

**ADELAIDE HILLS COUNCIL
MINUTES OF ORDINARY COUNCIL MEETING
TUESDAY 23 July 2024
63 MT BARKER ROAD STIRLING**

In Attendance

Presiding Member: Deputy Mayor Melanie Selwood

Members:

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| Councillor Kirrilee Boyd |
| Councillor Adrian Cheater |
| Councillor Nathan Daniell |
| Councillor Chris Grant |
| Councillor Malcolm Herrmann |
| Councillor Leith Mudge |
| Councillor Mark Osterstock |
| Councillor Kirsty Parkin |

In Attendance:

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| Greg Georgopoulos | Chief Executive Officer |
| Gary Lewis | Director Corporate Services |
| Jess Charlton | A/Director Community and Development |
| David Waters | Director Environment and Infrastructure |
| Zoe Gill | Governance and Risk Coordinator |
| Skye Ludzay | Minute Secretary |
| Tom Portas | Technical Support |

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 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

Nil

Mayor _____

13 August 2024

**ADELAIDE HILLS COUNCIL
MINUTES OF ORDINARY COUNCIL MEETING
TUESDAY 23 July 2024
63 MT BARKER ROAD STIRLING**

3.2 Leave of Absence

3.3 Cr Lucy Huxter, 8 July 2024 to 25 July 2024, approved at Council 25 June 2024.

3.4 Cr Louise Pascale, 19 July 2024 to 23 July 2024, approved at Council 9 July 2024.

3.5 Cr Pauline Gill, 22 July 2024 to 26 July 2024, approved at Council 9 July 2024.

3.6 Mayor Jan-Claire Wisdom

Moved Cr Leith Mudge

S/- Cr Kirrilee Boyd

255/24

- 1 That a Leave of Absence from all duties of office be granted to Mayor Jan-Claire Wisdom from 23 July 2024 to 23 July 2024.**
- 2 That any committee or panel membership currently held by Mayor Jan-Claire Wisdom be undertaken by the Deputy during the leave of absence.**

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| Carried Unanimously |
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3.7 Absent**4. MINUTES OF PREVIOUS MEETINGS****4.1 Council Meeting – 9 July 2024**

Moved Cr Malcolm Herrmann

S/- Cr Nathan Daniell

256/24

Council resolves that the minutes of the Ordinary Council meeting held on 9 July 2024, as supplied, be confirmed as an accurate record of the proceedings of that meeting.

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| Carried Unanimously |
|----------------------------|

**ADELAIDE HILLS COUNCIL
MINUTES OF ORDINARY COUNCIL MEETING
TUESDAY 23 July 2024
63 MT BARKER ROAD STIRLING**

5. DECLARATION OF CONFLICT OF INTEREST BY MEMBERS OF COUNCIL

5.1 Cr Malcolm Herrmann, Item 12.2 Community Bushfire Reference Group Terms of Reference

Under section 75B of the Local Government Act 1999 Cr Malcolm Herrmann disclosed a General (section 74) Conflict of Interest in Item 12.2.

5.2 Cr Chris Grant, Item 12.2 Community Bushfire Reference Group Terms of Reference

Under section 75B of the Local Government Act 1999 Cr Chris Grant disclosed a General (section 74) Conflict of Interest in Item 12.2.

5.3 Deputy Mayor Melanie Selwood, Item 12.2 Community Bushfire Reference Group Terms of Reference

Under section 75B of the Local Government Act 1999 Deputy Mayor Melanie Selwood disclosed a General (section 74) Conflict of Interest in Item 12.2.

5.4 Cr Adrian Cheater, Item 12.2 Community Bushfire Reference Group Terms of Reference

Under section 75C of the Local Government Act 1999 Cr Adrian Cheater disclosed a Material (section 74) Conflict of Interest in Item 12.2.

5.5 Cr Leith Mudge, Item 12.2 Community Bushfire Reference Group Terms of Reference

Under section 75C of the Local Government Act 1999 Cr Leith Mudge disclosed a Material (section 74) Conflict of Interest in Item 12.2.

6. PRESIDING MEMBER'S OPENING REMARKS

Nil

7. QUESTIONS ADJOURNED/LYING ON THE TABLE

7.1 Questions Adjourned

Nil

7.2 Questions Lying on the Table

Nil

**ADELAIDE HILLS COUNCIL
MINUTES OF ORDINARY COUNCIL MEETING
TUESDAY 23 July 2024
63 MT BARKER ROAD STIRLING**

8. PETITIONS/DEPUTATIONS/PUBLIC FORUM

8.1 Petitions

Nil

8.2 Deputations

Nil

8.3 Public Forum

Nil

9. PRESENTATIONS

Nil

10. QUESTIONS ON NOTICE

10.1 Blackspot Funding – Cr Adrian Cheater

Has the Council received any updates on funding from the Australian Government's Blackspot Program for the Adelaide Hills Council area?

Council actively seeks funding from the Federal Blackspot Program. Each year Council actively reviews the crash data across its entire network to identify potential sites that meet the Blackspot funding criteria or have the potential for proactive treatments.

Council officers are aware that the Federal Government commitment to Road Safety through the Blackspot Program has increased to \$150M per annum Nationwide.

The Blackspot Program is a competitive application program with most of the program funding sites with a crash history that meet the program criteria. The Benefit Cost Ratio (BCR) should exceed 2 as a minimum. The higher the BCR the more likely that your project will be funded. There is a small amount of funding that is provided for proactive works, these projects need to be supported by Road Safety Audit undertaken by an accredited auditor.

Council has received approximately \$3,450,000 from the Blackspot Program between 2017/2018 and 2023/2024.

This has included the following projects.

- Paracombe Road, Paracombe
- Checker Hill Road, Kersbrook
- Morgan Road, Ironbank
- Ironbank Road, Ironbank
- Martin Hill Road, Forreston

**ADELAIDE HILLS COUNCIL
MINUTES OF ORDINARY COUNCIL MEETING
TUESDAY 23 July 2024
63 MT BARKER ROAD STIRLING**

- Ridge Road, Mylor
- Montacute Road, Montacute
- Woods Hill Road and Tregarthen Road intersection
- Jones Road, Balhannah
- Warren Road/ Lucky Hit Road/ Martin Hill Road Intersection

Council has submitted the following project for consideration by the State Blackspot Panel for 2024/25.

- Fox Creek Road – Shoulder sealing, delineation, and safety barriers
 - \$1,020,000 (GST Ex)
- Basket Range Road – 300m Shoulder sealing and delineation Lobethal Road end.
 - \$150,000 (GST Ex)
- Burdetts Road, Basket Range – Junction delineation improvements with Lobethal Road (proactive)
 - \$275,000 (GST Ex)
- Torrens Hill Road – Shoulder sealing, delineation and signing (proactive)
 - \$262,500 (GST Ex)
- Lobethal Road – Basket Range, safety barrier (proactive)
 - \$180,000 (GST Ex)

Council has not received notification of its 2024/25 submission currently. The Victorian, Queensland, and Tasmanian programs for 2024/25 have been announced.

11. MOTIONS ON NOTICE

11.1 Review of Road Closure Fees

Moved Cr Chris Grant

S/- Cr Malcolm Herrmann

257/24

I move that a report be prepared for Council's consideration regarding:

1. The appropriate level at which to set fees for road closures for commercial applicants in the Fees and Charges Register. The report should identify fee levels that are commensurate with both:
 - a. The cost to ratepayers in terms of staff time and resources associated with the application and the event itself,
 - b. The amount of disruption, inconvenience and loss road closures cause for affected businesses and the community, and
 - c. The true commercial value of such an exclusive use of a public asset.

VARIATION

Mayor _____

13 August 2024

**ADELAIDE HILLS COUNCIL
MINUTES OF ORDINARY COUNCIL MEETING
TUESDAY 23 July 2024
63 MT BARKER ROAD STIRLING**

Through the Deputy Mayor, with consent of the Mover and Seconder, leave of the meeting was sought and granted to vary point 1 of the motion to remove the word 'both' as follows:

**Moved Cr Chris Grant
S/- Cr Malcolm Herrmann**

I move that a report be prepared for Council's consideration regarding:

- 1. The appropriate level at which to set fees for road closures for commercial applicants in the Fees and Charges Register. The report should identify fee levels that are commensurate with:

 - a. The cost to ratepayers in terms of staff time and resources associated with the application and the event itself,**
 - b. The amount of disruption, inconvenience and loss road closures cause for affected businesses and the community, and**
 - c. The true commercial value of such an exclusive use of a public asset.****

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| Carried |
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11.2 Levels of Service

**Moved Cr Chris Grant
S/- Cr Leith Mudge**

258/24

I move that:

- 1. A report be prepared for Council's consideration in conjunction with the existing services review, detailing the "levels of service" being provided by Council, including, but not restricted to infrastructure asset management in a manner that allows the Chamber to identify the "Level of Service" being provided in order to assess what is affordable, equitable and appropriate.**

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| Carried Unanimously |
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**ADELAIDE HILLS COUNCIL
MINUTES OF ORDINARY COUNCIL MEETING
TUESDAY 23 July 2024
63 MT BARKER ROAD STIRLING**

12. OFFICER REPORTS – DECISION ITEMS

12.1 Review of Burials outside Cemeteries Policy and Update

Moved Cr Chris Grant
S/- Cr Malcolm Herrmann

259/24

Council resolves:

1. That the report be received and noted.
2. With an effective date of 1 August 2024, adopt the 23 July 2024 Burials outside Cemeteries Policy as per Appendix 1.
3. That the Chief Executive Officer be authorised to make any formatting, nomenclature or other minor changes to the 23 July 2024 Burials Outside Cemeteries Policy as per Appendix 1 prior to the date of effect.

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| Carried Unanimously |
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12.2 Community Bushfire Reference Group Terms of Reference

Under section 75B of the *Local Government Act 1999* Deputy Mayor Melanie Selwood disclosed a General (section 74) Conflict of Interest in Item 12.2.

- My husband is employed by a not-for-profit organisation called Treecoverly Ltd which works in the bushfire recovery space.

Deputy Mayor Melanie Selwood advised the meeting that her private interest would not result in her acting in a manner contrary to her public duty and that she intended to leave the meeting for Decision 1 but would return to the meeting when Decision 2 is discussed and participate in the debate and vote on the matter.

7:16pm Deputy Mayor Melanie Selwood left the meeting room.

With leave of the meeting Cr Chris Grant presided over Item 12.2 in the absence of Deputy Mayor Melanie Selwood.

Under section 75B of the *Local Government Act 1999* Cr Malcolm Herrmann disclosed a General (section 74) Conflict of Interest in Item 12.2.

- I am the President of the Birdwood CFS Brigade.

**ADELAIDE HILLS COUNCIL
MINUTES OF ORDINARY COUNCIL MEETING
TUESDAY 23 July 2024
63 MT BARKER ROAD STIRLING**

Cr Malcolm Herrmann advised the meeting that his private interest would not result in him acting in a manner contrary to his public duty and that he will remain in the meeting when the item is discussed and participate in the debate and vote on the matter.

Under section 75B of the *Local Government Act 1999* Cr Chris Grant disclosed a General (section 74) Conflict of Interest in Item 12.2.

- I am a member of a CFS Brigade.

Cr Chris Grant advised the meeting that his private interest would not result in him acting in a manner contrary to his public duty and that he will remain in the meeting when the item is discussed and participate in the debate and vote on the matter.

Under section 75C of the *Local Government Act 1999* Cr Adrian Cheater disclosed a Material (section 75) Conflict of Interest in Item 12.2.

- I am the elected officer of a CFS Brigade.

Cr Adrian Cheater advised that he will leave 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 12.2.

- I intend to nominate as Council representative on the *Community Bushfire Reference Group*.

Cr Leith Mudge advised that he will leave the meeting room for Decision 2.

FORMAL MOTION

**Moved Cr Leith Mudge
S/- Cr Nathan Daniell**

260/24

That the item be adjourned until 13 August 2024 as Council is unable to meet quorum.

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| Carried |
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7:22pm Deputy Mayor Melanie Selwood returned to the meeting room and resumed the Chair.

**ADELAIDE HILLS COUNCIL
MINUTES OF ORDINARY COUNCIL MEETING
TUESDAY 23 July 2024
63 MT BARKER ROAD STIRLING**

12.3 Gawler River Floodplain Management Authority Membership Report

Under section 75B of the *Local Government Act 1999* Cr Malcolm Herrmann disclosed a General (section 74) Conflict of Interest in Item 12.3.

- I am the Adelaide Hills Council's representative Board Member for the Gawler River Floodplain Management Authority

Cr Malcolm Herrmann advised the meeting his private interest would not result in him acting in a manner contrary to his 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 Mark Osterstock
S/- Cr Leith Mudge**

261/24

Council resolves:

1. **That this report *Gawler River Floodplain Management Authority Membership Report* be received and noted.**
2. **In light of the risks and opportunities of continued membership of GRFMA as outlined in this report, the CEO undertake a detailed examination of the implications of leaving the GRFMA, to be brought back to the Council for consideration by October 2024, noting that the CEO will seek additional budget to progress this project based on a cost estimate.**
3. **That the CEO formally notify the GRFMA Board and Constituent Councils that Adelaide Hills Council is exploring leaving the GRFMA and seek their views of Adelaide Hills Council staying or leaving the GRFMA.**
4. **That the CEO may, if appropriate, seek the views of the Minister or his office about Adelaide Hills Council staying or leaving the GRFMA.**

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| Carried Unanimously |
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12.4 Gawler River Floodplain Management Authority 2024-25 Draft Annual Business Plan Options Report

Under section 75B of the *Local Government Act 1999* Cr Malcolm Herrmann disclosed a General (section 74) Conflict of Interest in Item 12.4.

- I am the Adelaide Hills Council's representative Board Member for the Gawler River Floodplain Management Authority

**ADELAIDE HILLS COUNCIL
MINUTES OF ORDINARY COUNCIL MEETING
TUESDAY 23 July 2024
63 MT BARKER ROAD STIRLING**

Cr Malcolm Herrmann advised the meeting his private interest would not result in him acting in a manner contrary to his 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 Leith Mudge
S/- Cr Malcolm Herrmann

262/24

Council resolves:

1. That this report *Gawler River Floodplain Management Authority Annual Business Plan Options Report* be received and noted.
2. That Council notes its decision at the 23 April 2024 Council Meeting to not approve the Draft 2024-25 Gawler River Floodplain Management Authority Annual Business Plan at that time on the following basis:
 - a. That the Council sees little if any benefit to the Adelaide Hills community in contributing to the cost of the further development of the flood mitigation works business case.
 - b. That the Council is opposed to the apportioning of costs for further developing the business case equally among the member Councils.
 - c. That the cost apportionment should be reflective of the relative contribution to the flood risk and the relative benefits of the flood mitigation works, to each community.
3. Notes that Council and the GRFMA have entered into dispute regarding the Draft 2024-25 Gawler River Floodplain Management Authority Annual Business Plan and Annual Budget.
4. For efficiency and resourcing reasons, to now approve the 2024-25 Gawler River Floodplain Management Authority Annual Business Plan and Annual Budget requiring a contribution from Council of approximately \$50,000, while registering its objections to the proposed further development of the flood mitigation works business case.
5. That the Chief Executive Officer advises the Gawler River Floodplain Management Authority Board of Councils resolution and is authorised to undertake all procedures and processes necessary and incidental thereto.

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| Carried Unanimously |
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**ADELAIDE HILLS COUNCIL
MINUTES OF ORDINARY COUNCIL MEETING
TUESDAY 23 July 2024
63 MT BARKER ROAD STIRLING**

12.5 Community Renewables Program

Moved Cr Nathan Daniell

S/- Cr Kirsty Parkin

263/24

Council resolves:

1. That the report be received and noted.
2. To note the City of Mitcham's Community Renewable Framework and thanks Mr Matt Romaine, Group Manager City of Mitcham, for his presentation on Monday 3 June 2024.
3. That a further report on the Community Renewal Program tailored to the Adelaide Hills Council and Community be provided to Council by no later than 12 November 2024.
4. That this report include:
 - a) Options for the establishment of an Adelaide Hills 'Community Renewables Program'
 - b) Options for the development of a Virtual Power Plant.
 - c) A cost-benefit analysis completed for any options presented to Council.

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| Carried Unanimously |
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13. OFFICER REPORTS - INFORMATION ITEMS

13.1 Updating Arrangements for Building Fire Safety Committee Membership

Moved Cr Mark Osterstock

S/- Cr Kirsty Parkin

264/24

Council resolves that the report be received and noted.

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| Carried Unanimously |
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**ADELAIDE HILLS COUNCIL
MINUTES OF ORDINARY COUNCIL MEETING
TUESDAY 23 July 2024
63 MT BARKER ROAD STIRLING**

14. CORRESPONDENCE FOR INFORMATION

14.1 Correspondence from Green Industries South Australia regarding single-use plastic bans.

Moved Cr Kirrilee Boyd
S/- Cr Nathan Daniell

265/24

Council resolves that the correspondence is received and noted.

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| Carried Unanimously |
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14.2 Correspondence from Department of Infrastructure, Transport, Regional Development, Communications and the Arts regarding the Enhanced Electromagnetic Energy Program.

Moved Cr Adrian Cheater
S/- Cr Nathan Daniell

266/24

Council resolves that the correspondence is received and noted.

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| Carried Unanimously |
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14.3 Correspondence from Australia Day Council regarding Public Service Medal nominations.

Moved Cr Chris Grant
S/- Cr Adrian Cheater

267/24

Council resolves that the correspondence is received and noted.

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| Carried Unanimously |
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15. QUESTIONS WITHOUT NOTICE

Nil

16. MOTIONS WITHOUT NOTICE

Having taken into consideration the Guiding Principles, the Deputy Mayor accepted the following Motion Without Notice.

Moved Cr Kirsty Parkin
S/- Cr Nathan Daniell

268/24

That a workshop be held shortly to develop a reference framework for council members to approve Leave of Absences of elected members in conjunction with the review of the Code of Practice for Meeting Procedures.

**ADELAIDE HILLS COUNCIL
MINUTES OF ORDINARY COUNCIL MEETING
TUESDAY 23 July 2024
63 MT BARKER ROAD STIRLING**

VARIATION

Cr Nathan Daniell with consent of the Mover, sought and was granted leave of the meeting to vary the motion as follows:

**Moved Cr Kirsty Parkin
S/- Cr Nathan Daniell**

As part of the review of the ‘Code of Practice for Meeting Procedures’ the approval process for leave of absences for elected members be a focus for a workshop.

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| Carried Unanimously |
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17. REPORTS**17.1 Council Member Function or Activity on the Business of Council****Cr Melanie Selwood**

- 12 March 2024, NAIDOC March and Family Fun Day

Cr Malcolm Herrmann

- 7 July 2024, SALA Launch Top of the Torrens Gallery, Birdwood
- 18 July 2024, RSL Sub-branch Annual General Meeting, Gumeracha

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

- Nil

17.3 CEO Report

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

- Recent focus on strategic risk.
- Recent focus on operations of Council.
- Advice to members encouraging attendance at the 30 July 2024 Workshop discussing end of financial year budget.

18. REPORTS OF COMMITTEES**18.1 Council Assessment Panel – 10 July 2024**

**Moved Cr Leith Mudge
S/- Cr Malcolm Herrmann**

269/24

**ADELAIDE HILLS COUNCIL
MINUTES OF ORDINARY COUNCIL MEETING
TUESDAY 23 July 2024
63 MT BARKER ROAD STIRLING**

Council resolves that the minutes of the Council Assessment Panel meeting held on 10 July 2024, as distributed, be received and noted.

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| Carried Unanimously |
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18.2 Audit Committee

Nil

18.2.1 Audit Committee recommendations to Council – 15 April 2024

Moved Cr Malcolm Herrmann
S/- Cr Nathan Daniell

270/24

1. That the report be received and noted.
2. In relation to Appendix 1 of this report:
 - a. To approve the 2023-24 External Audit Plan by BDO Audit Pty Ltd.
 - b. To note the 2023-24 Financial Statement Audit – Engagement Letter (Appendix 2) and the 2023-24 Internal Financial Control Audit – Engagement (Appendix 3).
3. In relation to Appendix 4 of this report, to receive and note the Q3 2023-24 Quarterly Council Performance Report.

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| Carried Unanimously |
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18.3 CEO Performance Review Panel

Nil

18.4 Boundary Change Committee

Nil

8:09pm Cr Adrian Cheater left the meeting room and did not return.

**ADELAIDE HILLS COUNCIL
MINUTES OF ORDINARY COUNCIL MEETING
TUESDAY 23 July 2024
63 MT BARKER ROAD STIRLING**

19. CONFIDENTIAL ITEMS

19.1 Land Management Agreement – Burial on Private Land – Exclusion of the Public

Moved Cr Chris Grant

S/- Cr Kirsty Parkin

271/24

Council resolves:

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
- Director Corporate Services, Gary Lewis
- Acting Director Community & Development, Jess Charlton
- Governance and Risk Coordinator, Zoë Gill
- Minute Secretary, Skye Ludzay
- IT Support, Tom Portas

be excluded from attendance at the meeting for Agenda Item 19.1: (Land Management Agreement – Burial on Private Land) 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), the disclosure of which could provide information regarding financial affairs and health status.

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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| Carried Unanimously |
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**ADELAIDE HILLS COUNCIL
MINUTES OF ORDINARY COUNCIL MEETING
TUESDAY 23 July 2024
63 MT BARKER ROAD STIRLING**

19.1.1 Land Management Agreement – Burial on Private Land – Confidential Item

**ADELAIDE HILLS COUNCIL
MINUTES OF ORDINARY COUNCIL MEETING
TUESDAY 23 July 2024
63 MT BARKER ROAD STIRLING**

19.1.2 Land Management Agreement – Burial on Private Land – Duration of Confidentiality

Moved Cr Chris Grant
S/- Cr Leith Mudge

273/24

Council resolves:

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 19.1 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* 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 (presentation, documents, or similar) | 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.

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| Carried |
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**ADELAIDE HILLS COUNCIL
MINUTES OF ORDINARY COUNCIL MEETING
TUESDAY 23 July 2024
63 MT BARKER ROAD STIRLING**

20. NEXT ORDINARY MEETING

The next ordinary meeting of the Adelaide Hills Council will be held on Tuesday 13 August 2024 from 6.30pm at 63 Mt Barker Road, Stirling.

21. CLOSE MEETING

The meeting closed at 8.12pm.