1. Petitions

Nil

8.2. Deputations

Nil

8.3. Public Forum

Nil

9. PRESENTATIONS

Nil

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10. QUESTIONS ON NOTICE

10.1. Rural Doctors – Cr Malcolm Herrmann

1. What was the outcome of Council's representations to the Premier regarding Rural Doctors?
2. Have any of the persons who received a copy of the letter responded?

Response

On 15 October 2021, the Mayor wrote to the Premier in line with the Council's resolution. A copy of the letter is contained in *Appendix 1* of the agenda.

On 8 November 2021, the Minister for Health and Wellbeing, Hon Stephen Wade MLC, responded on behalf of the Premier. The Minister has indicated that he has written to the Commonwealth Minister for Regional Health, Hon David Gillespie MP, requesting a reclassification of Gumeracha for the purposes of providing better incentives for doctors to be located there. A copy of the Minister's letter is contained in *Appendix 2* in the agenda.

The Federal Member for Mayo, Rebekha Sharkie MP, has also contacted the Council to advise of advocacy she is making in relation to the matter at a federal level. Ms Sharkie provided a statement in the lead up to the Council's Community Forum held at Gumeracha on 30 November 2021. A copy of the statement is contained in *Appendix 3* in the agenda.

The Council's and the community's advocacy would appear to have resulted in some positive steps being taken, however an actual decision in relation to the matter has not yet occurred. The Administration will continue to engage with key advocates and decision makers in respect to this matter.

11. MOTIONS ON NOTICE

Nil

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12. OFFICER REPORTS – DECISION ITEMS

12.1. S270 Internal Review of Council Decision

Moved Cr Leith Mudge
S/- Cr Kirsty Parkin

Council resolves:

1. That the report be received and noted
2. To accept the findings and recommendation of the external advisor on decision (105/21) and affirm the decision on the Multi Year Rally Proposal was reasonable and should stand.
3. The CEO or their delegate advises the applicant of Council's decision.

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12.1.1 Formal Motion

Moved Cr Mark Osterstock
S/- Cr John Kemp

That the question be put.

The Mayor declared the motion:

	Lost
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The substantive motion resumed.

8.22pm Cr John Kemp left the meeting.

8.23pm Cr Mark Osterstock left the meeting.

8.26pm Cr Mark Osterstock returned to the meeting.

8.26pm Cr John Kemp returned to the meeting.

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12.1.2 S270 Internal Review of Council Decision

Mr Eberhard Frank, as the applicant, was provided the opportunity to address Council for 10 minutes on the S270 matter.

Ms Felice D'Agostino, Norman Waterhouse Lawyers, was in attendance to answer questions.

**Moved Cr Leith Mudge
S/- Cr Kirsty Parkin**

275/21

Council resolves:

- 1. That the report be received and noted**
- 2. To accept the findings and recommendation of the external advisor on decision (105/21) and affirm the decision on the Multi Year Rally Proposal was reasonable and should stand.**
- 3. The CEO or their delegate advises the applicant of Council's decision.**

Carried

Cr Chris Grant called for a Division.

The Mayor set aside the ruling.

In the affirmative (8)

Councillors Herrmann, Osterstock, Parkin, Kemp, Mudge, Green, Boyd, and Daniell.

In the negative (3)

Councillors Stratford, Grant, and Bailey.

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

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12.2. Trails & Cycling Routes Framework – Draft Service Levels and Guidelines for Consultation

Moved Cr Malcolm Herrmann

S/- Cr Kirsty Parkin

276/21

Council resolves:

- 1. That the report be received and noted**
- 2. That the draft Trails and Cycle Routes Service Levels in *Appendix 1* and Guidelines in *Appendix 2* be endorsed for consultation**
- 3. That the results of consultation and the final draft Framework be presented to Council for their consideration by June 2022.**
- 4. That the CEO be authorised to:**
 - a. Make any formatting, nomenclature or other minor changes to the Policy prior to being released for public consultation and**
 - b. Determine the consultation timings, media and processes while ensuring consistency and compliance with the provisions of applicable legislation and Council's *Public Consultation Policy*.**

Carried Unanimously

12.3. Assisting Vulnerable Residents on Extreme and Catastrophic Fire Danger Days

Moved Cr Kirsty Parkin

S/- Cr Ian Bailey

277/21

Council resolves:

- 1. That the report be received and noted.**
- 2. That Council continues to collaborate with relevant agencies and stakeholders to explore, advocate for and implement opportunities to educate and support the community, including vulnerable persons, with their bushfire preparedness.**

Carried Unanimously

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12.4. Nomination to Dog & Cat Management Board – method of selection of nominee

Moved Cr Linda Green

S/- Cr Ian Bailey

278/21

Council resolves:

- 1. That the report be received and noted.**
- 2. To determine that the method of selecting the nominee to the LGA for the Dog & Cat Management Board be by an indicative vote to determine the preferred person utilising the process set out in this Agenda report.**
- 3. To adjourn the Council meeting for the purposes of seeking nominations for and, if necessary, conducting an indicative vote to determine the preferred person for the nomination and for the meeting to resume once the results of the indicative vote have been declared.**

Carried Unanimously

8.53pm the Mayor adjourned the meeting.

8.55pm the Mayor resumed the meeting.

Cr Mark Osterstock declared a Material Conflict of Interest at Agenda Item 5 'Declaration of Interest by Members of the Council' in relation to Item 12.4.1 and left the meeting.

Cr Kirsty Parkin declared Perceived Conflict of Interest at Agenda Item 5 'Declaration of Interest by Members of the Council' in relation to Item 12.4.1 and left the meeting.

12.4.1 Nomination to Dog & Cat Management Board

Moved Cr John Kemp

S/- Cr Ian Bailey

279/21

To endorse the nomination of Cr Mark Osterstock for the Dog & Cat Management Board and authorise the Chief Executive Officer to lodge the completed nomination forms to the Local Government Association by 5.00pm 21 December 2021.

Carried Unanimously

8.57pm Cr Mark Osterstock and Cr Kirsty Parkin returned to the Chamber.

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12.5. Amy Gillett Bikeway

This item was withdrawn.

12.6. Status Report – Council Resolutions Update

Moved Cr Mark Osterstock

S/- Cr John Kemp

280/21

Council resolves:

- 1. That the report be received and noted**
- 2. The following completed items be removed from the Action List:**

Meeting Date	Meeting	Res No.	Item Name	Previously Declared COI
25/08/2020	Ordinary Council	165/20	Replacement LMA 3 & 5 Pomona Road Stirling	None declared
23/02/2021	Ordinary Council	28/21	Relief & Recovery Fund	None declared
27/07/2021	Ordinary Council	162/21	Bushfire Safer Places	None declared
24/08/2021	Ordinary Council	184/21	S41 Committee Independent Member Sitting Fees	None declared
23/11/2021	Ordinary Council	245/21	Community Development Grants 2021-2022	None declared
23/11/2021	Ordinary Council	255/21	CWMS Expansion Financial Impact	Material - Cr Herrmann Cr Green Cr Stratford
23/11/2021	Ordinary Council	258/21	Election of Deputy Mayor	Material - Cr Daniell
23/11/2021	Ordinary Council	260/21	Election of Audit Committee Presiding Member	Material - Cr Herrmann
23/11/2021	Ordinary Council	262/21	Emergency Relief Fund	None declared
23/11/2021	Ordinary Council	263/21	Playford Trust Scholarship	None declared
23/11/2021	Ordinary Council	264/21	Southern & Hills Local Government Association Charter	Perceived - Mayor Wisdom

Carried Unanimously

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13. OFFICER REPORTS - INFORMATION ITEMS**13.1. Mylor Oval Projects – Consultation Update**

Moved Cr Nathan Daniell
S/- Cr John Kemp

281/21

Council resolves that the report be received and noted.

Carried Unanimously

14. QUESTIONS WITHOUT NOTICE

Nil

15. MOTIONS WITHOUT NOTICE

Nil

16. REPORTS**16.1. Council Member Function or Activity on the Business of Council****Cr John Kemp**

- 19 November, Friends of Woorabinda Bushland Reserves AGM, Stirling
- 25 November, The Hut Community Centre AGM, Aldgate

Cr Kirrilee Boyd

- Stirling Business Association – Christmas celebration
- Adelaide Rally Luncheon at Bridgewater Mill

Cr Ian Bailey

- CFS Shed Opening

Cr Linda Green

- Lights of Lobethal opening night

16.2. Reports of Members as Council/Committee Representatives on External Organisations**Cr Ian Bailey**

- Adelaide Hills Region Waste Management Authority meeting, Mt Barker

Cr Malcolm Herrmann

- Gawler River Floodplain Management Authority meeting, Elizabeth

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16.3. CEO Report

Andrew Aitken, CEO, provided Council with a verbal Corporate Update (available on www.ahc.sa.gov.au under Council Minutes).

- Green organics drop off days
- Uraidla Sustainability Fair – October 2021
- Patching road seals – various locations
- Gumeracha streetscapes upgrade
- Heathfield oval change rooms
- Gumeracha sports courts upgrade
- New footpaths and footpaths renewals – various locations
- Friends of Woorabinda Bushland Reserves – AGM
- Building Services Inspection Regime
- Fire Prevention
- Cat By-law
- Council website
- Home Based Business Networking Events
- Fabrik – Mill Square Music Event
- Annual Report Finalised
- Internal Business Card – Acknowledgement of Country and Art Work
- Wished everyone Merry Christmas and Happy New Year

17. REPORTS OF COMMITTEES**17.1. Council Assessment Panel**

Nil

17.2. Audit Committee

Nil

17.3. CEO Performance Review Panel**17.3.1 CEO Performance Review Panel Presiding Member's Report**

Moved Cr Mark Osterstock

S/- Cr John Kemp

282/21

Council resolves that the report be received and noted.

Carried Unanimously

9.22pm Cr Kirsty Parkin left the meeting

9.23pm Cr Ian Bailey left the meeting

9.24pm Cr Kirsty Parkin returned to the meeting

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18. CONFIDENTIAL ITEMS

RELEASED 15 DECEMBER 2021

18.1. Audit Committee Independent Member Appointment – Exclusion of the Public

Moved Cr Chris Grant

S/- Cr John Kemp

283/21

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

- Chief Executive Officer, Andrew Aitken
- Director Community Capacity, David Waters
- Director Corporate Services, Terry Crackett
- Acting Director Development & Regulatory Services, Melissa Bright
- Director Infrastructure & Operations, Peter Bice
- Executive Manager Governance & Performance, Lachlan Miller
- Governance & Risk Coordinator, Steven Watson

be excluded from attendance at the meeting for Agenda Item 18.1: Audit Committee Independent Member Appointment 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) (a) 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), because it would disclose the personal details of candidates who have expressed an interest to be on the Audit Committee.

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 15 DECEMBER 2021

18.1.1 Audit Committee Independent Member Appointment – Confidential Item

9.26pm Cr Bailey returned to the meeting

Moved Cr Malcolm Herrmann

S/- Cr Leith Mudge

284/21

Council resolves:

- 1. That the report be received and noted**
- 2. To appoint David Moffatt and Peter Brass to the position of Audit Committee Independent Member for a term to commence from 14 December 2021 until 30 November 2023 (inclusive).**

Carried Unanimously

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RELEASED 15 DECEMBER 2021

18.1.2 Audit Committee Independent Member Appointment – Period of Confidentiality

Moved Cr Malcolm Herrmann
S/- Cr Leith Mudge

285/21

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) (a) of the *Local Government Act 1999*, resolves that an order be made under the provisions of sections 91(7) and (9) of the *Local Government Act 1999* that the report, related attachments and the minutes of Council and the discussion and considerations of the subject matter be retained in confidence until the appointment have been confirmed with the applicants, but not longer than 2 months.

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

9.32pm Cr Chris Grant left the meeting.

18.2. Citizen of the Year Awards 2022 – Exclusion of the Public

Moved Cr Mark Osterstock
S/- Cr John Kemp

286/21

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

- Chief Executive Officer, Andrew Aitken
- Director Community Capacity, David Waters
- Director Corporate Services, Terry Crackett
- Acting Director Development & Regulatory Services, Melissa Bright
- Director Infrastructure & Operations, Peter Bice
- Executive Manager Governance & Performance, Lachlan Miller
- Governance & Risk Coordinator, Steven Watson

be excluded from attendance at the meeting for Agenda Item 18.2: (Citizen of the Year 2022 Recommendations) 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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Section 90(3)(o) of the *Local Government Act 1999*, the information to be received, discussed or considered in relation to this Agenda Item is information relating to a proposed award recipient before the presentation of the award, the disclosure of which could reasonably be expected to reveal award recipient information before a special event.

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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18.2.1 Citizen of the Year Awards 2022 – Confidential Item

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18.2.2 Citizen of the Year Awards 2022 – Period of Confidentiality

Moved Cr Nathan Daniell
S/- Cr Kirsty Parkin

288/21

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 18.2 in confidence under sections 90(2) and 90(3)(o) of the *Local Government Act 1999*, resolves that an order be made under the provisions of sections 91(7) and (9) of the *Local Government Act 1999* that the report, related attachments and the minutes of Council and the discussion and considerations of the subject matter be retained in confidence until the presentation of the awards on 26 January 2022, with the exception of the appropriate release of information to award recipients and their close family and friends, nominators and media outlets to enhance coverage of the awards.

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

18.3. East Waste Independent Chair Appointment – Exclusion of the Public

Moved Cr John Kemp
S/- Cr Ian Bailey

289/21

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

- Chief Executive Officer, Andrew Aitken
- Director Community Capacity, David Waters
- Director Corporate Services, Terry Crackett
- Acting Director Development & Regulatory Services, Melissa Bright
- Director Infrastructure & Operations, Peter Bice
- Executive Manager Governance & Performance, Lachlan Miller
- Governance & Risk Coordinator, Steven Watson

be excluded from attendance at the meeting for Agenda Item 18.3: East Waste Independent Chair Appointment in confidence.

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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) (a) 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), because it would disclose the personal details of the candidate for the East Waste Independent Chair position.

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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18.3.1 East Waste Independent Chair Appointment – Confidential Item

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18.3.2 East Waste Independent Chair Appointment – Period of Confidentiality

Moved Cr Ian Bailey
S/- Cr Chris Grant

291/21

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 18.3 in confidence under sections 90(2) and 90(3) (a) 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 discussion and considerations of the subject matter be retained in confidence until 30 March 2022 or until East Waste advises of the Independent Chairperson appointment, whichever occurs earlier.

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

19. NEXT ORDINARY MEETING

The next ordinary meeting of the Adelaide Hills Council will be held on Tuesday 25 January 2022 from 6.30pm at 63 Mt Barker Road, Stirling.

20. CLOSE MEETING

The meeting closed at 9.48pm.