



*The Barossa Council*

**MINUTES OF THE MEETING OF THE BAROSSA COUNCIL**

held on Tuesday 21 July 2020 commencing at 9.00am in the Council Chambers, 43-51 Tanunda Road, Nuriootpa

**1.1 WELCOME**

Mayor Bim Lange declared the meeting open at 9.00am.

**1.2 MEMBERS PRESENT**

Mayor Bim Lange, Deputy Mayor, Cr Leonie Boothby, Crs John Angas, Dave de Vries, Russell Johnstone, Don Barrett, Richard Miller, Cathy Troup, Carla Wiese-Smith, Kathryn Schilling, Tony Hurn, David Haebich.

**1.3 LEAVE OF ABSENCE**

Nil

**1.4 APOLOGIES FOR ABSENCE**

Nil

**1.5 MINUTES OF PREVIOUS MEETINGS – FOR CONFIRMATION**

**MOVED** Cr Johnstone that the Minutes of the Council meeting held on Tuesday 16 June 2020 at 9.00am and Special Council meeting held on Monday 29 June 2020 at 6.30pm as circulated, be confirmed as a true and correct record of the proceedings of those meetings.

**Seconded** Cr de Vries

**CARRIED 2018-22/170**

**1.6 MATTERS ARISING FROM PREVIOUS MINUTES**

Nil

**1.7 PETITIONS**

Nil

**1.8 DEPUTATIONS**

Nil

**1.9 NOTICE OF MOTION**

Nil

**1.10 QUESTIONS – WITH OR WITHOUT NOTICE**

Nil

**2. MAYOR****2.1 MAYOR'S REPORT**

Cr Miller sought clarification on the outcome of the Mayor conversations with the Member for Barker concerning the recent Building Better Regions Fund noting that for the second time the project was recommended for funding.

Mayor Lange outlined he awaits further response from the Member for Barker and has followed up with other contacts as well.

Cr Wiese-Smith sought clarification on costs associated with Building Better Regions Fund applications.

Mr Martin McCarthy, Chief Executive Officer took the question on notice and will respond in due course.

Cr Boothby also sought information on the Councils spend generally on creative industries over a 10 year period.

Mr Martin McCarthy, Chief Executive Officer took the question on notice and will respond in due course.

Cr Wiese-Smith asked the Mayor on the outcome of the meeting with Adelaide Hills Council and how the meeting regarding Council boundaries went.

Mayor Lange outlined that the meeting was a high level discussion and not about any clear direction around boundaries between the two Councils and that meeting was also an opportunity to canvass regional representation models and genetically modified crops debate.

**MOVED** Cr Miller that the Mayor's report be received.

**Seconded** Cr de Vries

**CARRIED 2018-22/171**

**3. COUNCILLOR REPORTS**

Nil

**4. CONSENSUS AGENDA****5. ADOPTION OF CONSENSUS AGENDA****5.1 ITEMS FOR EXCLUSION FROM THE CONSENSUS AGENDA**

Nil

**5.2 RECEIPT OF CONSENSUS AGENDA**

**MOVED** Cr Johnstone that the information items contained in the Consensus Agenda be received and that any recommendations contained therein be adopted except for item 4.1.1.1 Light Regional Council Boundary Reform Proposal.

**Seconded** Cr Hurn

**CARRIED 2018-22/172**

**5.3 DEBATE OF ITEMS EXCLUDED FROM THE CONSENSUS AGENDA**

Cr Wiese-Smith congratulated the SA Boundaries Commission on its logical decision.

**MOVED** Cr Wiese-Smith that council receive and noted 4.1.1.1 Light Regional Council Boundary Reform Proposal.

**Seconded** Cr de Vries

**CARRIED 2018-22/173**

**6. VISITORS TO THE MEETING / ADJOURNMENT OF MEETING****6.1 VISITORS TO THE MEETING**

Nil

**6.2 ADJOURNMENT OF COUNCIL MEETING**

Nil

**7. DEBATE AGENDA****7.1 MAYOR – DEBATE****7.2 EXECUTIVE SERVICES - DEBATE****7.2.1. CHIEF EXECUTIVE OFFICER - DEBATE****7.2.1.1****COVID – 19 - SERVICE LEVEL UPDATE**

**B10833**

**MOVED** Cr de Vries that Council receive and endorse:

- (a) the service level changes undertaken in accordance with Council's Budget and Business Plan and Review Policy clause 4.3.9 ; and
- (b) that the Chief Executive Officer continues to review, monitor and assess the risks and implement further service delivery solutions or changes as the Public Health Emergency proceeds and the State and Federal Government implement new changes to manage COVID-19 in conjunction with the Mayor and report changes back to Council in due course.

**Seconded** Cr Wiese-Smith

**CARRIED 2018-22/174**

**PURPOSE**

To review and report current service level changes enacted by the Chief Executive Officer in conjunction with consultation with the Mayor in accordance with Council's instructions contained in resolution number 2014-18/87 of the Special Meeting of 26 March 2020.

**REPORT**

The ongoing changes and response to COVID-19 has changed over the past weeks with change focussed on reopening our activities such as libraries, The Rex, public spaces, clubrooms and the like. Also the return of staff working from home has been undertaken in a staged process which is now practically complete.

The current detailed service level changes and position along with notes are provided at the Attachment. These are being updated online and Facebook with links to our website as changes occur. Summaries have also been advertised throughout the response to COVID-19.

Our current response aligns with Stage 3 relaxation of restrictions and managing risks of continuity of services.

#### ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Summary of Key Changes as at 29 June 2020.

#### COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS

##### Community Plan



Natural Environment and Built Heritage



Community and Culture



Infrastructure



Health and Wellbeing



Business and Employment



How We Work – Good Governance

All

##### Legislative Requirements

State Australian Public Health Act

Work Health Safety Act

Local Government Act

#### FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

Managing the risk of a pandemic has been outlined in our risk assessment which has informed the Business Continuity Plan and the current responses outlined in the Summary of Key Changes document.

There are no further resource or financial issues resulting from this report.

#### COMMUNITY CONSULTATION

There is no requirement to undertake consultation as response to the threat of COVID-19 warrants rapid response.

#### 7.2.1.2

#### **LEGATUS ANNUAL BUSINESS PLAN AND BUDGET**

**B10496**

**MOVED** Cr Johnstone that Council:

1. Noting the responses from Legatus and the undertaking of a review of the Charter in November 2020 approve the Annual Business Plan and Budget for the 2020-21 financial year.
2. Place on notice for the next ordinary meeting of Legatus Board of Management that the impending review include the review of the strategic role of Legatus, all projects be assessed as to duplication with any other State or not-for-profit agencies such as Regional Development Boards and the proposal for how Legatus intends to reduce its extensive cash reserves over the long term financial plan period.

**Seconded** Cr de Vries

**CARRIED 2018-22/175**

**PURPOSE**

To consider the responses from Legatus and approve or not approve the Legatus Annual Business Plan and Budget.

**REPORT**

Council received the business plan and budget at its May meeting of Council and resolved as follows:

**MOVED** Cr de Vries that Council having reviewed the Legatus Group draft Budget and Business Plan for 2020-21 makes the following comments, given times of potentially constrained revenue generation:

1. Seek response on the following matters:
  - (a) what the long term financial position of the organisation is based on this budget;
  - (b) why superannuation is being paid at 10% when the superannuation guarantee is 9.5% and legislated increases do not commence until the 2021/22 financial year;
  - (c) a comparison of regional executive office wages and duties is undertaken over the next 12 months and provided to each Council for review similar to that undertaken by the Local Government Association previous for Council Chief Executive Officer packages and the McArthur Australian survey;
2. That Legatus reduce its fees by 5% to facilitate the utilisation of cash reserves and continues to address the cash surplus position and provide relief to its member Councils; and

reserves it right to endorse the Budget and Business Plan until the above matters are addressed.

**Seconded** Cr Johnstone

**CARRIED 2018-22/127**

Legatus response is provided at Attachment 1 and updated budget and long term financial plan are at Attachment 2. Further I have tabled annual business plan and budget at Attachment 3.

Council needs to determine if it now supports the budget and business plan. After briefing with the Mayor it is suggested the documents be approved and the impending review be the vehicle to addressing the long term questions and purpose of Legatus and more broadly regional representation under the current Local Government system.

**ATTACHMENTS OR OTHER SUPPORTING REFERENCES**

Attachment 1 – Legatus response

Attachment 2 – Updated budget and long term financial plan

Attachment 3 – Draft 2020/21 annual business plan and budget

**COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS**Community Plan

How We Work – Good Governance

Corporate Plan

- 6.17 Advocate for The Barossa Council and its community, our region or local government in South Australia through direct action, representation on or collaboration with local, regional or State bodies.

Legislative Requirements

Local Government Act

**FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS**

Nil

**COMMUNITY CONSULTATION**

Nil

**7.2.1.3****STATUTES AMENDMENT (LOCAL GOVERNMENT REVIEW) BILL 2020 (LOCAL GOVERNMENT REFORM BILL)  
B9484**

**MOVED** Cr de Vries that Council having reviewed the materials relevant to the Statutes Amendment Bill 2020 (Local Government Review) endorse the policy positions at the Attachment and that the Mayor write to the President of the Local Government Association outlining the endorsed position of Council.

**Seconded** Cr Wiese-Smith**CARRIED 2018-22/176****PURPOSE**

To review the Local Government Reform Bill (the Bill) and its impacts on Council and determine its position on the Bill. To instruct the Mayor to write to the President of the Local Government Association outlining Council's position on the Bill.

**REPORT**Background and Introduction

As members are aware, the Government introduced a rate capping Bill into Parliament which was defeated. Thereafter, the opposition also introduced a Local Government Reform Bill into parliament.

The Minister for Local Government initiated a complete review of the Local Government Act through sector and community engagement.

Furthermore the Premier also sought the South Australian Productivity Commission to undertake a review of the efficiency of the sector.

Discussion

Council took part in the engagement processes of the Minister and Productivity Commission review and made extensive submissions to both. They have been previously tabled with Council:

1. Local Government Reform – submission 1 16 April 2019 report 7.2.1.1;
2. Local Government Reform – submission 2 15 October 2019 report 7.2.1.2;
3. Productivity Commission – submission 15 October 2019 report 7.2.1.3.

The Minister for Local Government has now tabled a Bill into Parliament for debate.

An analysis of the Bill has been provided at the Attachment 1 for member's debate supported by the Local Government Association of South Australia analysis at Attachment 2. Further links are provided for the legislative resources including the explanatory notes, marked up legislation and the Bill.

Summary and Conclusion

The Bill is extensive in its reach and aims, the Attachment provides the basis for Council's review and debate and to outline its position on the Bill.

**ATTACHMENTS OR OTHER SUPPORTING REFERENCES**

Attachment 1 – The Barossa Council Analysis of the Bill

Attachment 2 – Local Government Association Analysis of the Bill

References:

The Bill:

[https://legislation.sa.gov.au/LZ/B/CURRENT/STATUTES%20AMENDMENT%20\(LOCAL%20GOVERNMENT%20REVIEW\)%20BILL%202020.aspx](https://legislation.sa.gov.au/LZ/B/CURRENT/STATUTES%20AMENDMENT%20(LOCAL%20GOVERNMENT%20REVIEW)%20BILL%202020.aspx)

Explanatory Paper:

[https://www.dpti.sa.gov.au/\\_data/assets/pdf\\_file/0009/672057/EXPLANATORY\\_PAPER\\_-\\_Statutes\\_Amendment\\_Local\\_Government\\_Review\\_Bill\\_2020.pdf](https://www.dpti.sa.gov.au/_data/assets/pdf_file/0009/672057/EXPLANATORY_PAPER_-_Statutes_Amendment_Local_Government_Review_Bill_2020.pdf)

Marked-up Version of the Local Government Act

[https://www.dpti.sa.gov.au/\\_data/assets/pdf\\_file/0010/672058/MARKED-UP\\_-\\_Local\\_Government\\_Act\\_1999\\_-\\_Statutes\\_Amendment\\_Local\\_Government\\_Review\\_Bill\\_2020.pdf](https://www.dpti.sa.gov.au/_data/assets/pdf_file/0010/672058/MARKED-UP_-_Local_Government_Act_1999_-_Statutes_Amendment_Local_Government_Review_Bill_2020.pdf)

## COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS

Community Plan



Natural Environment and Built Heritage



Community and Culture



Infrastructure



Health and Wellbeing



Business and Employment



How We Work – Good Governance

All

Legislative Requirements

Local Government Act 1999

## FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

It is outlined in the attached policy position where there is an impact. True costs and benefits will not be fully understood until some matters are clarified especially the rate monitoring processes and the legislation is passed.

## COMMUNITY CONSULTATION

The Minister undertook wide section and community engagement. There is no further community engagement proposed by either the Minister or Council as the matter is now with the Parliament of South Australia to debate.

### 7.2.1.4

## **COVID -19 RECOVERY – BUSINESS AND COMMUNITY GRANT PROGRAMS POLICY AND RULES**

**B10833-6**

The Chief Executive Officer outlined the updated attachments circulated to members and posted online and on the display copy which updated some typographical matters and cross referencing errors in the policy documents.

**MOVED** Cr Wiese-Smith that Council endorse:

1. COVID-19 Recovery – Business Support Grant Program Policy and Rules and application form as outlined at Attachment 1 with the inclusion of Creative Industries and Retail as specifically impacted sectors;
2. COVID-19 Recovery – Community Assistance Grant Program Policy and Rules and application form as outlined at Attachment 2; and
3. The rollout of the programs as outlined in the body of this report.

**Seconded** Cr Troup

**CARRIED 2018-22/177**

#### **PURPOSE**

To endorse the policy positions for the two COVID-19 Recovery Plan grant programs so that they can be advertised and submissions opened for applications.

#### **REPORT**

##### Background and Introduction

The COVID-19 Recovery Plan of Council introduced two short term grant programs to assist community groups and businesses to address COVID-19 costs to restart.

##### Discussion

Council has set aside \$100,000 to assist businesses and \$50,000 to support not for profit and community clubs to restart their functions.

The grant programs have been designed to assist with small grants of up to 66% of costs that are to be, or have already been incurred.

Further, the grant program application has been minimalised with the need to provide an application form and estimates or costs incurred, but is also balanced against accountability requirements. Grants will be awarded by Council with the working group undertaking a review of applications and making recommendations. All applications will be tabled with Council.

Those receiving grants will need to undertake a simple acquittal process of reporting the expenses incurred, providing evidence that they were incurred and signing off they have complied with the policy and rules.

Attached at Attachment 1 are the proposed policy and rules for the Business Grant Program under the COVID-19 Recovery Plan; in summary grants are targeted at:

1. Micro and small business;
2. Grants of \$1,000 to \$3,000;
3. Offsetting minor costs associated with setting up and buying materials to support COVID Safe Plans or support the safe management of operating the business;
4. Assisting in matching funds for other grant applications made by the business;
5. Obtaining necessary business advice or support that is beyond the Regional Development Australia Barossa Gawler Light and Adelaide Plain Business to Business service.
6. Undertaking and support of any marketing and promotion activity;
7. Assisting in seeking assistance to develop a new business plan to re-establish the business and obtain commercial funding; and
8. Any other ideas presented that support a business to be sustainable during the COVID-19 pandemic.

Attached at Attachment 2 are the proposed policy and rules for the Community Assistance Grant Program under the COVID-19 Recovery Plan; in summary grants are targeted at:

1. Not for profit organisations and community groups;
2. Grants of \$500 to \$3,000;
3. Offsetting minor costs associated with setting up and buying materials to support COVID Safe Plans or support the safe management of clubs and groups;
4. Assisting in matching funds for other external grant applications made by community groups;
5. Undertake re-engagement events that meet COVID-19 State Directions;
6. Purchase of new inventory, materials or other consumables for clubs and groups to operate or commence fund raising activities; and
7. Any other ideas presented that support a community re-engagement and support clubs and groups to be sustainable during the COVID-19 pandemic.

Once approved the proposed first round of applications is planned as follows:

1. Release to the community on 5 August 2020 – media, RDA, BGWA, Tourism Barossa and Visitor Information distribution assistance, website and Facebook;
2. Open for 3 weeks concluding at 5pm Wednesday 26 August 2020;
3. Assessed by working group in week of 31 August 2020;
4. Decisions made by Council on 15 September 2020;
5. All grantee's notified by 18 September 2020;
6. Distribution of grants as soon as possible on receipt of invoices from grantees;
7. Acquittal of grants completed by January 2020.

Depending on the outcome of round 1 a further round can be commenced in October/November 2020 should funds remain or Council determines to fund another round should no funds remain.

#### Summary and Conclusion

The development of these policy and rules for the grant programs support the COVID-19 recovery plan implementation and are required to commence the rollout of the programs.

#### **ATTACHMENTS OR OTHER SUPPORTING REFERENCES**

Attachment 1	COVID-19 Recovery – Business Support Grant Program Policy and Rules and application form
Attachment 2	COVID-19 Recovery – Community Assistance Grant Program Policy and Rules and application form

#### **COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS**

##### Community Plan



Community and Culture



Health and Wellbeing



Business and Employment



How We Work – Good Governance

- 2.1 Initiate and support activities which encourage participation and pride in the Barossa Council area.
- 2.3 Contribute to creating strong and sustainable community networks.
- 2.12 Contribute to a safer community.
- 4.2 Create opportunities for people of all ages and abilities to participate in the community.
- 4.4 Support sporting, recreational and community clubs and organisations to grow and be sustainable.

- 5.1 Work closely with State Government, Federal Government and stakeholders to support economic growth, development and job creation.

Legislative Requirements

Local Government Act

**FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS**

Resources will be required internally to assist in administration of the grant program. Grant program budgets have been including in the draft budget.

**COMMUNITY CONSULTATION**

Advertising and invitations for applications will be made through the channels outlined in this report.

**7.2.1.5**

**LEGATUS NOMINATIONS FOR CHAIR AND DEPUTY CHAIRS**

**B10496**

**MOVED** Cr de Vries that Council receive and note the invitation and decline to nominate Mayor Lange to an office holder position.

**Seconded** Cr Miller

**CARRIED 2018-22/178**

**PURPOSE**

Legatus is seeking nominations for office holders in accordance with its Charter.

**REPORT**

Correspondence from the Legatus Chief Executive Officer has been provided to Council seeking nomination to either the position of Chair or two positions of Deputy Chair of the Legatus Group. Nominations must come from Board members which under the Charter is Mayor Lange. Nominations must be received by one week prior to the Annual General Meeting which is set for 4 September 2020.

**ATTACHMENTS OR OTHER SUPPORTING REFERENCES**

Nil

**COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS**

Community Plan



How We Work – Good Governance

Corporate Plan

- 6.17 Advocate for The Barossa Council and its community, our region or local government in South Australia through direct action, representation on or collaboration with local, regional or State bodies.

Legislative Requirements

Local Government Act

**FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS**

Nil

**COMMUNITY CONSULTATION**

Nil

**7.2.1.6**

**COMMUNITY EMERGENCY MANAGEMENT POLICY****B3993**

**MOVED** Cr Johnstone that Council approve the Community Emergency Management Policy at the Attachment.

**Seconded** Cr Boothby

**CARRIED 2018-22/179**

**PURPOSE**

Seeking authorisation of an overarching policy for the internal management of emergency events.

**REPORT**Background

In 2018, The Barossa Council along with Light Regional Council, Adelaide Plains Council and the Town of Gawler, completed a regional body of work focussed on developing local emergency management risk assessment and planning and implementation documents. This resulted in the following documentation and assessment being completed:

1. Community Resilience and Emergency Management Plan
2. Assessment Report
3. Emergency Management Plan
4. Implementation Plan
5. Risk Register

Importantly the work also assisted in triggering a broader State wide and funded piece of work known as the Council ready program. This program allows us to update our framework, assess and address gaps to ensure alignment with modern planning for emergency events, structure future actions and training and ultimately to assist in being a more prepared Council and therefore community.

Discussion

The Council ready framework provides templates and resources to set in place a consistent emergency management framework both internal to each Council organisation but also the State. Officers have been working with the Local Government Association staff recently and have taken advantage of the assistance on offer to update and modernise our internal systems.

The first step is to complete a Community Emergency Management Policy. The policy is primarily an internal risk document with parameters set by Council, but also an indication to the community of our commitment to emergency management within an accepted and managed risk environment. The document has been drafted including internal consultation and utilising the Council ready templates. At the Attachment is the draft framework that is for Council consideration and approval. The policy provides the foundation to build the other key components.

The second piece of work includes the development of Incident Operations arrangements which is practically complete and being reviewed by the Council ready staff.

Further work is also being undertaken to assess the above documents outlined in the Background and bring the matters up to date.

Thereafter the program will include support for training and development.

These are matters outlined in our implementation plan from 2018.

The policy itself aims to support the framework by establishing key principles and commitments around many of the activities we already do but at present are contained loosely in internal process and management documents. Specifically the policy outlines our role in the key areas of emergency management being prevention, preparedness, response and recovery and are captured under the policy as:

1. Emergency management, risk management and planning – where we are involved as providing a leading and supportive role.
2. Disaster risk reduction – where we are involved as providing a leading and supportive role.
3. Emergency management incident response – where we are providing a supportive role only.
4. Emergency management incident recovery – where we are involved as providing a leading and supportive role.
5. Support to control agencies - where we are providing a supportive role only.

#### Summary and Conclusion

The Policy framework in the main is an internal facing risk policy that reflect current practices but is a clear gap in our current system and direction from Council in a role of emergency management.

#### **ATTACHMENTS OR OTHER SUPPORTING REFERENCES**

Community Emergency Management Policy – draft for approval

#### **COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS**

##### Community Plan



Community and Culture



Health and Wellbeing

2.12 Contribute to a safer community.

4.3 Work with emergency services to prepare for disaster management and recovery.

##### Legislative Requirements

Local Government Act

State Emergency Management Act

State Emergency Management Plan

#### **FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS**

The policy sets a framework for existing activities. Any emergency management events will incur additional costs and would be reported to Council on a case by case basis.

#### **COMMUNITY CONSULTATION**

The Policy is primarily an internal risk management document therefore no consultation is required or considered necessary at this time.

##### **7.2.1.7**

#### **LEGATUS CHARTER AMENDMENTS**

**B10496**

**MOVED** Cr de Vries that Council having reviewed the charter amendment proposals to the Legatus Charter approve the changes recommended to Item 5 of the Charter.

**Seconded** Cr Boothby

**CARRIED 2018-22/180**

**PURPOSE**

Legatus is seeking endorsement of minor and administrative Charter amendments.

**REPORT**

Correspondence from the Legatus Chief Executive Officer has been provided to Council seeking minor amendments to the Charter for Legatus, it is at the Attachment.

The amendments are related to the timing of the budget and business plan processes. They are administrative in nature and have little bearing on the role of the organisation its efficiency or the guarantee provided by Councils to the subsidiary.

**ATTACHMENTS OR OTHER SUPPORTING REFERENCES**

Legatus Charter Amendments

**COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS**Community Plan

How We Work – Good Governance

Corporate Plan

6.17 Advocate for The Barossa Council and its community, our region or local government in South Australia through direct action, representation on or collaboration with local, regional or State bodies.

Legislative Requirements

Local Government Act

**FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS**

Nil

**COMMUNITY CONSULTATION**

Nil

**7.2.1.8****ANNUAL REPORT ON THE INTERNAL REVIEW OF COUNCIL DECISIONS 2019-2020**

**B10188**

**MOVED** Cr Johnstone

- (1) That Council receives and approves the annual report on the Internal Review of Council Decision applications received and completed in the 2019-2020 financial year as required under Section 270(8) of the Local Government Act 1999.
- (2) That Council receives and notes the letter from the Ombudsman dated 3 April 2020, at Attachment 5, regarding a complaint made to the Ombudsman, associated with a section 270 internal review included in this report.

**Seconded** Cr Hurn

**CARRIED 2018-22/181**

**PURPOSE**

Council is asked to approve the annual report on the Internal Review of Council decision applications for the financial year as is required under the Local Government Act 1999.

**REPORT**Background

Section 270 (1) of the Local Government Act 1999 ("the Act") requires a Council to establish procedures for the review of decisions of:

- (a) the council;
- (b) employees of the council;
- (c) other persons acting on behalf of the council.

Section 270(8) of the Act further states:

*“A Council must, on an annual basis, initiate and consider a report that relates to –*

- (a) The number of applications for review made under this section; and*
- (b) The kinds of matters to which the applications relate; and*
- (c) The outcome of applications under this section; and*
- (d) Such other matters as may be prescribed by the regulations.”*

Additionally, Council's *Internal Review of Council Decisions Process* requires this report to Council in July each year to include an attached Statement of Resources and a summary of how the outcomes have been used to improve Council's customer service, policies and processes.

### Introduction

Four applications for Internal Review under Section 270 were received between 1 July 2019 and 30 June 2020. All four applications were regarding decisions relating to the Chateau Tanuda land swap and Barossa Culture Hub project, specifically:

1. review of 20 August 2019 Council decision regarding approval to authorise the draft Contract for the Exchange of land; proceed with final negotiations of the Keil Estate Indenture Deed; and proceed with the settlement of the land exchange;
2. Review of 20 August 2019 Council decision regarding the next steps of the Big Project prioritisation and financial modelling – Barossa Culture Hub;
3. Review of the 28 January 2020 Council decision to authorise the execution of the Keil Estate Indenture Deed;
4. Review of the 20 August 2019 Council decision regarding the next steps of the Big Project prioritisation and financial modelling – Barossa Culture Hub.

Of the four applications received, it should be noted that three applications i.e. (2), (3) and (4) above, were refused by Council.

### Discussion

In summary the matters were:

#### **1. Internal Review – Contract for Exchange of Land and final negotiations of Keil Estate Indenture Deed – received 4 September 2019**

The Applicants made a request for an Internal Review of the Council decision made at its meeting on 20 August 2019 regarding the exchange of land with Chateau Tanunda. Specifically, the decision authorised the Contract for Exchange of Land and final negotiations of the Keil Estate Indenture Deed.

The review involved:

- Appointment of external reviewer, Ms Felice D'Agostino of Norman Waterhouse Lawyers to provide an independent investigation and recommendation in accordance with the Policy and Process;
- During the review, the external reviewer looked at whether it was appropriate that only one valuation of the relevant land had been obtained, despite the relevant Council policy requiring a minimum of two land valuations;
- During the investigation review process, the applicants were given the opportunity to provide further submissions to support the application, and review the draft review report;
- The applicants were provided an extension of time at their request, for submissions on the draft review report, however, later declined to make a submission. Upon the external reviewer issuing her final report, the applicants then sought an opportunity to provide a submission on the report. The matter was deferred until the applicants had been provided

a further opportunity to provide a submission. However, the applicants did not provide a submission by the extended deadline;

- Ms D'Agostino's report, which was provided to Council and the applicants on 5 November 2019, reviewed whether the decision made by Council was legally, procedurally and meritoriously correct.

The external reviewer's report concluded that the Council decision of 20 August 2019 was the 'best and preferable decision' and recommended that Council reconsider all information before it at the time it made the decision, and information submitted by the Applicants and the review report and determine whether the decision is the best and/or preferable decision.

The external reviewer's report also concluded that it was appropriate for Council to dispense with the need to obtain two valuations and proceed with one valuation and recommended that Council consider whether one valuation is appropriate.

Accordingly, Council determined at its meeting on 17 December 2019 that it was satisfied that the original decision of 20 August 2019 was 'legally, procedurally and meritoriously correct', and that the decision was the best and/or preferable decision. Council also resolved to dispense with the requirement of two valuations, and to proceed with one valuation of the property.

A table detailing the resources expended to date on this review is attached at [Attachment 1](#) for information.

The Applicant was provided with the determination of the review on 20 December 2019.

To date, Council is not aware that any subsequent right of external review to the Ombudsman has been exercised by the Applicants.

## **2. Internal Review – Big Project prioritisation and financial modelling – Barossa Culture Hub – received 16 September 2019**

The Applicant made a request for an Internal Review of the Council decision made at its meeting on 20 August 2019 regarding the next steps of the Big Project prioritisation and financial modelling. The prioritisation plans included the Barossa Culture Hub.

Ms Felice D'Agostino of Norman Waterhouse Lawyers was appointed as external reviewer to provide an independent investigation and recommendation in accordance with the Policy and Process. During the investigation review process, the applicants were given the opportunity to provide further submissions to support the application, and review the draft review report.

The external reviewer's report concluded that the Applicant did not have sufficient interest in the decision and recommended that Council refuse to consider the application on that basis.

The external reviewer's report and all documents associated with the application were presented to Council at its meeting on 17 March 2020 for consideration of whether the applicant had sufficient interest in the decision and whether the application should be refused on that basis. Upon considering the matter, Council resolved to refuse the application on the basis that the applicant lacked sufficient interest in the decision.

A table detailing the resources expended to date on this review is attached at [Attachment 2](#) for information.

The Applicant was provided with the determination of the review on 19 March 2020.

A complaint was made by other applicants to the Ombudsman, which included matters relating to this application. The complaint is discussed in this report at item 4, below.

## **3. Internal Review – Keil Estate Indenture Deed – received 4 February 2020**

The Applicants made a request for an Internal Review of the Council decision made at its meeting on 28 January 2020 regarding the authorisation for the Mayor and CEO to execute the Keil Estate Indenture Deed, a document associated with the land swap matter.

The matters contained in the application were assessed and due to the nature of the issues raised, addressed by the Internal Review Contact Officer (Council's Governance Advisor) directly to the Applicants. Following this, upon the applicants seeking to pursue the section 270 review notwithstanding the IRCO's correspondence, the CEO assessed the application and concluded that it was, in his view, frivolous and proposed to present the application and all associated correspondence to Council for consideration of whether the application should be refused on that basis.

The applicants were notified of the CEO's proposal on 20 February 2020 and provided an opportunity to make submissions on his findings. A submission was made by the Applicants' legal representative and the matter, including all correspondence was presented to Council at its meeting on 21 April 2020. Council determined to refuse the application on the basis that it was frivolous.

A table detailing the resources expended to date on this review is attached at [Attachment 3](#) for information.

The Applicant was provided with the determination of the review on 27 April 2020.

To date, Council is not aware that any subsequent right of external review to the Ombudsman has been exercised by the Applicants.

#### **4. Internal Review – Big Project prioritisation and financial modelling – Barossa Culture Hub – received 10 February 2020**

Officers received a request for Internal Review of the Council decision made at its meeting on 20 August 2019 regarding the next steps of the Big Project prioritisation and financial modelling. This application was almost identical to a previous application received in September 2019 (refer item 2 above), however, was made by different applicants. The September application, discussed above in item 2, was refused by Council at its March 2020 meeting, on the basis that the applicant did not have sufficient interest in the decision.

Due to the previous application being refused for lack of sufficient interest, and the Applicants in this matter not stating an interest that was over and above that of the previous Applicant (refer item 2 above), the CEO concluded that the Applicants in this matter did not have sufficient interest and proposed to present the application to the Elected Body for consideration. The Applicants were notified of this proposal on 27 March 2020 and invited to make submissions on the CEO's findings. A submission was received from the applicants and the matter, including the Council decision with respect to the previous identical application, was presented to Council at its meeting on 21 April 2020. Council determined to refuse the application on the basis that the Applicants did not have sufficient interest in the decision.

A table detailing the resources expended to date on this review is attached at [Attachment 4](#) for information.

The Applicant was provided with the determination of the review on 27 April 2020.

The applicants made a complaint to the Ombudsman SA, with respect to this matter, the section 270 review discussed at item 2 above, and other matters not part of the section 270 review. Following assessment and investigation of the complaint, the Ombudsman found that 'it does not appear that [The Barossa Council] has acted in a way that is unlawful, unreasonable or wrong within the meaning of the Ombudsman Act. Accordingly, I do not consider that further enquiries into your complaint by my Office are necessary or justifiable'. Officers received authorisation from the Ombudsman's office to disclose the Ombudsman's letter on 8 July 2020, and accordingly, attach the letter to this report at [Attachment 5](#).

**Summary - Section 270 internal review applications – Chateau Tanunda Land Swap and Barossa Regional Culture Hub**

For the information of the Elected Body, officers deemed it necessary to include a summary of all section 270 internal review applications received with respect to the Chateau Tanunda Land swap and Barossa Culture Hub matter.

Since the initial Council decision to revoke the community land status over the Council-owned land that is the subject of the land swap on 26 April 2018, Council has received a total of six applications on the land swap and Barossa Regional Culture Hub matter (including the applications discussed in this report at items 1 to 4 above). The applications were made by two sets of applicants, who are working together. The following is a breakdown of costs associated with each of these matters as accrued by Council, and the total cost to Council to-date, since the first application was lodged in 2018.

<b>Ref</b>	<b>Financial year</b>	<b>Description of matter</b>	<b>Cost to Council</b>
B8086	2017/18	Review of 26 April 2018 Council decision to revoke the community land classification over 11 and 12 Basedow Road	\$8,666.18
B8388	2018/19	Review of 27 June 2018 Council decision regarding the community consultation process for the Barossa Regional Culture Hub	\$3,987.94
B10114	2019/20	Review of 20 August 2019 Council decision regarding approval to authorise the draft Contract for the Exchange of land; proceed with final negotiations of the Keil Estate Indenture Deed; and proceed with the settlement of the land exchange	\$4,164.67
B10150	2019/20	Review of 20 August 2019 Council decision regarding the next steps of the Big Project prioritisation and financial modelling – Barossa Culture Hub	\$4,859.00
B10682	2019/20	Review of the 28 January 2020 Council decision to authorise the execution of the Keil Estate Indenture Deed	\$6,045.60
B10703	2019/20	Review of the 20 August 2019 Council decision regarding the next steps of the Big Project prioritisation and financial modelling – Barossa Culture Hub	\$2,971.82
<b>Total cost to Council to-date</b>			<b><u>\$30,695.21</u></b>

To date, the total cost to Council in dealing with section 270 internal review applications made on the Chateau Tanunda land swap and Barossa Culture hub is \$30,695.21.

**Summary - Matters progressed to the Ombudsman SA**

Officers are aware that these matters have progressed to the Ombudsman multiple times, with the latest Ombudsman findings discussed at item 4 above, and attached at [Attachment 5](#).

Prior to this, officers are aware of two complaints were made by the two sets of applicants to the Ombudsman in 2018 with respect to the section 270 internal reviews that were carried out regarding Council's decision to revoke the community land over the Council-owned land subject to the Chateau Tanunda land swap (i.e. Allotments 11 and 12 Basedow Road, Tanunda); and the Council decision regarding the Barossa Culture public consultation.

For the former, the Ombudsman found that in light of the evidence "it does not appear....that the Council has possibly acted in a way that is unlawful, unreasonable or wrong within the meaning

of the Ombudsman Act". A copy of the Chief Executive Officer report presented to Council on 18 September 2018 is attached at [Attachment 6](#) for the Elected Body's information.

For the latter, the Ombudsman found that 'it does not appear to me that [The Barossa Council] or the [external] reviewer [appointed to undertake the section 270 review] has acted in a way that may possibly be unlawful, unreasonable or wrong within the meaning of the *Ombudsman Act* or the *Local Government Act*'. A copy of the Chief Executive Officer report presented to Council on 18 December 2018 (and associated minutes of the meeting) is attached at [Attachment 7](#) for the Elected Body's information.

The applicants have notified Council via various correspondence, that they have made complaints relating to the land swap and Barossa Culture Hub matter, to other oversight bodies. However, Council has not been officially asked to respond to any other complaints.

Copies of the annual reports for financial years 2017/18 and 2018/19, including details of the costs associated with these reviews, are attached at [Attachment 8](#) for the Elected Body's information.

#### Summary

Council is asked to receive and approve the annual report on the internal review of Council decision 2019/20, and receive and note the letter from the Ombudsman dated 3 April 2020.

#### Attachments

[Attachment 1](#): Assessment of resources – Application: Contract for Exchange of Land and final negotiations of Keil Estate Indenture Deed – received 4 September 2019 (Ref: 19/58360)

[Attachment 2](#): Assessment of resources – Application: Big Project prioritisation and financial modelling – Barossa Culture Hub – received 16 September 2019 (Ref: 20/5662)

[Attachment 3](#): Assessment of resources – Application: Keil Estate Indenture Deed – received 4 February 2020 (Ref: 20/34708)

[Attachment 4](#): Assessment of resources – Application: Big Project prioritisation and financial modelling – Barossa Culture Hub – received 10 February 2020 (Ref: 20/35028)

[Attachment 5](#): Copy of Ombudsman letter regarding complaint, received on 3 April 2020 (Ref: 20/36038)

[Attachment 6](#): Copy of Chief Executive Officer report of 18 September 2018 – Item 7.2.1.2 – Ombudsman Reports – Chateau Tanunda Land Swap – Revocation of Community Land Status of Council Land (extract of agenda and minutes) (Ref: 20/36294)

[Attachment 7](#): Copy of Chief Executive Officer report presented to Council on 18 December 2018 – Item 4.2.1.1 – Consensus Agenda – Correspondence from Ombudsman – Complaint Regarding The Barossa Regional Culture Hub (extract of agenda and minutes) (Ref: 20/36296)

[Attachment 8](#): Copies of annual reports on the internal review of Council decisions -2017/18 and 2018/19 (extract of agenda and minutes) (20/36302)

### **COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS**

#### **Corporate Plan**

How we work – Good Governance:

6.2 Ensure that Council's policy and process frameworks are based on principles of sound governance and meet legislative requirements.

#### **Legislative Requirements**

Local Government Act 1999, Section 270

**FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS****Finance**

As per attachments

**Resource**

As per attachments

**Risk Management**

In reviewing these decisions, Council assesses if it is managing risk appropriately and makes policy and process improvements if needed.

**COMMUNITY CONSULTATION**

Not required under Legislation and Council's Public Consultation Policy.

**7.2.1.9****NOMINATIONS FOR THE STATE BUSHFIRE COORDINATION COMMITTEE****B10453**

Pursuant to S73 of the Local Government Act 1999 Mayor Lange disclosed a material conflict of interest in the matter 7.2.1.9 – Nominations for the State Bushfire Coordination Committee, as there is a seating fee attached to the role which would result in a direct personal benefit (or loss) depending on whether or not the nomination is endorsed by Council.

Mayor Lange advised council of the conflict of interest and left the meeting at 9.45am.

Deputy Mayor Boothby took the chair at 9.45am.

**MOVED** Cr Haebich that Council endorse the nomination of Mayor Lange to the State Bushfire Coordination Committee as a Local Government representative.

**Seconded** Cr de Vries

**CARRIED 2018-22/182**

**PURPOSE**

To seek the endorsement of Council for Mayor Lange to nominate for the State Bushfire Coordination Committee.

**REPORT**

The State Bushfire Coordination Committee is a committee of the State with Local Government representation. Nominations are now open for appointment to the Committee as outlined in the Attachment.

Mayor Lange has expressed an interest in nomination based on his decades of experience and involvement in disaster management, recovery and planning. Mayor Lange in his role as senior officer at Council, Group Officer for ten years and CFS trainer and fire prevention officer has extensive experience in bushfire management. Mayor Lange has also been involved in State and interstate support in response and recovery activities including flood and fire scenarios.

Should Council endorse his nomination the documentation will be completed and forwarded by the due date of 28 August 2020.

**ATTACHMENTS OR OTHER SUPPORTING REFERENCES**

LGA Circular – Nominations for the State Bushfire Coordination Committee

**COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS**

Community Plan



Community and Culture



Health and Wellbeing



How We Work – Good Governance

2.12 Contribute to a safer community.

4.3 Work with emergency services to prepare for disaster management and recovery.

#### Corporate Plan

6.17 Advocate for The Barossa Council and its community, our region or local government in South Australia through direct action, representation on or collaboration with local, regional or State bodies.

#### Legislation

Fire and Emergency Services Act 2005

### **FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS**

Nil.

### **COMMUNITY CONSULTATION**

No engagement is required or considered necessary.

Mayor Lange returned to chamber 9.46am

Cr Troup left the meeting at 9.46am.

**MOVED** Cr Johnstone that Council adjourn the meeting for health reasons of a councillor for a period of five minutes.

**Seconded** Cr Boothby

**CARRIED 2018-22/183**

### **ADJOURNMENT OF COUNCIL MEETING - 9.46AM**

### **RESUMPTION OF COUNCIL MEETING – 9.51AM**

The open meeting of Council meeting resumed at 9.51am.

## **7.2.2 DEBATE AGENDA – FINANCE**

### **7.2.2.1**

### **MONTHLY FINANCE INTERIM REPORT (AS AT 30 JUNE 2020)**

**B411**

**MOVED** Cr de Vries that the Monthly Finance Interim Report as at 30 June 2020 be received and noted.

**Seconded** Cr Haebich

**CARRIED 2018-22/184**

### **PURPOSE**

The Uniform Presentation of Finances report provides information as to the financial position of Council, including notes on material financial trends and transactions.

### **REPORT**

Discussion

The Monthly Finance Interim Report (as at 30 June 2020) is attached. The report has been prepared comparing actuals to the Original adopted budget 2019/20 and incorporating the Revised Budgets for September, December and March.

Work will continue on the finalisation of these figures until the completion of the external audit process, scheduled for September, after which the full financial statements will be presented to Council. Further updates will also be presented to Council including analysis, material variances and a final report on financial results.

**ATTACHMENTS OR OTHER SUPPORTING REFERENCES**

Attachment 1: Monthly Finance Interim Report 30 June 2020

Policy

Budget & Business Plan and Review Policy

**COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS**Corporate Plan

How We Work – Good Governance

- 6.2 Ensure that Council's policy and process frameworks are based on principles of sound governance and meet legislative requirements.
- 6.3 Align operational strategy to strategic objectives and measure organisational performance to demonstrate progress towards achieving our goals.
- 6.4 Ensure that decisions regarding expenditure of Council's budget are based on an assessment of whole of life costs, risks associated with the activity and advice contained within supporting plans.
- 6.9 Provide access to Council's plans, policies and processes and communicate with the community in plain English.
- 6.16 Provide contemporary internal administrative and business support services in accordance with mandated legislative standards and good practice principles.

Legislative Requirements

Local Government (Financial Management) Regulations 2011 - Reg 9(1)(b)  
LGA Information paper no. 25 – Monitoring Council Budget Performance

**FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS**Financial

To enable Council to make effective and strategic financial decisions, a regular up to date high level financial report is provided.

**COMMUNITY CONSULTATION**

Community Consultation was part of the original budget adoption process in June 2019, as per legislation. This report is advising Council of the monthly finance position compared to that budget.

**7.2.2.2****PUBLIC SUBMISSIONS ON THE DRAFT ANNUAL BUDGET & BUSINESS PLAN 2020/21 INCORPORATING THE LONG TERM FINANCIAL PLAN 2020/21 TO 2029/30**

**B8923**

**MOVED** Cr de Vries that Council, having considered the submission received during the public consultation period in relation to the draft Annual Budget and Business Plan 2020/21 incorporating the Long Term Financial Plan 2020/21 to 2029/30 proceed as drafted.

**Seconded** Cr Angas

**CARRIED 2018-22/185**

**PURPOSE**

To review public submissions on the Draft Annual Budget & Business Plan 2020/21, incorporating the Long Term Financial Plan 2020/21 to 2029/30.

**REPORT**Discussion**Public Submissions**

Council must consider any submissions made during the public consultation period before adopting its Annual Budget/Business Plan (AB&BP) (with or without amendment) as required in Section 123 of the Act.

The consultation process:

- public notices were placed in the Leader and Bunyip newspapers on 17 June 2020 asking for public submissions on the draft AB&BP;
- a media release to highlight the Council Budget focus – the Mayor provided additional information as and when requested by the media;
- the draft AB&BP incorporating LTFP was available at Council's Principal Office, Branch Offices/Libraries and on Council's website;
- Council's engagement platform at [yoursay.barossa.sa.gov.au](http://yoursay.barossa.sa.gov.au);
- Facebook at [facebook.com/thebarossacouncil](https://facebook.com/thebarossacouncil);
- email [barossa@barossa.sa.gov.au](mailto:barossa@barossa.sa.gov.au); or
- in writing (PO Box 867, Nuriootpa SA 5355)

Due to COVID-19 restrictions a public meeting for budget consultation was not held.

Consultation closed on 7 July 2020, one submission was received, as follows:

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**From:** Mervyn Nitschke  
**Sent:** Wednesday, 17 June 2020 6:18 PM  
**To:** MBX Barossa  
**Subject:** Curb your rates , barossa council

.its time you money grabbers. That's all you think about for years.  
 I will not pay 1.5 excess , how about you take a pay cut.  
 My views are the b/ council is too large. \$\$\$\$\$\$\$\$\$\$

**General Rate Revenue**

The draft AB&BP using valuation data as at 16 May 2020 included a general rate increase of 1.5% and growth from development at 1%. Since that time the State Valuation Office has revisited selected valuations, adding subdivisions which creates new assessments and refined some Local Government Category allocations.

Current rate modelling calculations using the Local Government Category differential rates in dollar and fixed charge as listed in the draft AB&BP and the updated valuation data provides a general rate increase of 1.44% with growth at 1.09%. Further details of the valuation information and rating for 2020/21 will be provided in the AB&BP adoption reports for Council consideration.

The Local Government Price Index as at 31 March 2020 was 1.6% and the general Consumer Price Index for Adelaide all groups is 2.4%.

Council are to provide direction as to which items are to be included in the final draft of the AB&BP.

**ATTACHMENTS OR OTHER SUPPORTING REFERENCES**

Nil

**COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS**Corporate Plan

How We Work – Good Governance

- 6.2 Ensure that Council's policy and process frameworks are based on principles of sound governance and meet legislative requirements.
- 6.3 Align operational strategy to strategic objectives and measure organisational performance to demonstrate progress towards achieving our goals.
- 6.4 Ensure that decisions regarding expenditure of Council's budget are based on an assessment of whole of life costs, risks associated with the activity and advice contained within supporting plans.
- 6.9 Provide access to Council's plans, policies and processes and communicate with the community in plain English.
- 6.16 Provide contemporary internal administrative and business support services in accordance with mandated legislative standards and good practice principles.

Legislative Requirements

Local Government Act 1999

**FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS**Financial

All submissions must be assessed by Council to consider the affect, if approved, on the long term financial sustainability of Council and any risk management issues.

**COMMUNITY CONSULTATION**

Detailed within this report and included as part of the draft Annual Budget and Business Plan 2020/21 consultation and adoption process, and in accordance with the Act.

**7.3.1 DEBATE AGENDA – DIRECTOR CORPORATE AND COMMUNITY SERVICES****7.3.1.1**

**FEES AND CHARGES 2020/2021 – WILLIAMSTOWN SOLDIERS MEMORIAL HALL and TANUNDA RECREATION PARK SHOW HALL**  
**B9880**

**MOVED** Cr Johnstone that Council adopts the proposed fees and charges for 2020/2021 for Williamstown Soldiers Memorial Hall and Tanunda Recreation Park Show Hall:

- Williamstown Soldiers Memorial Hall Day Rate - \$220.00 (incl GST)
- Tanunda Recreation Park Show Hall – as detailed in Report

**Seconded** Cr de Vries**CARRIED 2018-22/186****PURPOSE**

To approve the recommended fees for the hiring of Williamstown Soldiers Memorial Hall (Williamstown Hall) and Tanunda Recreation Park Show Hall. These fees were still under review when the 2020/2021 Fees and Charges Register was adopted at the 16 June 2020 Council Meeting.

**REPORT**Discussion

Williamstown Soldiers Memorial Hall

It was noted that the Fees and Charges Register 2020/2021 did not list a day rate for the Williamstown Hall, which was inconsistent with other Council owned halls. A rate of \$220 (incl GST) is proposed as the new day rate for hire of Williamstown Hall.

Tanunda Recreation Park Show Hall

At the time the 2020/2021 Fees and Charges Register was adopted (16 June 2020 Council Meeting), rates for the recently renovated Tanunda Show Hall complex had not yet been established. Officers endeavoured to benchmark rates, but found no similar facilities in South Australia. Research was undertaken into various venues and input sought from Barossa Grape & Wine Association, Tourism Barossa and Regional Development Australia – Barossa Gawler Light Adelaide Plains, who have supported the proposed approach.

The Show Hall now has contemporary commercial kitchen facilities and equipment and so bonds and cleaning fees have been introduced to maintain the venue to a high standard. Officers are currently investigating a credit card type bond security, similar to that used in accommodation venues, to facilitate ease of processing for customers.

It is proposed that the following fees and charges be adopted and trialled for the 2020/2021 year:

Area	Rate	2020/2021 Fee (ex GST)	Bond (ex GST)
Show Hall	Full Day	\$650	\$1,000
Green Room	Full day	\$150	\$500
	Half day	\$75	
Multi-Use Space	Full Day	\$200	\$500
	Half Day	\$100	
Kitchen: Commercial Use	Hourly	\$60	\$1500
	Full Day	\$450	
	Weekly	\$2000	
Kitchen: Non- Commercial Use	Hourly	\$50	\$500
	Full Day	\$200	
	Weekly	\$850	
Kitchen: Cleaning Fee	Cleaning Fee is in addition to all Kitchen use fees	TBA	N/A
All	Discount for Community Not-for-Profit events	50% discount to applicable fee	

Summary

To maintain cost recovery rates for services, and to continue to minimise the general rate burden on our community, it is important that Council sets fees and charges for hire of facilities at least in line with the costs being experienced by Council in the delivery of such activities.

With the impact of COVID-19 and Council premises being unavailable for hire for a significant period, it has not been possible to promote the new facilities as intended, but this is now in hand. It is planned to hold open sessions for potential users of the new facilities to see what is now available and encourage future bookings.

This venue is the only community owned facility that can accommodate/seat 1200 people.

Eligible community not-for-profit events will receive a 50% discount on the applicable fee/s for the Tanunda Show Hall and this practice is consistent with other Council community facilities.

Hire fees and costs for the Tanunda Show Hall complex will be monitored during 2020/2021. If the proposed fee structure/trial needs to be reviewed, a further report will be provided to Council.

#### ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Nil

#### COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS

##### Community Plan



Community and Culture



Health and Wellbeing



Business and Employment



How We Work – Good Governance

Legislative Requirements  
Local Government Act 1999

#### FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

##### Financial

To ensure that Council is able to recover its costs in relation to user paid services provided to the community.

#### COMMUNITY CONSULTATION

Once the fees and charges are adopted by Council, they will be updated and available for the Community to access on Council's website.

##### **7.3.1.2**

#### **STOCKWELL RECREATION PARK MASTERPLAN PROJECT PRIORITISATION**

##### **B5601**

**MOVED** Cr Haebich that Council:

- (1) Receives and notes the correspondence from the Stockwell Facilities Advisory Group dated 3 July 2020 and associated letters of support seeking review of the prioritisation of The Big Project works at the Stockwell Recreation Park.
- (2) Supports the proposed reprioritisation of the 2<sup>nd</sup> Oval to be the next highest priority for implementation taking into account the community feedback and the available data detailed in the report, replacing the current prioritisation of additional changing rooms and spectator facilities.
- (3) Confirms that the implementation of all The Big Project prioritised projects is contingent on securing grant funding at a minimum of 40% of the identified project costs.
- (4) Notes that if reprioritisation is approved, further work will be required to assess the associated costs of implementing a 2<sup>nd</sup> oval to be the subject of a further report to Council.

- (5) Requires that formal notification is provided to the Stockwell Facilities Advisory Group on the outcome of its request of the 3 July 2020.

**Seconded** Cr Wiese-Smith

**CARRIED 2018-22/187**

#### **PURPOSE**

Council to consider a request from the Stockwell Facilities Advisory Group to place the proposed second oval for Stockwell Recreation Park as the highest priority in Stockwell Recreation Park Masterplan future project considerations.

#### **REPORT**

##### **Background**

Council, at its meeting held 19 March 2019, resolved the following in relation to item 7.3.2.2 *Stockwell Recreation Park – Draft Master Plan – Feedback from Community Consultation – 30 January 2019 to 1 March 2019*:

**MOVED** Cr de Vries that Council:

- (1) *Receives and notes the report containing the outcome of community consultation on the Draft Master Plan for Stockwell Recreation Park dated 16 August 2018 Trim Ref: 18/57097.*
- (2) *Endorses the Draft Master Plan for Stockwell Recreation Park subject to the change of location of the BMX track away from Mickan Road, and noting that it may be subject to future amendment and budget consideration as required.*
- (3) *Requires Officers to work with the Working Group and Architects to prioritise, phase and cost the Master Plan to provide data for The Big Project Feasibility Report and provide a future report to Council.*
- (4) *Requires Officers to provide an update on the outcome of the consultation to the Stockwell Community Association and the people that provided written, formal feedback and where contact information has been provided.*

**Seconded** Cr Schilling

**CARRIED 2018-22/144**

Council, at its meeting held 20 August 2019, resolved the following in relation to Item 7.2.1.8 *The Big Project Prioritisation and Financial Modelling – The Next Phase*:

- (1) *That Council having considered, reviewed and analysed The Big Project masterplans, community needs and benefits as gathered through the master planning and community engagement processes over the past 33 months, financial modelling and ability to fund projects, economic development opportunities, third party and grant funding alignment endorse the "Target Next Phase Priorities and Associated Analysis – August 2019" document as presented at the Attachment.*
- (2) *That Council noting that current 2019-20 financial year programs being the Angaston Railway Station masterplan implementation, Tanunda Recreational Park acceleration works, Nuriootpa Centennial Park multi-use change rooms and Old Talunga Recreation Park tennis/netball upgrades are approved projects that are below the thresholds of the Prudential Management Policy under to Section 48(aa1) of the Local Government Act for a full independent prudential report proceed as budgeted.*
- (3) *That Council noting that the "Target Next Phase Priorities and Associated Analysis – August 2019" include some projects that are above the expenditure threshold for a full independent prudential management report as contemplated by the Prudential Management Policy under to Section 48(aa1) of the Local Government Act undertake the required full prudential management report as outlined by Clause 4.3 of the policy on*

*the remaining projects in totality and that the Chief Executive Officer proceed to engage an independent consultant to undertake the work.*

- (4) That Council acknowledge that the target plan will be adjusted and revised depending on the availability and success of grant applications, annual funding allocations, changing community need, and resourcing needs to deliver this aspirational target plan.*
- (5) That the Mayor release a public statement relative to this resolution of Council.*

It should be noted in relation to the Stockwell Recreation Park (the Park) and item (1) of the above resolution of 20 August 2019, that following discussions and modelling arising from The Big Project Council Workshop session in June 2019, the construction of change rooms, associated facilities and spectator viewing was determined as the "Target Next Phase Priority.." project for the Park.

### **Introduction and Discussion**

Since the Council resolution of the 20 August 2019, Officers have received regular informal questions regarding the prioritisation and concern that the 2<sup>nd</sup> Oval continues to be the highest priority for the combined users and Park committee representatives.

In April 2020 there was an opportunity to apply for Department of Planning Transport and Infrastructure Open Space funding for the BMX and passive recreational elements of the Park Masterplan. These elements were also identified as priority projects in the August 2019 modelling. (NB: Open Space funding does not extend to formal sporting infrastructure).

The Open Space application was successful and at the end of June 2020, Officers held a meeting with Stockwell representatives (Park committee and community residents) to begin the detailed implementation of the Open Space project and pull together a Working Group. At this meeting, the concerns regarding the exclusion of the second oval from the prioritisation was again raised. Officers advised the group that if they wanted to have this matter reviewed, they should make formal representation to Council.

On the 3 July 2020, a letter was received from the Stockwell Facilities Advisory Group (Advisory Group) requesting that Council:

"... reconsider their decision .... and place the second oval as the number one priority for the Stockwell Recreation Park." (refer [Attachment 1](#)).

Additional letters have been received from associated user groups, including hockey representatives, supporting the Advisory Group's request. (Refer [Attachment 2](#)).

The Park used to have a second oval.

In 2013, following a successful grant application by the Barossa Valley Hockey Association, the second oval site was used to develop the current artificial hockey pitch completed in 2015. This was because the original identified location for the hockey pitch was determined to be unviable due to its proximity to the creek line and potential for future erosion to the creek banks resulting in possible undermining of the sub base to the artificial pitch.

In making this determination regarding the funding arrangements for the Hockey Pitch development and associated loan arrangements, the Council at the time resolved that:

"...By agreeing to develop the artificial turf pitch at the Stockwell Recreation Park Oval Number 2 site, Council also agrees to the reinstatement of Oval Number 2 in a timeframe to be negotiated with users of the oval, but shall not be undertaken until the 2014/15 financial year at the earliest."

(extract Council Meeting Minutes 28 October 2013)

A summary of the prioritisation arising from The Big Project master planning discussions with the Stockwell Working Group and extract of the consultation submissions received from the community on the draft Master Plan in 2019 are provided as Attachment 3.

In the background documentation to the needs assessment process for The Big Project, reference to the Barossa, Light and Lower North Region Open Space, Recreation and Public Realm Strategy (2013) (The Open Space Strategy) identified the Stockwell Recreation Park as a district centre for cricket based on it, at that time, having 2 ovals. It is understood that cricket is currently utilising school facilities in addition to Stockwell to accommodate current use and capacity requirements.

The South Australian Cricket Infrastructure Strategy 2019-29 identifies that the North East Country region (which includes the Barossa) is expected to see the largest percentage population growth at 17% of all cricket regions across the state by 2026 and already has more cricketers than the other 2 country regions. It prioritises the provision of new playing fields, lights and practice nets noting that the Playing Field to player ratio as at 2018 data is 1: 1,736 compared to a State country region average of 1: 1,564.

The Open Space Strategy also noted that with the addition of the artificial hockey pitch, it would become a regional centre for Hockey. The existing changing rooms at the Park were upgraded and extended in 2013/14 and are currently used by both hockey and cricket. The premise of the new changing facilities is that they would be located closer to the hockey pitch and provide extra capacity.

### **Summary and Conclusion**

Representations have been received from the Stockwell Facilities Advisory Group and local clubs requesting that Council reconsider The Big Project prioritisation for the facility and identify the reinstatement of the 2<sup>nd</sup> Oval as the highest community priority.

The prioritisation exercise completed by Council in August 2019 has provided a baseline and guidance for the financial modelling and targeting of funding to achieve a structured implementation process for The Big Project. It was largely informed by a robust community consultation process across all the component projects.

However, prioritisation was also predicated on the capacity for Council to be flexible and respond to changing circumstances and available, suitable funding opportunities for the different types of projects.

If Council is supportive of making a change to the prioritisation of projects at the Stockwell Recreation Park, further assessment will need to be undertaken by officers of the relevant design and associated costs of the 2<sup>nd</sup> Oval. This would be the subject of a further report to Council.

It is also noted, that all prioritised projects are predicated on the requirement to achieve a minimum of 40% grant funding to enable implementation to proceed and this will still be the case for the 2<sup>nd</sup> Oval if supported.

Total funding has been projected across a 5 year period up to 2023-24 at this point in time. Dependent on the projects that are successful, the grant funds available and the specific project costs involved, there is scope to accelerate certain projects and reallocate funding across different projects to achieve the overall outcomes provided the total approved budget funding and year on year allocations are not exceeded.

### **ATTACHMENTS OR OTHER SUPPORTING REFERENCES**

Attachment 1: Letter from Stockwell Facilities Advisory Group HPE (Ref: 20/35337)

Attachment 2: Letters of support for reprioritisation of second oval

Attachment 3: Extract Prioritisation Summary – Stockwell Recreation Park

Supporting References (Not attached):

- Barossa, Light and Lower North Region Open Space, Recreation and Public Realm Strategy (2013)

- South Australian Cricket Infrastructure Strategy (2019-2029)

## COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS

### Community Plan



Natural Environment and Built Heritage



Community and Culture



Infrastructure



Health and Wellbeing



Business and Employment



How We Work – Good Governance

### Corporate Plan

3.3 Ensure Council's sporting, recreational and leisure grounds and playing arena and associated programs meet the current need of the community to an agreed level of service.

3.9 Ensure Council facilities and assets are accessible, safe and maintained to an agreed level of service.

### Legislative Requirements

Local Government Act 1999

## FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

### **Financial**

If Council is supportive of making a change to the prioritisation of projects at the Stockwell Recreation Park, further assessment will need to be undertaken by officers of the relevant design and associated costs of the 2<sup>nd</sup> Oval. This would be the subject of a further report to Council.

### **Resource**

No specific resource implications. Ongoing resourcing for project implementation will need to be funded via capital allocations within the individual project budgets to ensure this is sustainable.

### **Risk Management**

Council has made significant investment in consultation to ensure as far as practicable, that project prioritisation reflects community needs. This is important in grant application processes to ensure that the risk of funding partners is appropriately managed and also that the reputation of Council is protected.

## COMMUNITY CONSULTATION

Community Consultation on the Stockwell Recreation Park Masterplan was held from 30 January to 1 March 2019. Extracts are provided for Council's review as [Attachment 3](#).

### **7.3.2 DEBATE AGENDA – MANAGER COMMUNITY AND CULTURE**

#### **7.3.2.1**

#### **LIVE MUSIC ACTION STRATEGY**

**B9788 20/33276**

**MOVED** Cr Schilling that Council:

- (1) Review and adopt the Live Music Action Strategy and note outcomes achieved over the life of the project.

- (2) Approve the recommendations in the Live Music Action Strategy, and work with the Director of Corporate and Community Services/Manager of Community and Culture to embed these recommendations into broader Council actions including, but not limited to, The Big Project and Council's COVID-19 Recovery Plan.
- (3) Authorise officers to provide the State Government Music Development Office (Department of Innovation and Skills) with a finalised copy of the Live Music Action Strategy.

**Seconded** Cr Troup

**CARRIED 2018-22/188**

#### **PURPOSE**

To review and adopt the draft 'Live Music Action Strategy' (*Attachment 1*) completed by the Regional Live Music Coordinator as a core objective of the position.

#### **REPORT**

##### Background

The Barossa Council employed a Regional Live Music Coordinator from August 2019 until July 2020, as part of a pilot position supported on a temporary project basis, with funding from the State Government's Music Development Office (Department of Innovation and Skills). Support and partnerships for this project included Legatus SA and Regional Development Australia Barossa Gawler Light and Adelaide Plains.

The pilot program was created to explore the economic and social benefit of having an advocate within regional settings, for live music activation and support.

The success of the Regional Live Music Coordinator has been noted in the following activities:

- Barossa Fringe on Tour: Over 9000 people attending arts and cultural events over three days, over 50% live and local music acts.
- Music and the Biz: Industry knowledge and recording for 13-25 year-olds with Northern Sound Systems.
- Individual business and musician mentoring in creative and business endeavors ('next step' training).
- Coronavirus (COVID-19) pandemic response to community.
- Umbrella Winter Sounds outreach and grants program.

##### Introduction

The Regional Live Music Coordinator project demonstrated that there is the capacity and appetite within the region to support art and music-led events, to show enthusiasm for youth engagement in live music activities, and have the ability for venues of difference sizes and types to engage in live performance.

This Live Music Action Strategy is a summary of the outcomes achieved during this project, as well as suggestions for future pathways that this pilot could take.

##### Discussion

One of the key objectives for The Barossa Council within this project with the Music Development Office was to develop a Live Music Action Strategy for the Barossa region, examining how Council and the community can support live music as a growth industry.

Modelling for this Action Strategy has been drawn from the City of Adelaide's Live Music Action Plan and Music Victoria's Regional Live Music Action Plan, with additional resourcing sought through Sounds Australia, APRA AMCOS, Music SA, PPCA, the Australian Government and ARIA. The Strategy acknowledges the holistic impact of live music activation on the region: its relevance to the Barossa's wine and food industries, its considerable place in the region's history, its

economic benefit and its benefit to social and emotional wellbeing in the community. The Strategy outlines four key objectives:

1. That live music continues to be recognised and supported as an integral part of the Barossa's identity: both as a community activator and as a part of the broader regional brand.
2. There is ongoing funding and investment through a variety of sources to ensure that the Barossa is activated through music in our many varied, unique and world-renowned spaces.
3. The Barossa is committed to the support of its musicians and music industry, and actively works to nurture local talent, including youth-led initiatives.
4. There is ongoing investment to ensure that the Barossa is a destination for live music audiences seeking a discerning and varied musical offering both from local and touring talent.

These objectives have been determined through reflection on activity engaged with by the Regional Live Music Coordinator whilst in the role, and through discussion with musicians and venues in the Barossa region. Importantly, these outcomes act as a roadmap to Coronavirus (COVID-19) recovery for the music industry, which was one of the first industries to close and will be one of the final industries to re-open. It's important to note that:

- The impact of Coronavirus (COVID-19) has had considerable impact on what otherwise was a very resilient industry.
- The industry needs a considered and tailored approach to recovery.

#### Summary and Conclusion

This is the first presentation of the Live Music Action Strategy to Council. The Strategy and initial work undertaken would benefit from continued consultation with community and business stakeholders. Council is asked to adopt the draft Live Music Action Strategy and consider the recommendations in the Strategy for incorporation into broader Council actions, including:

- Investment in Creative Industries recovery post Covid-19
- Continued commitment to the Regional Live Music Coordinator position as it becomes available through the SA Music Development Office
- Continued collaboration and engagement with the music community and venues
- Embedding live music strategies into pre-existing Council projects including the Culture Hub proposal

#### **ATTACHMENTS OR OTHER SUPPORTING REFERENCES**

Attachment 1: Barossa Live Music Action Strategy

#### **COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS**

##### Community Plan



Community and Culture



Health and Wellbeing



Business and Employment

##### Corporate Plan

Theme 2. Community and Culture

2.6 Provide, promote and support community arts and cultural events, programs, attractions and services

##### Legislative Requirements

Local Government Act 1999

## FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

### Financial and Resources

The support of an ongoing Live Music Coordinator position is subject to available finance both from The Barossa Council and the Music Development Office. No additional funding is sought at this stage. This will be an ongoing discussion with the Music Development Office. It is noted that funding for community well-being resourcing and initiatives is incorporated into Council's COVID-19 Recovery Plan.

### Risk Management

Support of the Barossa music industry requires ongoing risk management and assessment in order to ensure the outcomes desired are sustainable. This planning framework itself acts as a system of risk management, ensuring the long term alignment of Council's actions with the investment already made in this space.

## COMMUNITY CONSULTATION

The Regional Live Music Coordinator has worked extensively with community to deliver the projects within the role, including the Barossa Fringe on Tour program, Music and the Biz, and ongoing support to individual musicians and venues for the implementation of live music in the region. This consultation has, halted in some respects since the Coronavirus (COVID-19) pandemic, although ongoing e-communication with members of the Barossa music community has ensured that the Strategy is representative of stakeholder and community interest. Ongoing formal consultation would represent the next stage of this Action Strategy.

### 7.4.1 DEBATE AGENDA – DIRECTOR WORKS AND ENGINEERING SERVICES

#### 7.4.1.1

#### FEES AND CHARGES REGSITER 2020 | 2021 – CEMETERY FEES

**B10646 – 20/34631**

**MOVED** Cr de Vries that the proposed fees for the issuing of Interment Rights in designated Children's Sections at Council operated cemeteries be adopted and included in the 2020 | 2021 Fees and Charges Register.

Interment Right Fee – Children's Section (60 year term) Resident - \$520

Interment Right Fee – Children's Section (60 year term) Non-Resident - \$1210

**Seconded** Cr Johnstone

**CARRIED 2018-22/189**

Cr Angas requested an amendment to extend the interment for the Children's Section from 50 to 60 years. The Mover and Seconder indicated support for the amendment and that it can be incorporated in the motion rather than undertaking a formal amendment.

## PURPOSE

To approve the recommended fees for the issuing of Interment Rights in designated Children's Sections at Council operated cemeteries that were deleted in error from the 2011 | 2012 and following years Fees and Charges Registers.

## REPORT

### Background

The Cemetery Curator was recently contacted by a funeral director on behalf of a family requesting the costing associated with purchasing an interment right (previously lease) for a grave in the designated Children's Section of the Angaston Cemetery.

The Children's Sections of our cemeteries have historically provided a smaller size plot that allows for the burial of one child under the age of 10 years. The Children's Sections are located separately from the General sections.

The recently approved 2020 | 2021 Fees and Charges Register does not list a fee for this option, meaning that a family would have to be charged the current (and only) rate for an Interment right. Discussion with the funeral director and research of other cemeteries and their fees indicated that there is a considerable discount offered to families who request to purchase a plot specifically for a child.

Research was undertaken back through previous editions of the Fees and Charges Register and it was discovered that this fee had existed in the past and due to an administrative error was deleted from the 2011 | 2012 Fees and Charges and not reinstated in subsequent years.

To provide the community with the option to utilise the designated Children's Sections at a reduced fee, it is proposed to reinstate this fee at the rate of 50% of that of the standard interment right, noting that is to only be applicable in the designated Children's Sections of our cemeteries not for a child's grave in the general section.

For example –

Approved 2020 | 2021 Fees and Charges

Interment Right Fee (50 year term) Resident	\$1040
Interment Right Fee (50 year term) Non-Resident	\$2420

Proposed addition

Interment Right Fee – <u>Children's Section</u> (50 year term) Resident	\$520
Interment Right Fee – <u>Children's Section</u> (50 year term) Non-Resident	\$1210

Council is required to approve the fees prior to them being charged in 2020 | 2021.

#### **ATTACHMENTS OR OTHER SUPPORTING REFERENCES**

Nil

#### **COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS**

Community Plan



How We Work – Good Governance

Legislative Requirements

Local Government Act 1999 – Section 188(1)

#### **FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS**

Financial

To ensure that Council is able to recover its costs in relation to user paid services provided to the community.

#### **COMMUNITY CONSULTATION**

The newly approved fees that will be applicable to designated Children's Sections, together with all fees associated with Council operated cemeteries will be available for the community to access on Council's website.

## 7.4.1.2

**FUNDING DEED – 2020-2021 COMMONWEALTH INFRASTRUCTURE INVESTMENT BLACK SPOT PROGRAM – INTERSECTION OF STOCKWELL ROAD AND PENRICE ROAD INTERSECTION IMPROVEMENTS****B11017 – 20/35867**

**MOVED** Cr Hurn that the Mayor and Chief Executive Office be authorised to execute the Funding Deed, under the 2020-2021 Commonwealth Infrastructure Investment Black Spot Program, by signing and affixing the common seal to the Deed

**Seconded** Cr Wiese-Smith**CARRIED 2018-22/190****PURPOSE**

The Department of Planning, Transport and Infrastructure (DPTI) has provided a Funding Deed under the 2020-2021 Commonwealth Infrastructure Investment Black Spot Program for the Stockwell Road and Penrice Road intersection project, requiring the signing and sealing by Council – see *attached*.

**REPORT****Background**

As reported to Council in June 2020 joint advice was received from the Deputy Prime Minister - Minister for Infrastructure Transport and Regional Development and the Assistant Minister for Road Safety and Freight Transport and Federal Member for Barker of Council's successful funding application.

**Discussion**

The funding agreement sets out the terms and conditions under which DPTI will provide funding of actual costs up to \$616,000 GST inclusive.

**Summary and Conclusion**

It is recommended to execute the funding deed in order to secure grant funding.

**ATTACHMENTS OR OTHER SUPPORTING REFERENCES**

Attachment - Funding Deed under the 2020-2021 Commonwealth Infrastructure Investment Black Spot Program.

**COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS**

Community Plan



Infrastructure

- 3.1 Develop and implement sound asset management which delivers sustainable services.
- 3.2 Collaborate with private and public utilities providers to ensure infrastructure is adequate to support the community both now and into the future.
- 3.4 Participate in networks to improve efficient asset management and maintenance.
- 3.8 Support opportunities to increase community transport and access to services and facilities.

**FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS**

The project is fully funded by the Australian Government, and claims for payments from the Australian Government can be submitted at project completion.

**COMMUNITY CONSULTATION**

The community will be notified in advance of road restrictions during construction.

## 7.4.1.3

**LETTER OF OFFER - GRANT AGREEMENT – AUSTRALIAN GOVERNMENT GRANT - LOCAL ROADS AND COMMUNITY INFRASTRUCTURE (LRCI) PROGRAM**  
**B10843 – 20/36209**

**MOVED** Cr Boothby that

1) The Director Works and Engineering Services be authorised to sign and enter in to the Grant Agreement, under the Local Roads and Community Infrastructure (LRCI) Program administered by the Department of Infrastructure, Transport, Regional Development and Communications (DITRDC), and that

2) The allocated grant funding of \$565,108 ex GST be assigned to a region wide footpath programme (the Grant Activity) as outlined in the Works Schedule once approval is received from DITRDC.

**Seconded** Cr de Vries

**CARRIED 2018-22/191**

**PURPOSE**

The Hon Michael McCormack, Deputy Prime Minister and The Hon Mark Coulton Minister for Regional Health, Regional Communications and Local Government have provided a Letter of Offer and related Grant Agreement (attached) under the Local Roads and Community Infrastructure (LRCI) Program for signing.

**REPORT**

**Background**

The objective of the LRCI Program is to stimulate additional infrastructure construction activity in local communities across Australia to assist communities to manage economic impacts of COVID-19.

Council nominated six potential projects for consideration for inclusion in the Program sought via email by the Deputy Prime Minister in March 2020.

Following approval and confirmation of the value of the grant through the Letter of Offer, Officers will proceed to prepare a Works Schedule for submission with the Grant Agreement for approval using the provided nomination template.

The offer is for a grant of \$565,108 ex GST, signed Grant Agreements need to be submitted by 31 July 2020 including nominating the proposed project so that construction can be completed by 30 June 2021. The agreement does not have flexibility to change nominated projects therefore time is of the essence to lock in a nominated project to secure funding.

**Discussion**

The grant agreement sets out eligibility for either local road projects or community infrastructure projects. The projects must be additional to existing work programmes with council match funding not necessary. Of the six projects nominated;

1. Basedow Road, Tanunda, reconstruction, \$1.05M – not suitable  
This project has also been submitted for consideration for funding from the Special Local Roads Programme (SLRP) the outcome may not be known in time, possible delivery risk due to latent conditions
2. MacDonnell Street, Tanunda reconstruction (Mill to Fiedler), \$250k – possible but would need to be expanded to maximise project budget to match grant funding
3. Stockwell Road Bridge, Stockwell, \$813k – not suitable

This project has been submitted for consideration for funding from the Bridges Renewal program, the outcome may not be known in time and with no match funding in the base budget project costs exceed grant income

4. Memorial Avenue, Mount Pleasant road drainage, \$600k – possible  
The base budget has an amount of \$140k which will deliver stage 1 of this project to deal with the main street drainage nuisance
5. Region wide footpath programme, up to \$1M – possible  
Combined with the proposed \$450k Drought Communities Programme these projects could deliver a \$1M region wide footpath programme
6. The Barossa Visitor Information Centre, car park sealing, Tanunda, \$480k – possible.

Further Council can elect other infrastructure such as that approved in The Big Project and based on an amount of \$565K it would lever up to \$1.413M based on the funding ratio of 40% grant and 60% Council.

The draft annual business plan and budget highlights \$1M for footpath funding and is dependent on receiving \$500K in grants. It is recognised that further long term investment is required in the footpath program and this presents a sound leveraging up of the drought funding to achieve a large body of work and support local jobs.

### **Summary and Conclusion**

It is recommended to sign the grant agreement nominating a region wide footpath upgrade programme, benefits include increased safety for pedestrians, improved accessibility, promoting and encourage walking and connectivity of our communities.

### **ATTACHMENTS OR OTHER SUPPORTING REFERENCES**

Attachment – Letter of Offer and Grant Agreement under the Local Roads and Community Infrastructure (LRCI) Program.

### **COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS**

Community Plan



Infrastructure

- 3.1 Develop and implement sound asset management which delivers sustainable services.
- 3.2 Collaborate with private and public utilities providers to ensure infrastructure is adequate to support the community both now and into the future.
- 3.4 Participate in networks to improve efficient asset management and maintenance.
- 3.8 Support opportunities to increase community transport and access to services and facilities.

### **FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS**

The draft FY2020/21 budget has \$500k grant income to achieve the \$1M region wide footpath programme.

Claims for payments from the Australian Government will be paid in accordance with Grant Agreement: Table1 – Grant Payments. The first payment of 50% of the funding allocation will be paid within four weeks of the Works Schedule being approved.

### **COMMUNITY CONSULTATION**

The community will be notified via media release and social media.

**7.5.1. DEBATE AGENDA – DEVELOPMENT SERVICES REPORT****7.5.1.1****BAROSSA ASSESSMENT PANEL – APPOINTMENT OF INDEPENDENT MEMBERS****B10956****MOVED** Cr Boothby that Council:

- (1) Appoint the following persons, who hold the required Professional Accreditation, to the Barossa Assessment Panel pursuant to the Planning Development and Infrastructure Act 2016 and Planning Development and Infrastructure (General) Regulations 2017 for the period 1 October 2020 – 31 October 2022 (or until further reviewed and changed):

Members: Rob Veitch  
Grant Hewitt  
Susan Giles

Deputy Member: Jake McVicar

Presiding Member Bruce Ballantyne

- (2) Set the remuneration fee for the independent members of the Barossa Assessment Panel for the period 1 October 2020 – 31 October 2022 as follows:

Presiding Member \$500 per meeting  
Members \$300 per meeting

**Seconded** Cr Johnstone

Cr Angas moved an amendment that Mrs Jane Evans be appointed in place of Ms Susan Giles due to her qualifications, interest and residency in the local area.

**AMENDMENT****MOVED** Cr Angas that Council:

- (3) Appoint the following persons, who hold the required Professional Accreditation, to the Barossa Assessment Panel pursuant to the Planning Development and Infrastructure Act 2016 and Planning Development and Infrastructure (General) Regulations 2017 for the period 1 October 2020 – 31 October 2022 (or until further reviewed and changed):

Members: Rob Veitch  
Grant Hewitt  
Jane Evans

Deputy Member: Jake McVicar

Presiding Member Bruce Ballantyne

- (4) Set the remuneration fee for the independent members of the Barossa Assessment Panel for the period 1 October 2020 – 31 October 2022 as follows:

Presiding Member	\$500 per meeting
Members	\$300 per meeting

**Seconded** Cr Wiese-Smith

The amendment being carried became the motion, there being no further debate the Mayor put the motion to the chamber.

The motion was carried

**CARRIED 2018-22/192**

**PURPOSE**

To seek Council resolution to appoint Independent Members of the Barossa Assessment Panel pursuant to the *Planning, Development and Infrastructure Act 2016* and *Planning, Development and Infrastructure (General) Regulations 2017*.

**REPORT**Background

Council must appoint the members of the Council Assessment Panel in accordance with the provisions of the *Planning, Development and Infrastructure Act 2016* (the PDI Act).

Pursuant to Section 83 of the PDI Act, Council must determine:

1. the membership of the Assessment Panel, being no more than five Members, only one of which may be a Member of a council
2. the terms of office of Members
3. conditions of appointment of Members, or the method by which those conditions will be determined, (including as to their remuneration)
4. the appointment of Deputy Members
5. who will act as the Presiding Member of the panel

Council Assessment Panels form part of the development consent process in the South Australian Planning System. Decisions regarding certain applications involving public representation or non-delegated assessment are decided by the Panel.

On 29 November 2018, Council resolved to appoint Council Member (Cr Richard Miller), Council Deputy Member (Cr Russell Johnstone) for the period 1 July 2018 for the term of the current Council, and commence an Expression of Interest process in the lead up to the expiry of the current term (30 June 2020) for the Independent Panel Members, taking into account any requirements associated with the proposed Accredited Professionals Scheme

Bruce Ballantyne (Presiding Member) and Deirdre Reiman, Grant Hewitt, Rob Veitch (Independent Members) were recently extended until 30 September 2020 to coincide with the anticipated commencement of the Planning and Design Code for Phase 3 Councils following a decision of the Minister to delay its start.

Deirdre Reiman (Health) has indicated a desire not to continue on the Panel. All other existing members wish to continue.

Introduction

Following the Expression of Interest process, Council received applications from ten candidates (including the three existing members).

A summary of each of the candidates is provided in Attachment 1. A copy of their applications are provided in Attachment 2.

While all of the candidates bring knowledge and skills that are pertinent to the role of the Assessment Panel, the Manager Development Services and the Director Development and Environmental Services interviewed three of the candidates to assess their suitability. These being Susan Giles, Jake McVicar and Myles Somers.

#### Discussion

Appointment of Members:

Independent Members are required to obtain a Level 2 Planning Accreditation under the Professional Accreditation Scheme. All of the candidates either have or are in the process of receiving the required Level 2 Accreditation.

The majority of the candidates are qualified and experienced in planning or building assessment. Three of the candidates have knowledge and experience that include health, law or environment.

It is recommended that the existing members (Rob Veitch (Planning) and Grant Hewitt (Building)) be reappointed to the Panel, leaving one vacancy.

Under the PDI Act, there is no requirement for there to be a gender balance on the Panel. At the 17 December 2019 meeting, Council had adopted new Terms of Reference for the Assessment Panel commencing 1 July 2020 that retained the requirement.

*3.5 At least one (1) Member of the Panel must be a woman and at least one (1) Member a man, and should, insofar as is reasonably practicable, ensure that the Panel consists of equal numbers of men and women.*

On the basis that only two candidates fulfil the requirement, Council has the option to appoint either Susan Giles or Jane Evans to the Panel.

Both of the candidates are still awaiting confirmation for their Level 2 Accreditation. Neither of the candidates have had previous experience as a Panel Member.

Susan Giles would provide a mix of planning and building qualifications and experience to the Panel, and has an understanding of the operations of an Assessment Panel through her employment as a development assessment officer.

Jane Evans brings a legal, as well as an environmental perspective to the Panel, given Jane's interest in water security etc. In addition, Jane provides a local community member perspective.

Appointment of Deputy Member:

Pursuant to Section 83(1)(b)(v) of the PDI Act, Council may appoint Deputy Members of the Panel. The current Panel only has a Deputy Member for the Council Member. Deputy Members will only be entitled to sit as a Member of the Panel if one of the appointed Members is not present at a meeting.

To ensure a quorum is achievable, it is proposed that Council support the appointment of a Deputy Member. Accordingly, it is recommended that Jake McVicar be appointed.

Appointment of Presiding Member:

Of the candidates, only Bruce Ballantyne has sought to be appointed to the role of Presiding Member.

It is recommended that Bruce Ballantyne be appointed as Presiding Member.

#### Summary and Conclusion

Council is required to appoint the membership of the Council Assessment Panel based on statutory requirements, in particular the State Government's accreditation scheme for panel members.

Following an Expressions of Interest process, Council Administration has conducted a review of the candidates and has put forward a recommendation to Council for the appointment of the Independent Members.

#### **ATTACHMENTS OR OTHER SUPPORTING REFERENCES**

Attachment 1 Summary of Candidates  
Attachment 2 Expressions of Interest

#### **COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS**

##### Community Plan



Natural Environment and Built Heritage

##### Corporate Plan

1.11 Provide transparent, efficient and effective development assessment processes and regulatory activities.

##### Legislative Requirements

Planning, Development and Infrastructure Act 2016  
Planning, Development and Infrastructure (General) Regulations 2017  
Development Act 1993  
Development Regulations 2008

#### **FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS**

##### Financial Management

Council is responsible for the costs and other liabilities associated with the activities of the Assessment Panel. The Assessment Panel will operate in accordance with the existing budget allocation.

##### Risk Management

If Council does not resolve to appoint its own Assessment Panel the Minister for Planning can establish a Local Assessment Panel which will make decisions on the Council's behalf, at the Council's cost.

In addition, if the Minister has reason to believe that the Assessment Panel appointed by Council has consistently failed to comply with a requirement under the PDI Act, the Minister may request the State Planning Commission to conduct an inquiry under the PDI Act.

#### **COMMUNITY CONSULTATION**

Not required.

## 7.5.2. DEBATE AGENDA – ENVIRONMENTAL SERVICES REPORT

### 7.5.2.1

#### **GENETICALLY MODIFIED CROPS MORATORIUM – COMMUNICATION PLAN**

**B11127**

**MOVED** Cr de Vries that Council

- (1) Receive and note the proposed Communications Plan and Survey on the Genetically Modified Crops Moratorium.
- (2) Note that the consultation period will commence 29 July 2020 and close 5pm 19 August 2020.
- (3) Allocate \$5,000 to collate and provide evidence of market and trade advantages, including any price premiums, that could not be achieved without being declared a no GM food crop area, as preparatory work should Council proceed to lodge an application.

**Seconded** Cr Johnstone

**CARRIED 2018-22/193**

#### **PURPOSE**

To present the Communications Plan to Council to undertake the necessary consultation pursuant to *Genetically Modified Crops Management Act 2004*.

#### **REPORT**

Background At the 29 June Special Council meeting, Council resolved as follows:

**MOVED** Cr Johnstone that Council

- (1) Receive and note the initial views on the Genetically Modified Crops Moratorium.
- (2) Authorise the Chief Executive Officer or his delegate to:
  - a) commence community engagement pursuant to Section 5A(2) of the *Genetically Modified Crops Management Act 2004* and in accordance with Council's Public Consultation Policy, to seek the views of the community, including persons engaged in primary production activities and food processing or manufacturing activities in the area of the Council, regarding whether or not such an application should be made.
  - b) liaise with neighbouring Councils on this matter, and seek a collaboration with the intent to submit a joint application to the Minister by the due date.
  - c) provide Council with a further report at the conclusion of the community consultation, and determine whether an application is to be submitted to the Minister for Primary Industries and Regional Development by the required date.

**Seconded** Cr Angas

**CARRIED 2018-22/169**

#### Introduction

At the Council Workshop on 8 July 2020, members were presented with an outline of the proposed Communications Plan for undertaking the Community Consultation pursuant to Section 5A of the *Genetically Modified Crops Management Act 2004* (the Act).

#### Discussion

At a recent Webinar hosted by the LGA, it was pointed out that there are two main components to consider under the Act. These being public consultation and the application itself.

As per the guidelines issued by the LGA, the process under Section 5A of the Act outlines the following key steps.

Step 1: Public consultation

Step 2: Consideration of community views

Step 3: Deciding whether or not to make an application

Step 4: Consideration by Minister

Council is to determine how it will consult with the community, including persons engaged in primary production activities and food processing or manufacturing activities in the area of the Council. At the Webinar, it was suggested that Councils should ensure a rigorous consultation framework that engages a diversity of views.

Key messaging needs to highlight that the GM Crop Moratorium Consultation relates to risks to marketing and trade only, and not include matters of human health or environmental impacts.

The Communications Plan (*Attachment 1*) proposes to undertake the survey as provided in *Attachment 2*. The survey has been based on a survey prepared by the City of Onkaparinga who have also sought to engage with its community.

The survey is constructed to engage with the following groups:

- Community Members
- Business Owner or Primary Producer
- Association or incorporation representing members

The questions are targeted for each of the groups. The survey is to be incorporated into the Your Say Barossa platform and will be available on the website.

The groups are to be notified of the survey through general notices in the paper, and social media. In addition, direct mail out will be used to notify the key Associations or Incorporations seeking them to notify their members of the survey. In addition, Council will write to the Local Agricultural Bureaus as recommended by the Agricultural Bureau SA.

All previous submissions will be collated as part of the consultation.

As per the resolution from the Special Council meeting, Council Administration will liaise with neighbouring Councils with the intent to see if there is any interest in making a joint application. As reported, the Adelaide Hills Council has already suggested an opportunity to collaborate.

At the conclusion of the consultation process, all submissions will be collated as per a recommended template provided by PIRSA. The summary table will be submitted with any application to the Minister for Primary Industries and Regional Development which would be due on 30 September 2020.

There will be limited time between the end of consultation and the deadline for an application to be lodged. Without pre-empting Council's future decision as to whether or not to lodge an application, Council Administration will prepare a draft application during the consultation period to ensure any application is robust and thorough. As per PIRSA criteria, any application should:

- relate to risks to marketing and trade only
- not include matters of human health or environmental impacts, as these are managed under Commonwealth legislation
- demonstrate that stakeholders in their area are currently receiving a marketing or trade advantage as a result of being no GM food crop area
- show evidence of market and trade advantages, including any price premiums, that could not be achieved without being declared a no GM food crop area
- include a summary of all views expressed during consultation (in favour or against declaration).

Summary and Conclusion

Council has resolved to undertake the form community consultation process required under the Act.

A Communication Plan has now been prepared for Council's consideration and adoption in order to commence the consultation.

**ATTACHMENTS OR OTHER SUPPORTING REFERENCES**

Attachment 1 – Communication Plan  
Attachment 11 – GM Crops Moratorium Survey

**COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS**Community Plan

Natural Environment and Built Heritage



Community and Culture



Business and Employment

Corporate Plan

- 1.5 Maintain and seek to expand Council initiated native conservation and land management initiatives.
- 2.3 Support and promote community involvement and networks and provide opportunities for participation in local decision making.
- 5.7 Contribute to the ongoing development of a coordinated local economic development strategy and ensure that Council's land use policy and practices enable and support the strategy's implementation.

Legislative Requirements

Genetically Modified Crops Management Act 2004  
Local Government Act 1999

**FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS**Financial Management

No budget has been assigned to undertake any aspect of Section 5A of the Act. Should Council seek to pursue an application, a budget allocation will be required in order to assist Council.

It is proposed that \$5,000 be allocated to collate and provide evidence of market and trade advantages, including any price premiums, that could not be achieved without being declared a no GM food crop area, as preparatory work should Council proceed to lodge an application.

Risk Management

Council does not have the necessary scientific and economic skills that would be required to fulfil the requirements of the application – addressing the necessary criteria. This would need to be outsourced through a consultancy.

**COMMUNITY CONSULTATION**

The Act is not prescriptive as to the method of consultation, so it is open for councils to develop a consultation process which it considers to be suitable in the circumstances and one which ensures that all relevant community members are appropriately included.

A Communication Plan has been prepared to outline the proposed consultation to fulfil the requirements of the Act.

## 7.5.2.2

**CONSIDERATION AND ADOPTION OF COMMITTEE RESOLUTIONS – BAROSSA BUSHGARDENS B9068**

**MOVED** Cr Wiese-Smith that Council:

- (1) Receive and note the Minutes of the Barossa Bushgardens S41 Committee Meeting held on 10 June 2020.
- (2) Appoint Gaby Lengyel and Jan McKenzie to the Committee for the life of the Council (or until further reviewed and changed).

**Seconded** Cr Schilling

**CARRIED 2018-22/194**

**PURPOSE**

The Minutes of Council Section 41 Committees are presented for consideration and adoption of Council and appoint new members to the Committee.

**REPORT**

The consideration and adoption of recommendations of Council Committees to Council requires assessment by Council to ensure compliance with Council obligations under section 6(a) of the *Local Government Act*. The relevant Minutes received in the past month are hereby presented for Council adoption.

**ATTACHMENTS OR OTHER SUPPORTING REFERENCES**

Attachment 1: Minutes - Barossa Bushgardens S41 Committee Meeting held 10 June 2020.

**COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS**Community Plan

Natural Environment and Built Heritage

Corporate Plan

Natural Environment and Built Heritage

- 1.1 Collaborate with relevant authorities to ensure a regional and holistic approach in the management of natural resources.
- 1.2 Support native eco systems that support native flora and fauna.
- 1.3 Ensure environmental and agricultural sustainability and historic significance of the region is retained.

Legislative Requirements

Local Government Act and Regulations  
Development Act and Regulations

**FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS**

Identified within the body of the Minutes, and is included within the endorsed Council Budget.

**COMMUNITY CONSULTATION**

Not required by Council.

**8. CONFIDENTIAL MATTERS – 10.37AM****8.1 MAYOR - CONFIDENTIAL – 10.37AM****8.1.1****CHIEF EXECUTIVE OFFICER'S 2019/20 PERFORMANCE AND REMUNERATION REVIEW****E1200**

Pursuant to S120(1) of the Local Government Act 1999 Mr Martin McCarthy, Chief Executive Officer, disclosed a conflict of interest in the matter 8.1.1 *Chief Executive Officer's 2019/20 Performance and Remuneration Review* as it relates directly to his performance outcome, future targets and contractual conditions of employment.

Mr McCarthy advised Council of the conflict of interest and stated he would remain in the meeting to answer any questions from members and would leave the meeting prior to any debate commencing.

All other staff members left the meeting at 10.37am.

Mr McCarthy left the meeting after answering questions at 11.10am.

The matter of the agenda item being a matter pertaining to the review of an employee's performance and employment conditions pursuant to Section 90(3)(a) of the Local Government Act 1999 ("the Act") being information that should be considered in confidence in order to ensure that private information as contemplated by the Section 90(9) being information that is personal as it relates to the employment conditions and performance of the Chief Executive Officer. The personal affairs definition under Section 90(9) will be limited to consideration of the necessary matters and no resolution may be made that restrict the release of information required under of Section 91(8) of the Act which is to release information on the remuneration and conditions of service will be disclosed in the public register of salaries, once set.

There is strong public interest in enabling members of the public to observe Council's transparent and informed decision-making. This helps to ensure accountability, maintain transparency of public expenditure, facilitate public participation, assist public awareness and allow for the scrutiny of information. Attendance at a Council meeting is one means of satisfying this interest. The public will only be excluded from a Council meeting when the need for confidentiality pursuant to Section 90(2) of the Act outweighs the public interest of open decision-making.

In this matter, the reasons that receipt, consideration or discussion of the information or matter in a meeting open to the public would be contrary to the public interest are that the disclosure of private information of an individual would be unfair given the matter pertains to employment details that would not be expected to be open other than by way of ensuring the requisite legislative disclosures.

On balance, the above reasons which support the need for confidentiality pursuant to Section 90(2) of the Act outweigh the factors in favour of the public interest of open decision-making.

**MOVED** Cr de Vries that Council:

- (1) Under the provisions of Section 90(2) of the Local Government Act 1999, make an order that the public and officers be excluded from the meeting, in order to consider in confidence a report relating to Section 90(3)(a) of the Local Government Act 1999, relating to agenda item 8.1.1 Chief Executive Officer's

2019/20 Performance and Remuneration Review being information that must be considered in confidence in order to ensure that the Council does not disclose information that could reasonably be expected to release information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead); and

- (2) Accordingly, on this basis, Council is satisfied that public interest in conducting meetings in a place open to the public has been outweighed by the need to keep the information and discussion confidential are that the disclosure of private information of an individual would be unfair given the matter pertains to employment details that would not be expected to be open other than by way of ensuring the requisite legislative disclosures.

**Seconded** Cr Johnstone

**CARRIED 2018-22/195**

### **RESUMPTION OF OPEN COUNCIL MEETING – 11.21 AM**

The open meeting of Council resumed at 11.21am.

In the matter 8.1.1 – *Chief Executive Officer's 2019/2020 Performance and Remuneration Review*:

**MOVED** Cr Wiese-Smith that Council, having noted the performance results (including similar results now for an eight years period) showing a performance outcome of 8.06 out of a possible 9 points from 19 respondents this financial year and:

- (1) Conclude the annual performance review.
- (2) Authorise the targets as outlined in the annual performance report of the Chief Executive Officer for the 2019/20 financial year.
- (3) Notwithstanding the requirements of the contract of employment requiring a minimum remuneration increase subject to performance (which has been achieved) note the remuneration review findings and acknowledge that the Chief Executive Officer has sought no change to his remuneration arrangements as a result of COVID-19.
- (4) Having considered this matter in confidence under Section 90(2) of the Local Government Act 1999 (the Act), makes an order pursuant to Section 91(7), that the report, minutes, documents and attachments other than the minutes relating to this confidentiality order of the Confidential Council Meeting held on 21 July 2020 in relation to item 8.1.1 Chief Executive Officer 2019/20 Performance and Remuneration Review be kept confidential and not available for public inspection, except information required to be released pursuant to Section 91(8) of the Act, until the conclusion of the Chief Executive Officer's employment and the said order be reviewed by Council annually on the basis it has received and discussed a matter pertaining to the employment and performance review and conditions of employment of the Chief Executive Officer as contemplated by Section 90 (3)(a) of the Act.

**Seconded** Cr de Vries

**CARRIED CO2018-22/26**

The Chief Executive Officer and all staff returned to the chamber at 11.21am

**8.2 CONFIDENTIAL AGENDA – DIRECTOR CORPORATE AND COMMUNITY SERVICES – 11.22AM**

**8.2.1**

**SANTOS TOUR DOWN UNDER 2021**

The matter of the agenda item being a Report regarding Council's Expression of Interest to host an event or events in the 2021 Santos Tour Down Under and pursuant to Section 90(3)(d)(i) of the Local Government Act 1999 ("the Act") being commercial information of a confidential nature (not being a trade secret) the disclosure of which could reasonably be expected to prejudice the commercial position of the person who supplied the information, or to confer a commercial advantage on a third party, and (ii) would on balance, be contrary to the public interest.

There is strong public interest in enabling members of the public to observe Council's transparent and informed decision-making. This helps to ensure accountability, maintain transparency of public expenditure, facilitate participation, assist public awareness and allow for the scrutiny of information. Attendance at a Council meeting is one means of satisfying this interest. The public will only be excluded from a Council meeting when the need for confidentiality pursuant to Section 90(2) of the Act outweighs the public interest of open decision making.

In this matter, the reason that receipt, consideration or discussion of the information or matter in a meeting open to the public would be contrary to the public interest is that the information has been provided to Council as commercial in confidence. The matter has been requested to be kept confidential until such dates any embargo on the announcement regarding venues for the 2021 Santos Tour Down Under is lifted by Events South Australia.

On balance, the above reason which supports the need for confidentiality pursuant to Section 90(2) of the Act outweighs the factors in favour of the public interest of open decision-making.

**MOVED** Cr de Vries that Council:

- (1) Under the provisions of Section 90(2) of the Local Government Act 1999, make an order that the public be excluded from the meeting with the exception of the Chief Executive Officer, Director Corporate and Community Services, Director Development and Environmental Services, Director Works and Engineering, Manager Community Projects, Communications Officer and the Minute Secretary, in order to consider in confidence, a report relating to Section 90(3) (d) of the Local Government Act 1999 relating to agenda item 8.2.1 Santos Tour Down Under 2021 being information that must be considered in confidence in order to ensure that Council does not disclose commercial information of a confidential nature (not being a trade secret) the disclosure of which – (i) could reasonably be expected to prejudice the commercial position of the person who supplied the information, or to confer a commercial advantage on a third party; and (ii) would, on balance, be contrary to the public interest.
- (2) Accordingly, on this basis, Council is satisfied that public interest in conducting meetings in a place open to the public has been outweighed by the need to keep the information and discussion confidential as the information has been provided to Council as commercial in confidence and Council could be prejudiced if it disclosed this information.

**Seconded** Cr Wiese-Smith

**CARRIED 2018-22/196**

**RESUMPTION OF OPEN COUNCIL MEETING – 11.43 AM**

The open meeting of Council resumed at 11.43 am.

In the matter 8.2.1 – *SANTOS Tour Down Under 2021*

Subject to a formal motion the matter is laying on the table. **CARRIED CO2018-22/27**

**9. URGENT OTHER BUSINESS**

**9.1 REQUEST – LEAVE OF ABSENCE – MAYOR LANGE**

Pursuant to S73 of the Local Government Act 1999 Mayor Lange disclosed a material conflict of interest in the matter 9.1 – *Request - Leave of Absence – Mayor Lange* as he is seeking a leave of absence which would result in a direct personal benefit (or loss) depending on whether such leave is granted.

Mayor Lange advised Council of the conflict of interest and left the meeting at 11.43am.

Deputy Mayor Boothby took the chair at 11.43am.

<p><b>MOVED</b> Cr Wiese-Smith that Mayor Lange be granted Leave of Absence from 7 August to 17 August 2020 inclusive.</p>
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<p><b>Seconded</b> Cr Hurn</p>
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<p><b>CARRIED 2018-22/197</b></p>
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Mayor Lange returned to the meeting at 11.44am.

**10. NEXT MEETING**

Tuesday 18 August 2020 at 9.00am.

**11. CLOSURE OF MEETING**

Mayor Lange declared the meeting closed at 11.44am.

Confirmed at Council Meeting on 18 August 2020

Date:.....

Mayor:.....