MINUTES OF THE MEETING OF THE BAROSSA COUNCIL
held on Tuesday 17 March 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, Crs John Angas, Tony Hurn, David Haebich, Dave de Vries, Russell Johnstone, Don Barrett, Cathy Troup, Carla Wiese-Smith, Richard Miller and Kathryn Schilling.

1.3 LEAVE OF ABSENCE
Cr Leonie Boothby

1.4 APOLOGIES FOR ABSENCE
Nil

1.5 MINUTES OF PREVIOUS MEETINGS – FOR CONFIRMATION

MOVED Cr Miller that the Minutes of;
- Council meeting held on Tuesday 18th February 2020 at 9.00am;
- Special Council Meeting held on Tuesday 18th February 2020 at 10.30am;
- Special Council Meeting held on Wednesday 4th March at 6.00pm and
- Special Council Meeting held on Wednesday 11th March at 6.30pm;
as circulated, to be confirmed as a true and correct record of the proceedings of those meetings.

Seconded Cr Hurn

CARRIED 2018-22/54

1.6 MATTERS ARISING FROM PREVIOUS MINUTES
Nil

1.7 PETITIONS
Nil

1.8 DEPUTATIONS
Nil

The Barossa Council 20/14909  Minutes of Council Meeting held on Tuesday 17 March 2020
1.9 NOTICE OF MOTION
Nil

1.10 QUESTIONS – WITH OR WITHOUT NOTICE
Nil

2. MAYOR

2.1 MAYOR’S REPORT
Mayor Lange mentioned he attended a meeting with Light Regional Council and Ministers to discuss the concept of the Barossa and Hinterlands regional deal.

Mayor Lange made a correction to his report stating that Cr Russell Johnstone wasn’t able to join him for the meeting with Mr Doug Turner, Associate Lecturer, Flinders University on Wednesday 11 March 2020 as previously planned.

MOVED Cr de Vries that the Mayor’s report be received.  
Seconded Cr Johnstone  
CARRIED 2018-22/55

3. COUNCILLOR REPORTS
Nil

4. CONSENSUS AGENDA

5. ADOPTION OF CONSENSUS AGENDA

5.1 ITEMS FOR EXCLUSION FROM THE CONSENSUS AGENDA
Cr Wiese-Smith requested that item 4.3.2.1 be withdrawn from the consensus agenda.  
Mayor Lange requested that item 4.3.1.1 be withdrawn from the consensus agenda.

5.2 RECEIPT OF CONSENSUS AGENDA

MOVED Cr Angas that the information items contained in the Consensus Agenda with the exception of 4.3.1.1 and 4.3.2.1 be received and that any recommendations contained therein be adopted.  
Seconded Cr Johnstone  
CARRIED 2018-22/56

5.3 DEBATE OF ITEMS EXCLUDED FROM THE CONSENSUS AGENDA

4.3.1.1  
MOCULTA COMMUNITY POSTAL AGENCY
Mayor Lange thanked staff, specifically Mrs Annette Randall for resolving the matter of continuation of mail services at Moculta.

Moved Cr Miller that the report 4.3.3.1 be received and noted.  
Seconded Cr Troup  
CARRIED 2018-22/57

4.3.2.1  
TOURISM BAROSSA INC – 2018-2019 ANNUAL REPORT, AUDITED FINANCIAL STATEMENTS, 2019-20 BUDGET AND PERFORMANCE TARGET REPORT
Cr Wiese-Smith commented on the missing annual general meeting minutes relating to the Tourism Barossa report and sought that the report be resubmitted once received.
Moved Cr Wiese-Smith that the attachments to the report 4.3.2.1 Tourism Barossa inc – 2018-2019 Annual Report, Audited Financial Statements, 2019-20 Budget and Performance Target Report be resubmitted with any other corrections that need to be made.

Seconded Cr Haebich

CARRIED 2018-22/58

6. VISITORS TO THE MEETING

6.1 VISITORS TO THE MEETING

9.32am
Presentation of Youth Grant Recipients - Jaye Carson and Kelly Jenkin – Refer Minute page 2020/149

10.11am
Tourism Barossa – Presentation – Cathy Wills – Refer Minute page 2020/155

6.2 ADJOURNMENT OF COUNCIL MEETING

Nil

7. DEBATE AGENDA

7.1 MAYOR – DEBATE

7.1.1 ANNUAL PERFORMANCE AND REMUNERATION REVIEW OF CHIEF EXECUTIVE OFFICER (CEO)

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 7.1.1 Annual Performance and Remuneration Review of Chief Executive Officer (CEO) as it relates directly to his performance outcomes and contractual conditions of employment and the management of these matters.

Mr Martin McCarthy advised Council of the conflict of interest left the meeting at 9.11 AM

MOVED Cr de Vries that Council undertakes the 2020 annual review of the Chief Executive Officer’s performance and remuneration internally with administrative support from internal resources utilising the current internal survey tool and reporting templates and appoints Mayor Lange, Deputy Mayor Boothby and Councillors Russell Johnstone, Carla Wiese-Smith and Tony Hurn to the Chief Executive Officer Performance Review Committee for the conduct of the 2020 process.

Seconded Cr Troup

CARRIED 2018-22/59

PURPOSE

The annual review of the Chief Executive Officer’s performance is due by the June meeting of Council. A committee is required to be appointed to coordinate the review in accordance with the Contract of Employment.

REPORT

Introduction
The Local Government Act, along with the Chief Executive Officer’s employment contract, requires that the performance of the CEO be regularly assessed being at least annually.

Discussion
I have recommended we commence in April this year so that it is completed by June to coincide with the anniversary date of the CEO’s contract being 4 June. The past years has seen the review not completed until late July some six weeks after the anniversary date. Last year was late in starting and did not provide much time for surveys to be completed.

For the past six reviews Council has elected to undertake the review process utilising internal expertise and our survey tool rather than outsourcing to a management consultant at significant cost, this has worked well. The internal process has been supported by internal resources limited to conducting and collating the survey results. Council under the contract of employment can engage a relevant external agency to undertake the review, there are many consultants that can undertake the work if necessary and if Council elect to do so I will seek quotes from three suppliers and consult with the CEO, as is required by the contract.

As part of the contract of employment with the CEO the Performance Review Committee conducts the review and shall consist of the Mayor, Deputy Mayor and up to three Councillors, or, where agreed with the CEO, additional members.

The Council needs to determine if it will conduct the review internally supported by an officer or engage an independent consultant. The CEO needs to concur with the officer or consultant so appointed. If the review is conducted through our internal process it will be supported by the Executive and Project Support Officer, Executive Services, Mrs South. The annual review of the CEO’s remuneration package can be included in this process but in any case must be done within one month of the performance review. I have consulted with the CEO and Martin is happy to have Mrs South support the process administratively, and to conduct both the review and remuneration review process together by the Performance Review Committee.

If the internal process is selected by Council the process commences with a meeting of the committee with the internal support officer to review the survey questions, timeframes and other administrative matters. The process then proceeds in the following manner:

1. Members, direct reports to the CEO and any other officers (internal or external) agreed between the Committee and CEO undertake the survey;
2. The Committee and CEO review survey results including year to year comparisons and address any areas of material difference in performance outcomes;
3. The CEO will present to the Committee a summation of the year (to date) and suggested targets for the following year which the Committee will review and provide further input;
4. CEO will present (if remuneration also part of the Committees responsibility) to the Committee remuneration assessment for review as compared to the contract of employment, independent survey data and other considerations; and
5. The finalisation is completed with a full report to Council to review the yearly report of CEO, any other relevant documentation, remuneration assessment, targets and survey results.

As Mayor I may also provide a summary of the process and performance findings.

**ATTACHMENTS OR OTHER SUPPORTING REFERENCES**
Nil

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

**Community Plan**

- How We Work – Good Governance - Accountable

**Legislative Requirements**

- Chapter 7, Part 1 Local Government Act 1999
- Section 107 Local Government Act
FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS
Requires only internal resources if undertaking internal process. There is no budget allocation for an external review as the prior and the current Council was satisfied it could be managed appropriately with the internal process, if Council wish to engage an external provider a budget adjustment would be necessary. An estimated cost for such an external review would be in the order of $8,000 - $12,000.

COMMUNITY CONSULTATION
Consultation is not required under policy or legislative requirements.

Mr Martin McCarthy, CEO, returned to the meeting at 9.13am

7.2 EXECUTIVE SERVICES - DEBATE

7.2.1. CHIEF EXECUTIVE OFFICER - DEBATE

7.2.1.1 PRUDENTIAL MANAGEMENT REPORT – FINAL – TARGET NEXT PHASE PRIORITIES AND ASSOCIATED ANALYSIS OF THE BIG PROJECT AS ADOPTED IN AUGUST 2019 (THE TARGET PLAN)
B5601

MOVED Cr de Vries that Council having considered the Prudential Management Report pursuant to Section 48 of the Local Government Act, which outlines the financial, economic, risk and strategic and operational alignment of the Target Next Phase Priorities note the sustainable outcomes of the plan based on the plan assumptions and that Council continue to manage the Target Plan in accordance with principles and findings of the Prudential Management Report.
Seconded Cr Johnstone CARRIED 2018-22/60

PURPOSE
To consider the final prudential management report for the Target Plan adopted 20 August 2019 and the associated business case and cost benefit analysis for the project in its entirety and individually.

REPORT
Council has undertaken extensive work in planning for the vision of The Big Project and in August 2019 adopted the Target Plan. As part of adopting the plan it was resolved by Council to undertake a Prudential Management Report pursuant to Section 48 of the Local Government Act on the Target Plan.

As required by law and Council’s instruction I have engaged two independent firms to undertake the assessment:

1. UHY as the lead firm to do the overall and detailed assessment, other than by way of the economic impact assessment.
2. A P Sheere Consulting specialist economic advisor to undertake the economic impact assessment. This firm was selected also as the work being undertaken is to satisfied the prudential requirements but also provide a suite of cost benefit analysis outcomes to support lobbying and grant applications, thereby addressing both matters concurrently and within the same contract.

The findings of the report are summarised in the following table:
<table>
<thead>
<tr>
<th>Report Headings</th>
<th>Legislation: Local Government Act 1999</th>
<th>Comments:</th>
</tr>
</thead>
<tbody>
<tr>
<td><em>Prudential Policies</em></td>
<td>S48(aa1)</td>
<td>Council has a current Prudential Management Policy</td>
</tr>
<tr>
<td></td>
<td>S48(a1)</td>
<td>There are currently no regulations relating to S48 of the Local Government Act 1999</td>
</tr>
<tr>
<td><em>Requirement for a Prudential Report</em></td>
<td>S48(1) &amp; S48(3) &amp; S48(6d)</td>
<td>The project is not for road construction, road maintenance or drainage works, and the amount is above the threshold, and therefore a Prudential Report is required.</td>
</tr>
<tr>
<td><em>Relationship to Strategic Management Plans</em></td>
<td>S48(2)(a)</td>
<td>The project has direct links with Council’s Community Plan. The project is included in Council’s Long-Term Financial Plan.</td>
</tr>
<tr>
<td><em>Development Plan</em></td>
<td>S48(2)(b)</td>
<td>Where Development Approval is required, the Council will undertake this with the State Planning Commission unless the Minister approves Council’s Assessment Panel to undertake the assessments.</td>
</tr>
<tr>
<td><em>Economic Impact</em></td>
<td>S48(2)(c)</td>
<td>The local Economic Impact of the projects has been assessed by a qualified and experienced consultant and shows a combined Cost Benefit Ratio of 2.24 meaning that for every $1 of costs the community is likely to receive a $2.24 benefit. The impact is also likely to provide 1,506 full time jobs. The reports note that these are estimates.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Council management don’t expect the projects will negatively impact on current business districts. However, there will likely be some interruptions to the Mt Pleasant Caravan Park, but Council management have determined there is enough space to put alternative arrangements in place.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Council management note that there will be impact to clubs during the construction periods but aim to manage this by staging, arranging alternative arrangements for club rooms and playing surfaces.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Council has a current Procurement Policy which outlines their principle on Open and Fair Competition in the marketplace.</td>
</tr>
<tr>
<td><em>Consultation</em></td>
<td>S48(2)(d)</td>
<td>Council has a communication plan to ensure that stakeholders have input into the project.</td>
</tr>
<tr>
<td><em>Revenue Projections and Risk</em></td>
<td>S48(2)(e)</td>
<td>Total revenue estimates constitute only 0.6% of Council’s forecast revenue. There is a low risk that most of the revenue would not be realised and there is therefore only a potential minimal impact on Council’s LTFP.</td>
</tr>
<tr>
<td><em>Recurrent and Whole-of-Life Costs</em></td>
<td>S48(2)(f)</td>
<td>Project Costs have been estimated by Quantity Surveyors Rider Levett Bucknall. Funding is contingent on receiving identified grants &amp; financial support. Appropriate costing methodology has been used to estimate operating costs with information available and based on existing assets where relevant. Appropriate costing methodology has been used to estimate operating costs with information available and based on existing assets where relevant. Thus, reducing sensitivity of costings.</td>
</tr>
</tbody>
</table>

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The Barossa Council 20/14909 Minutes of Council Meeting held on Tuesday 17 March 2020
| **Recommendation; additional suggestions to improve compliance.** |
| **Caution: Issues to be aware of** |

| Sensitivity of Long-Term Financial Plan Forecasts | S48(2)(g) | Council has considered the financial viability of the projects with the assistance of Government & Other Source Funding. Council has set thresholds for their ratios and a ‘Cumulative 5-year forward period Operating Surplus. The Operating Surplus and Net Financial Liabilities ratios are within targets in all years. The Asset Renewal Funding Ratio is within target except for 2 years where it is lower than the minimum target. Council has indicated that it will only go ahead with the projects as outlined in this report if anticipated funding and contributions is received. If not, Council will need to scale back or reprioritise projects to ensure that they remain within their Key Financial Indicator thresholds. A significant change in the scope of the project would require a further Prudential Report. |

| Risks | S48(2)(h) | Council has addressed the risks associated with the project. |

| Project Management | S48(2)(i) | Council has a Senior Council Director as the Project Director. Council has developed Governance Principles, listed the stakeholders, developed a communication strategy and a project schedule for the Big Project in general and the projects included within the Next Phase. Council receives ongoing reports on progress. |

| Sale or Disposition of Land | S48(2)(j) | Council has undertaken the required legal and policy processes to undertake the identified land swap. |

| Qualifications of Author | S48(4) | The experience and qualifications of the lead author and associated firm are included in Appendix C. |

| Independence of Author | S48(4a), S48(6a), S48(6c) | The lead author and the firm UHY Haines Norton have declared they have no interest or conflict of interest in the project and are independent. A written declaration has been provided to the CEO. |

| Council Consideration of the Report | S48(4b) | The Council will be provided this report for consideration at their meeting on Tuesday 17 March 2020. |

| Public Inspection of the Report | S48(5) & S48(6) | This report will be available for public inspection when the Council Agenda is available for the Council meeting on Wednesday 11 March 2020. |

The one cautionary note is understood and impacts will be mitigated as best they can be as projects are implemented.

Provided at the Attachments is the full prudential report which will be placed on public display as required by Section 48(5) of the Local Government Act once Council has considered the report. Further all the economic assessment reports have been provided for completeness, your attention is however drawn to the second attachment as the executive summary of the underlying reports.

Officers will now cross reference the final reports and update and finalise the feasibility reports internally. That will complete all investment ready documentation to inform future grant and third party activities.

**ATTACHMENTS OR OTHER SUPPORTING REFERENCES**
- Prudential Management Report – Final
- Summary Business Case and Cost Benefit Analysis
- Tanunda Recreational Park Business Case and Cost Benefit Analysis
- Angas Recreation Park Business Case and Cost Benefit Analysis
- Nuriootpa Centennial Park Business Case and Cost Benefit Analysis
- Stockwell Recreational Park Business Case and Cost Benefit Analysis
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 strategies under the Community Plan

Legislative Requirements

Section 48 of the Local Government Act

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

Outlined in the Prudential Management Report.

COMMUNITY CONSULTATION

Extensive consultation has taken place with community for each project. When implementation is undertaken on specific projects further engagement will take place.

7.2.1.2
RESPONSE TO 5G DEPUTATION
20/12767

MOVED Cr de Vries that Council receive and acknowledge the deputation and the analysis against the salient points in this report and:

(1) The Chief Executive Officer writes to the deputees outlining the summary in this report;
(2) The Mayor writes to the Minister for Communications and ARPANSA seeking to understand what additional research is being undertaken and will the results be made public and will there be an ongoing monitoring program; and
(3) Note that development applications and other activity will be managed in accordance with the regulatory frameworks applicable in South Australia and in the context of the current position of ARPANSA.

Seconded Cr Haebich  CARRIED 2018-22/61

PURPOSE

This report is in direct response to the Deputation provided by Ms Linda Moulle and Ms Soli Goodes at the Council Meeting held on 28 January 2020.
REPORT

Introduction

Ms Linda Moulle recently spoke at Council Meeting 28 January 2020 and provided Council with a 5G Information Kit, with her request being that Council invokes the Precautionary Principle in relation to the 5G roll out and technology.

The deputation expressed concerns about the health risks of exposure to microwave radiation from the 5G and 4GX network and in particular the 2.4 GHz frequency it is/will be delivered on.

In a recent letter provided to Council by the Australian Radiation Protection and Nuclear Safety Agency (ARPANSA) Council was assured that they have no role in promoting the deployment of the 5G networks and no decision-making role regarding the regulatory arrangements. The Australian Communications and Media Authority (ACMA) regulates radio waves from mobile phone base stations and other communications installations. The ACMA’s regulatory arrangements require base stations to comply with the exposure limits in ARPANSA’s Radiation Protection Standard for Maximum Exposure Levels to Radio frequency Fields -3 kHz to 300 GHz. The ARPANSA RF Standard is designed to protect people of all ages and health status against all known adverse health effects from exposure to radio waves.

Council has also been advised by ARPNASA that the Commonwealth Government recently announced a $9 million program over four years to provide additional funding for research and to deliver accessible information to communities about the safety of regulated radio waves from telecommunications facilities.

Discussion

Ms Moulle and Ms Goodes have requested the following be actioned:

<table>
<thead>
<tr>
<th>Deputation Matter Raised</th>
<th>Commentary</th>
</tr>
</thead>
<tbody>
<tr>
<td>Request to refuse all planning applications for new towers and upgrades to existing towers and small cell installations unless proven safe and a complete Environmental impact is done.</td>
<td>The assessment of development applications for the installation of towers and other infrastructure is a matter to be determined on a case by case basis in accordance with the Development Act and Planning, Development and Infrastructure Act and the relevant state planning controls. This is also coupled with considerations against the Commonwealth Telecommunications Act which may preclude some forms of development. To refuse such applications would likely put council in a position of non-compliance with current planning laws and will lead to challenges from applicants which would be difficult to defend in light of the current regulatory bodies position outlined above in the introduction.</td>
</tr>
<tr>
<td>Council to request real time monitoring and real field measurements of EMF’s to be undertaken of the existing structures.</td>
<td>Noted Council could ask of the regulatory body what monitoring is undertaken and if results can be provided to the deputees.</td>
</tr>
<tr>
<td>Request to halt the 5G roll out.</td>
<td>The current regulatory bodies have determined the technology is safe and to request such action is not supported at this time, noting the bodies will continue to undertake further research.</td>
</tr>
<tr>
<td>Stop spending funds on Smart Cities and Suburbs Program</td>
<td>We are not currently spending any funds on the Smart Cities and Suburbs Program. When weighing up the risks versus benefits as they are currently understood, limiting access to</td>
</tr>
</tbody>
</table>
future avenues for funding in the current environment would be unwarranted and place future opportunities for the community at risk.

Does Council’s public and product liability insurance cover electromagnetic radiation

Yes we have unlimited and wide ranging public liability insurance. Product liability insurance is not considered relevant however we have such cover.

Tree Management

The construction of any relevant infrastructure would be assessed on a case by case basis and there are planning and native vegetation controls that would see Council determined developments against these controls.

EMF Friendly Areas

Council will not consider such zones at this time as one the matter is outside of our control and secondly the regulatory bodies currently indicate the technology is safe.

Other Considerations Assessed as Part of This Response

Officers in assessing the deputation considered other legislative mechanism but in general considered that the regulatory bodies consider the technology current safe. Telecommunication Act considerations and powers contained in the following Act are unable to provide any further guidance:

- Environmental Protection Act;
- South Australian Public Health Act; and
- Litter and Nuisance Act.

There are obviously controls contained within the Local Government Act as to the construction of infrastructure on our land or road reserves. They again would be managed on a case by case basis and assessed against the current regulatory bodies’ position and also consistent use of the land against Council Community Land Management Plans.

Summary and Conclusion

Whilst there are some concerns around modern technology the matters raised are somewhat beyond our powers. The Commonwealth Government have identified further research requirements and coupled with this deputation to question the monitoring seems a valid extension to this work.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Attachment 1 – Copy of Deputation
Attachment 2 – Letter from ARPANSA
Attachment 3 – Commonwealth Government 5G research funding

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS

Community Plan

- Natural Environment and Built Heritage
- Community and Culture
- Health and Wellbeing
- How We Work – Good Governance
1.4 Develop and maintain streetscapes that reflect the character and heritage of the region.
2.8 Provide opportunities for the community to participate in local decision-making.
4.8 Promote a healthy community through a planned approach to public health.

Legislative Requirements
Telecommunication Act
Environmental Protection Act
South Australian Public Health Act
Litter and Nuisance Act
Local Government Act
Development Act
Planning Development and Infrastructure Act

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS
No additional resources required. Risk management and insurance matters included in the report.

COMMUNITY CONSULTATION
There has been no community consultation on this report. Any applications for development or use on Council land may

7.2.1.3
TIME AND PLACE OF ORDINARY MEETINGS OF COUNCIL - AMENDMENT
B10322 20/12029

MOVED Cr Wiese-Smith that Council amend resolution 2018-22/5 of 26 November 2018 as follows:

That for the term of the Council Ordinary Meetings:

(1) Will be held on the third Tuesday of the month, with the exception of:

   (a) the January ordinary meeting which shall be held on the fourth Tuesday of January but that the January 2021 meeting shall be held on Wednesday, 27 January 2021 so that it does not fall on a public holiday;

   (b) the November 2022 meeting which shall be held on the Tuesday prior to polling day

(2) Shall commence at 9.00am and;

(4) Shall be held in The Barossa Council Chamber, 43-51 Tanunda Road, Nuriootpa.

Seconded Cr Angas  CARRIED 2018-22/62

PURPOSE
The 2021 January meeting must be moved as it falls on the Australia Day public holiday.

REPORT
Background
Council on the 26 November 2018 set Council meetings to be held on the third Tuesday of each month except for January were they were set for the fourth Tuesday. January meetings are set a
week later to avoid the holiday period and timeframes for the preparation of the agenda. The approved resolution follows.

MOVED Cr de Vries that for the term of the Council Ordinary meetings:

(1) Will be held on the third Tuesday of the month, with the exception of:

   (a) the January ordinary meeting which shall be held on the fourth Tuesday of January; and

   (b) the November 2022 meeting which shall be held on the Tuesday prior to polling day.

(2) Shall commence at 9.00am and;

(3) Shall be held in The Barossa Council Chamber, 43-51 Tanunda Road, Nuriootpa.

Seconded Cr Hurn

CARRIED 2018-22/5

Introduction

The Council meeting for January 2021 will fall on the Australia Day public holiday which is not allowed under the Local Government Act 1999 Section 81(5).

It is suggested either Council move it back to the third week of January 2021 or forward one day to Wednesday the 27 January 2021, being the preference to allow time to prepare the agenda after the holiday period.

The amendment is being put forward pursuant to the powers provided to the Chief Executive Officer under Regulation 21 of the Local Government (Procedures at Meetings) Regulations of 2013. Which states that “The chief executive officer may submit a report to the council recommending the revocation or amendment of a resolution passed since the last general election of the council”. I have considered this an amendment as it does not change the primary intent of the original motion.

Summary and Conclusion

The meeting of January 2021 be moved to comply with the Local Government Act and not be held on a public holiday.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES
Nil

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS

Community Plan

How We Work – Good Governance

Corporate Plan

6.1 Ensure that the community has access to information regarding the discussions held and decisions made by Elected Members.

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 Section 81(5)
Local Government (Procedure at Meetings) Regulations – Regulation 21

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS
Nil
COMMUNITY CONSULTATION
No consultation is required, relevant notices will be made in local newspapers and on our website and Facebook.

7.2.1.4
SECTION 270 LOCAL GOVERNMENT ACT – INTERNAL REVIEW OF COUNCIL DECISION – MATTER OF BIG PROJECT PRIORITISATION AND FINANCIAL MODELLING
B10150

Author: Governance Advisor

MOVED Cr Wiese-Smith that the matter relating to Council meeting agenda item of 17 March 2020 Item 7.2.1.4 – Section 270 Local Government Act – Internal Review of Council Decision – Matter of Big Project Prioritisation and Financial Modelling lie on the table pending consideration of the Confidential Council agenda item 8.1.1 titled ‘Section 270 Local Government Act – Internal Review - Consideration of Legal Advice to Council’ and that Council bring forward agenda item 8.1.1 immediately for discussion.

Seconded Cr Johnstone

CARRIED 2018-22/63

8.1 – CHIEF EXECUTIVE OFFICER – CONFIDENTIAL 9.21AM

8.1.1 SECTION 270 LOCAL GOVERNMENT ACT – INTERNAL REVIEW - CONSIDERATION OF LEGAL ADVICE TO COUNCIL

The matter of the agenda item being legal advice to Council pursuant to Section 90(3)(h) of the Local Government Act 1999 ("the Act") being information that must be considered in confidence in order to ensure that Council maintains legal professional privilege.

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 in order to maintain legal professional privilege.

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 Angas 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, Communications and Engagement Officer, Governance Advisor and the Minute Secretary, in order to consider in confidence a report relating to Section 90(3)(h)
of the Local Government Act 1999, relating Section 270 Local Government Act – Internal Review – Consideration of Legal Advice to Council being information that must be considered in confidence in order to ensure that the Council maintains legal professional privilege; 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 in order to maintain legal professional privilege.

Seconded Cr Schilling

CARRIED 2018-22/64

Chief Executive Officer noted a typographical error in the report where the original decision was written as August 2020 where it should have been August 2019.

RESUMPTION OF OPEN COUNCIL MEETING – 9.25AM

The open meeting of Council resumed at 9.25am.

In the matter of Section 270 Local Government Act – Internal Review - Consideration of Legal Advice to Council:

MOVED Cr de Vries that Council:

(1) Confidential Resolution;

(2) Having considered this matter in confidence under Section 90(2) of the Local Government Act 1999, makes an order pursuant to Section 91(7), that the agenda report and attachments of legal advice other than the minutes relating to this confidentiality order of the Confidential Council Meeting held on 17 March 2020 in relation to item 8.1.1 Section 270 Local Government Act – Internal Review – Consideration of Legal Advice to Council be kept confidential and not available for public inspection and authorise the Chief Executive Officer to review and revoke the order.

Seconded Cr Johnstone

CARRIED 2018/22/23

Following consideration of the Confidential agenda item 8.1.1 titled ‘Section 270 Local Government Act – Internal Review – Consideration of Legal Advice to Council’:

MOVED Cr de Vries that the matter relating to the Council meeting agenda of 17 March 2020 Item 7.2.1.4 – Section 270 Local Government Act – Internal Review of Council Decision – Matter of Big Project Prioritisation and Financial Modelling be lifted from the table for discussion.

Seconded Cr Hurn

CARRIED 2018-22/65

MOVED Cr de Vries that Council, having received and considered the documents:

(i) The independent external party review report and attachments provided by the external reviewer, Ms Felice D’Agostino of Norman Waterhouse Lawyers on 25 February 2020 as regards an application made to review Council’s decision of 20 August 2019 to review the work to prioritise and financially model The Big Project Next Phase and endorse the associated plan (Attachment 1);
(ii) The agenda and attachments, and associated minutes relating to agenda item 7.2.1.8 of the Council meeting of 20 August 2019, being the Chief Executive Officer Report titled 'The Big Project Prioritisation and Financial Modelling – The Next Phase' (Attachment 2);

and Council having given due consideration to whether or not the applicant, Ms Helen Szuty, who has made an application for internal review pursuant to section 270 of the Local Government Act to review Council’s decision of 20 August 2019 to review the work to prioritise and financially model The Big Project Next Phase and endorse the associated plan (the “Decision”), has sufficient interest in the Decision:

(1) That Council is satisfied that the applicant, Ms Helen Szuty does not have sufficient interest in the Decision on the basis that:

(a) the applicant has stated her interest is that of being a resident and elector in the Council’s area and having experience in local government and an interest in democracy, good governance, transparency, accountability and community engagement;

(b) the applicant’s stated interest in the Decision is not over and above the interest of an ordinary resident/elector in the Council’s area;

(c) there is no basis for the Council to use its discretion to consider the application notwithstanding the applicant does not have a sufficient interest in the Decision;

(2) That the Council refuse to consider the application to review the Decision pursuant to section 270 of the Local Government Act, on the basis that the applicant does not have sufficient interest in the Decision.

(3) That the Chief Executive Officer notify the applicant of Council’s decision and reasons why Council has refused to consider the application.

Seconded Cr Angas

CARRIED 2018-22/66

PURPOSE

Council is asked to receive and consider the report and recommendation given by Ms Felice D’Agostino of Norman Waterhouse Lawyers in her report entitled ‘The Barossa Council – Section 270 Review – Final Report – Matter of the Big Project Prioritisation and Financial Modelling’, which was received by officers on 25 February 2020 as regards an application made to review Council’s decision of 20 August 2019 to review the work to prioritise and financially model The Big Project Next Phase and endorse the associated plan.

REPORT

Background

At its meeting on 20 August 2020, Council resolved to review and endorse the prioritisation and financial modelling of The Big Project, the Decision being:

MOVED Cr Johnstone

(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.

Seconded Cr Angas

On 16 September 2019, Council’s Governance Advisor received an application from Ms Helen Szuty, to carry out an internal review of the aforementioned Decision, pursuant to section 270 of the Local Government Act 1999 (the “Act”).

On 17 October 2019, the Chief Executive Officer notified the applicants that, due to the decision of which review is sought being a decision of the Elected Body, he had determined to appoint an external reviewer to provide an independent investigation and recommendation, in accordance with Council’s Internal Review of Council Decision Policy and supporting Process (the “Policy” and “Process” respectively). The external reviewer appointed to conduct the review was Ms Felice D’Agostino of Norman Waterhouse Lawyers.

Introduction
Ms D’Agostino has finalised her investigation, and subsequently her report and recommendations are presented for Council’s consideration at Attachment 1 to this report.

The Act provides at section 270(4) that Council may refuse to consider an application for review if, amongst other things, ‘the applicant does not have sufficient interest in the matter’. Similarly, the Policy sets out the considerations of section 270(4) at clause 2.2. The Process also states at clause 4.2.1 that ‘[a] person with a sufficient interest in a decision of Council, or its delegate, may make a written application for a review of that decision’. However, the Process also notes that ‘[a] person who is not the direct subject of a decision may still have a sufficient interest in the decision to seek a review under this Process. For example, a person may have a sufficient interest in a Council decision regarding the number of dogs which may be kept within a neighbour’s property’.

Council should bear in mind that the Policy and Process note that ‘[r]efusing an application for review will not be done lightly and reasons for the refusal will document the evidence on which a refusal is based’.

Discussion
Procedural fairness was observed throughout the process so that the applicants were informed of the proposed findings and recommendations of the external reviewer and had the opportunity
to make submissions on the provisional report to Ms D’Agostino and have these submissions taken into account, however, the applicant declined to do so. Ms D’Agostino did not have a bias or perceived bias when making her assessment.

In her report, having considering the applicant’s stated interest in the matter, the external reviewer found that Council may refuse to consider the application on the basis that the applicant does not have a sufficient interest in the Decision. She has recommended:

8.1 That the Council refuse to consider the Review Application as the Applicant does not have sufficient interest in the Decision on the basis that:

8.1.1 The Applicant has stated her interest is that of being a resident and elector in the Council’s area and having experience in local government and an interest in democracy, good governance, transparency, accountability and community engagement;

8.1.2 the Applicant’s stated interest in the Decision is not over and above the interest of an ordinary resident/elector in the Council’s area;

8.1.3 there is no basis for the Council to use its discretion to consider the Review Application notwithstanding the applicant does not have a sufficient interest in the Decision.

Should Council consider that the applicant has sufficient interest they should instruct the Chief Executive Officer appropriately with the following recommendation to be considered in that case in place of the recommendation in the report:

(1) That the Council is not satisfied that the applicant, Ms Helen Szuty does not have sufficient interest in the Decision;

(2) That Council directs the Chief Executive Officer to appoint an external reviewer to carry out a review of the Decision, in accordance with Council’s Internal Review of Council Decision Policy and Process; and

(3) That the Chief Executive Officer notify the applicants of Council’s decision.

Summary and Conclusion
Council is now asked to receive and consider the report and recommendation given by Ms Felice D’Agostino of Norman Waterhouse Lawyers in her external party review report and make a determination on whether or not the applicant has sufficient interest in the Decision; and whether the Council should refuse to consider the application on that basis.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Attachment 2: Agenda and associated minutes relating to agenda item 7.2.1.8 of the Council meeting of 20 August 2019, being the Chief Executive Officer Report titled ‘The Big Project Prioritisation and Financial Modelling – The Next Phase’ (20/11740 and 20/11741)
Corporate Plan

2.3 Support and promote community involvement and networks and provide opportunities for participation in local decision making.

6.7 Implement strategies for the community to be actively engaged in Council decision making through sound information and communication.

Legislative Requirements

Local Government Act 1999, Sections 270

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS


Pursuant to the Chief Executive Officer’s appointment of an external reviewer, the total cost will be reported via the annual reporting requirements.

COMMUNITY CONSULTATION

The Barossa Regional Culture Hub draft Master Plan underwent public consultation, and the results of the consultation were presented to Council at its meeting on 27 June 2018, whereupon Council endorsed the Draft Master Plan subject to amendment and budget considerations, and determined to move ahead with the next stages of the project.

Council decisions relating to the Barossa Culture Hub, as well as the related Chateau Tanunda land exchange matter (made by Council at its Special Meeting of 26 April 2018 and 27 June 2018 respectively) have both been previously reviewed pursuant to Section 270 of the Local Government Act 1999, with the current applicant initiating the review of the aforementioned Barossa Culture Hub decision. An external reviewer was appointed to conduct an investigation and present their recommendations to Council, in both cases. In both instances, Council resolved that the original decision made by Council was the best and/or preferable decision and reaffirmed the original decisions.

It should also be noted that the Ombudsman’s office received complaints in relation to those matters, and made an assessment that:

- the conclusion reached in relation to the section 270 review was reasonably open to the reviewer;
- in relation to the complaints received, based on the evidence available, it did not appear that Council had acted in a way that was unlawful, unreasonable or wrong within the meaning of the Ombudsmen Act 1972.

7.2.1.5 ENGAGEMENT PLATFORM REPLACEMENT

B992

The Chief Executive Officer advised that after undertaking further budget assessment the implementation costs can be funded from an existing allocation for Customer Surveys which has an available balance of $14,000 as the preferred platform can undertake the foreshadowed surveys.

MOVED Cr Miller that Council:

(1) Support the purchase of an off-the-shelf engagement platform and authorise the Chief Executive Officer to enter into a contract, after undertaking a final
assessment of the options and obtaining a final quote that is consistent with this report.

(2) Adjust the 2019-20 budget and transfer the funds from the Customer Survey budget (485-668) to the Engagement Platform Replacement implementation costs of $9268 and adjust the long term budgets to reflect the costs of the current level of service.

Seconded Cr Wiese-Smith CARRIED 2018-22/67

PURPOSE
The Our Better Barossa engagement platform cannot be rebuilt and an urgent replacement is now required.

REPORT
Background

In 2015 in preparation for the Community Plan work, a purpose built but very simple engagement platform was developed in-house with minimal budget. The cost was approximately $5,000 plus some staff time and assistance. This has served us as a platform for near on four years. Through internal effort and industry connections we have been able to keep it running even though its base system is outdated and no longer supported.

In December 2019 the functionality of Council’s existing platform, Our Better Barossa, rewritten on a few occasions overtime, was completely compromised and it was subsequently disabled. It cannot be recovered despite attempts to rebuild it. Council currently has no engagement platform and if a new initiative is unsuccessful in the current budget round, the organisation will have no mechanism to undertake community engagement, including those legislatively required. This exposes Council to significant legislative, good governance and reputational risk. Previously, two New Initiatives have been unsuccessful.

Officers have been asked to submit a further 2020-21 New Initiative for a community engagement platform after the 2019 New Initiative was unsuccessful (with a Business Assessment Tool score of 50), however the urgency has escalated due to the inability to get the prior system working.

It is important to note that implementing a new community engagement platform is an extension of the level of service provided via the previous platform (Our Better Barossa), on a more expansive scale.

Discussion

To build a new system is considered inefficient and unnecessary as there are advanced tools now available in the market. In considering the connection to the need to replace the community engagement platform, officers have turned their mind to the following key points:

- Delivering community engagement in the context of increased cross-organisational focus on 24-7 digitally connected, efficient and integrated systems as part of our customer service remit
- Changing sentiment in the chamber around engagement
- High volume and visibility of pending consultations in calendar/financial year including:
  - Community Plan (organisational)
  - Corporate Plan (organisational)
  - Annual Budget and Business Plan (organisational)
  - Public Consultation Policy (ES)
  - Economic Development Strategy (ES)
In assessing market options the most readymade solution is considered to be ‘Bang the Table’. Officers overtime have also assessed Your Say and SimpleGov. On the basis of functionality, manageability, value for money and experience in the local government sector, Bang the Table continues to be the preferred solution, however as some of the dates are older than 12 months any approval should require updated quotes and final checking of functionality. We have not costed another purpose built solution as to develop something of the sophistication of commercial products would be an inefficient use of resources.

This report is being brought forward not only due to the urgency but for Council to determine its level of investment in community engagement and system replacement. This is not considered a new initiative, by me, as we are simply having to replace the fundamental service we are already providing. Additional functionality for the price is a bonus for the investment and improves service, but this is not the base reason for the recommendation. The definition of new initiative from the Budget and Business Plan and Review Policy state “is any proposed new, removal, increase or decrease of a Council service/program or asset. This would include projects outside of the budget cycle.” This proposal is not for a new, removal, increase or decrease it is for the replacement of a service that due to technological matters cannot be recovered due to obsolesces of the software and original coding. As the proposal is seeking the allocation of additional funds from the current operating surplus and future year base budgets an updated assessment and budget are provided in the financial considerations to comply with clause 4.5 of the aforementioned policy.

Applications for Bang the Table
The Bang the Table option presented as a 2019 new initiative is not purely a community consultation platform. In addition to the consultations identified above, the platform offers extensive functionality and many other applications beyond community consultation. Included at the Attachment is detailed applications information.

**Analytics Capacity**

<table>
<thead>
<tr>
<th>Tool</th>
<th>Functionality</th>
</tr>
</thead>
<tbody>
<tr>
<td>Exportable formats</td>
<td>Export all demographic, summary, detailed and feedback tool reports in PDF, Excel and CSV formats</td>
</tr>
<tr>
<td></td>
<td>No duplication of effort /manual collation of data.</td>
</tr>
<tr>
<td>Summaries</td>
<td>Report on-site visitation and participation levels – aware, informed and engaged.</td>
</tr>
<tr>
<td>Demographics</td>
<td>Receive reports on the demographic breakdown of registered participants. This can cross-tabulated against community feedback.</td>
</tr>
<tr>
<td>Comment analysis</td>
<td>Understand which issues are important to the community with keyword tagging of qualitative feedback including forum comments.</td>
</tr>
</tbody>
</table>
Efficiency Gains
At present there is extensive duplication of effort and manual handling for each community response received during a consultation process eg officers receive the response, acknowledge response, forward to responsible officer, register in the electronic records management system, manually re-record data in an Excel or Word document and reproduce for Council report.

Using as an example, Council’s waste consultation (824 online responses) and assuming 20 minutes processing time per response this equates to 27 hours of Officer resources at a cost of more than $1000. When this is extrapolated over multiple engagements, the capacity to streamline the process through exportable formats, with the added benefit of detailed analysis, represents a major productivity gain. Additionally the option to migrate more people to online engagement will reduce the manual handling associated with hard copy surveys and other traditional engagement techniques.

Other Benefits
Other benefits include:

- Builds an online community and promotes Council transparency and accountability;
- 24-7 moderation protects Council and the community, and keeps discussions on-topic;
- Capacity to transfer online content to hard copy;
- Integration with existing platforms eg Mailchimp;
- Intuitive and easy to use (both front-facing and back-end).

Current LG Clients:

<table>
<thead>
<tr>
<th>Location</th>
<th>Website Link</th>
</tr>
</thead>
</table>
Summary and Conclusion
The matter needs urgent attention and Council is requested to approve the contracting of the Bang the Table solution and updating of the base budget accordingly.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES
Functionality Assessment
Business Analysis and Budget Assessments (DDR)

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

Legislative Requirements
Local Government Act – S50 – Public Consultation Policies

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS
The mitigation of risks is explained in the body of the report.

The costs of the solution are:
- 2019-20 Implementation: $9,268
- 2020-21 Annual Licensing and Support: $23,700
Currently there are budgets to support engagement and surveys mounting to $5,000 per annum, and a further $5,000 can be supported from general consultancy funds used to support the change program and other general items within the Executive Services budget. Therefore, the net annual cost would be $13,700 rounded to $14,000 per annum.

This item has a net cost for 2019/20 of $9k and a future yearly cost of $14k pa reducing the operating surplus. Council’s cash balance forecast by year end was $2m and is now reduced to $1.46m affecting the funds available for future operations, capital works and other projects.

Financial assessment for this project and others approved by council since the Mid-Year Budget Review 2019/20:

<table>
<thead>
<tr>
<th>Item for Budget inclusion:</th>
<th>Our Better Barossa engage platform</th>
</tr>
</thead>
<tbody>
<tr>
<td>Net operating costs (incl depreciation)</td>
<td>$9,268</td>
</tr>
<tr>
<td>Total project cost (ex GST)</td>
<td>$9,268</td>
</tr>
<tr>
<td>Grant Income (ex GST)</td>
<td>$0</td>
</tr>
<tr>
<td>Funding required by Council</td>
<td>$9,268</td>
</tr>
<tr>
<td>DDR provided</td>
<td>Yes</td>
</tr>
<tr>
<td>This projects BAT score – approved by CMT (Cut-off score for 2019/20 NI’s = 46)</td>
<td>55</td>
</tr>
</tbody>
</table>

CMT reviewed and recommended: Approved and put to Council
If approved – a BAR or NI will be included in the:
2019/20 Budget Update as at 31 March 2020

Assessment of Key Performance Indicators (KPI) for all changes* since the Quarter Report - Mid-year Budget Review as at 31 Dec 2019:

<table>
<thead>
<tr>
<th>KPI</th>
<th>Revised forecast</th>
<th>Overall Change since*</th>
</tr>
</thead>
<tbody>
<tr>
<td>Operating Surplus/(Deficit) (Target: break even position over a five year period)</td>
<td>$129k</td>
<td>Reduction to surplus $55k</td>
</tr>
<tr>
<td>Operating Surplus Ratio (Target: -2% to 10%)</td>
<td>0.33%</td>
<td>0.17%</td>
</tr>
<tr>
<td>Net Financial Liabilities Ratio</td>
<td>$12982k</td>
<td>Reduction of cash at bank $545k</td>
</tr>
<tr>
<td>Net Financial Liabilities Ratio (Target: &gt;0 to &lt;100%)</td>
<td>33.3%</td>
<td>Increase to liabilities ratio 1.3%</td>
</tr>
<tr>
<td>Asset Funding Renewal Ratio (Target: &gt;80% to &lt;110%)</td>
<td>125%</td>
<td>no change</td>
</tr>
</tbody>
</table>
The Barossa Council 20/14909  Minutes of Council Meeting held on Tuesday 17 March 2020

Since the adoption of the 2019/20 Long Term Financial Plan (LTFP) changes have been made to the provision and cost of services including the Budget updates, Mid-year review and numerous reports at Council meetings for other budget additions. The draft 2020/21 LTFP is to be prepared, reconciled and considered by Council during the budget workshops and meetings up to the adoption scheduled in June 2020. This LTFP annual review will include all of Councils decisions made during 2019/20 along with the current proposals and budget deliberations. The Councils financial sustainability will need to be assessed and as required projects, revenue, expenditure, other funding and financing options reconsidered.

COMMUNITY CONSULTATION
The tool is for the support of community consultation, engagement, surveys and other activities.

VISITOR TO THE MEETING – 9.32AM
Mayor Lange welcomed Youth Grant Recipients - Jaye Carson and Kelly Jenkin, presented them with their Youth Grant certificates and congratulated them on their accomplishments.

Council Meeting resumed at 9.40 am.

7.2.2 DEBATE AGENDA – FINANCE

7.2.2.1 MONTHLY FINANCE REPORT (AS AT 29 FEBRUARY 2020)
B411

Author: Senior Accountant

Cr Wiese-Smith requested details on the expenditure for the Nuriootpa Dog Park.

Chief Executive Officer took the question on notice and the following table outlines the current expenditure.
The Barossa Council 20/14909   Minutes of Council Meeting held on Tuesday 17 March 2020

MOVED Cr Johnstone that the Monthly Finance Report as at 29 February 2020 be received and noted.

Seconded Cr de Vries  CARRIED 2018-22/68

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 Report (as at 29 February 2020) is attached. The report has been prepared comparing actuals to the Original adopted budget 2019/20 and incorporating the Revised Budgets for September and December.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES
Attachment 1: Monthly Finance Report 29 February 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.

Nuriootpa Dog Park Capital Expenditure To Date

<table>
<thead>
<tr>
<th>Date</th>
<th>Amount</th>
<th>Balance Amt</th>
<th>Narrative</th>
</tr>
</thead>
<tbody>
<tr>
<td>9/10/2019</td>
<td>2,845.00</td>
<td>2,893.59</td>
<td>Nuriootpa Dog Park Fountain Urban Fountains</td>
</tr>
<tr>
<td>31/10/2019</td>
<td>28,532.00</td>
<td>31,425.59</td>
<td>Nuriootpa Dog Park - Quote 27421 LINKE VINEYARD</td>
</tr>
<tr>
<td>6/11/2019</td>
<td>5,165.46</td>
<td>36,591.05</td>
<td>Nuriootpa Dog Park Concrete Works BAROSSA EARTHWO</td>
</tr>
<tr>
<td>18/12/2019</td>
<td>2,142.00</td>
<td>38,733.05</td>
<td>Nuriootpa Dog Park water HILI Plumbing &amp;</td>
</tr>
<tr>
<td>11/02/2020</td>
<td>1,345.46</td>
<td>40,078.51</td>
<td>Nuriootpa Dog Park fountain works BAROSSA EARTHWO</td>
</tr>
<tr>
<td>7/11/2019</td>
<td>257.60</td>
<td>40,336.11</td>
<td>2 x Dog Bag dispensers for new Dog Park</td>
</tr>
<tr>
<td>6/11/2019</td>
<td>66.95</td>
<td>40,403.06</td>
<td>Goods/Materials for General Maintenance/ The COMMUNITY C</td>
</tr>
<tr>
<td>2/01/2020</td>
<td>62.66</td>
<td>40,465.72</td>
<td>Supply 1 X 200mm Street Blade D/S CL1 ARTCRAFT PTY LT</td>
</tr>
<tr>
<td>30/11/2019</td>
<td>63.17</td>
<td>40,528.89</td>
<td>Wages Overhead Nov-19</td>
</tr>
<tr>
<td></td>
<td>40,545.39</td>
<td>40,545.39</td>
<td></td>
</tr>
</tbody>
</table>
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
CONSIDERATION AND ADOPTION OF AUDIT COMMITTEE RESOLUTIONS
B9085

MOVED Cr Hurn that Council, having reviewed the Minutes of the Audit Committee meeting held 3 March 2020, adopt the Resolutions contained therein.

Seconded Cr Angas CARRIED 2018-22/69

PURPOSE
The Minutes of the Audit Committee meeting held 3 March 2020 are presented for the consideration and adoption of Council.

REPORT
The consideration and adoption of recommendations of Council committees requires assessment by Council to ensure compliance with Council obligations under section 6(a) of the Local Government Act.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES
Attachment: Minutes of the Audit Committee meeting held 3 March 2020

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.

6.9 Provide access to Council’s plans, policies and processes and communicate with the community in plain English.

Legislative Requirements
Local Government Act 1999

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS
The consideration and adoption of recommendations of Council committees is a risk management tool.

COMMUNITY CONSULTATION
Not required under legislation or Council’s Public Consultation Policy.
7.3.1 DEBATE AGENDA - CORPORATE AND COMMUNITY SERVICES

7.3.1.1 NURIOOTPA SWIMMING POOL – COMMUNICATIONS PLAN

B5994

MOVED Cr Schilling that Council not proceed with the draft communication plan and associated documentation for community consultation on the Nuriootpa War Memorial Swimming Pool for the period 1 July 2020 to 31 March 2021 and that officers develop a further plan to bring back to council workshop which shall outline further options.

Seconded Cr Wiese-Smith

CARRIED 2018-22/70

PURPOSE
To seek approval for the proposed Communication Plan to progress consultation with the Barossa Community on the Nuriootpa War Memorial Swimming Pool.

REPORT

Background
At its meeting on the 17 September 2019 Council resolved that:

MOVED Cr Wiese-Smith that Council

(1) Approve the expenditure of up to $50,000 ex GST from the Nuriootpa War Memorial Swimming Pool Reserve Fund via a quarter one budget adjustment for the works of; pipework intrusion leak repair and repair delaminated tiles.

(2) Require officers to inform the community of the works to allow for opening of the Nuriootpa War Memorial Swimming Pool for the 2019/2020 season.

(3) Conduct community consultation during the 2019/2020 season on the future aquatic needs of the community and prior to undertaking that consultation the Chief Executive Officer present an engagement strategy.

Seconded Cr Johnstone

CARRIED 2018-22/318

Discussion
Officers briefed Council at the 5 February 2020 Council Workshop that time and resource pressures had prevented consultation being progressed as expected per item (3) of the September 2019 resolution and during the full 2019/20 pool opening season.

With that in mind and in the interests of ensuring that consultation is able to take place when the pool is open and during the warmer summer months, a revised, phased consultation approach is proposed.

This is recommended to take place across the whole Council region and in the following stages:

<table>
<thead>
<tr>
<th>Phase 1</th>
<th>July 2020 to March 2021 inclusive</th>
<th>Online* and media focus - pre and during pool season</th>
</tr>
</thead>
<tbody>
<tr>
<td>Phase 2</td>
<td>November 2020 to March 2021</td>
<td>Hard copy ratepayer / resident survey / face to face consultation activities / continuing online and media approaches</td>
</tr>
</tbody>
</table>

*NB: Note the separate item in the March 2020 Council Agenda relating to the current status of Council’s community engagement platform and the associated recommendations that will impact this proposed consultation.

The objectives and outcomes of the consultation are:
• Our community is engaged in future decision-making around the future of Nuriootpa Pool and all stakeholders have the opportunity to be represented in feedback
• Elected Members are informed about community sentiment to inform decision making
• Council decides the future of Nuriootpa pool, taking into account financial, social, community and recreation considerations

The proposed draft Communications Plan is provided at Attachment 1.

As part of the consultation process it is proposed to distribute hard copy flyers via Australia Post to all ratepayers setting out 3 potential options for the future of the Nuriootpa pool facility as follows:

| Option 1 | The pool stays open until unsustainable  
It is not replaced  
The current operational costs are redirected to other activities or saved |
|----------|--------------------------------------------------------------------------|
| Option 2 | The pool stays open until unsustainable  
It is replaced with a future water play park at an alternative location as funds are prioritised  
The timeline for that is as yet unknown |
| Option 3 | The pool closes after the 2020/21 season  
The current operational costs are redirected to a future water play park in an alternative location  
The timeline for that to be implemented is 2 to 10 years depending on the investment model used |

The flyer will have a reply paid tear off return slip for people to send their feedback to us and also the option to provide feedback online. This is the model adopted for the Waste Survey. It means there is the potential for people to provide more than one response. The alternative is an individually barcoded reply slip (as used for the Barossa Aquatic Fitness Centre process) which is a significantly more expensive and administratively intensive option and has not been costed here.

The flyer will provide links to a Frequently Asked Questions (FAQ) document on Council’s website that will provide additional information for community members that cannot easily be included in a double sided flyer due to size/cost constraints.

A draft copy of the proposed flyer is provided as Attachment 2 and includes comparative data about the comparative 2018/19 season statistics and costs associated with the 3 pools within the Council area. The FAQ document is provided as Attachment 3 and this will continue to be a document that can be added to and refined as questions are raised during the duration of the consultation period.

An online survey containing the same options and information will be available throughout the consultation period and hard copies of the flyers will be available through all branches and key community locations and via direct pop up, face to face consultation opportunities so that residents as well as ratepayers can have an opportunity contribute.

**Summary and Conclusion**

• A communication plan and supporting draft documentation is presented to undertake a phased consultation on the future of the Nuriootpa War Memorial Pool during the period 1 July 2020 to the 31 March 2021
• It is proposed that a mail out of information is made to all ratepayers within the Barossa Council area at a cost of up to $11,500 ex GST plus up to a further $2,500 ex GST for advertising.
• The documentation relating to the community consultation process continues to evolve and it will be necessary for Officers to update and expand on the Frequently Asked
Questions information and content on the Council website as the consultation period continues to respond appropriately to community interest. The Frequently Asked Questions document provides an initial reference for proposed content.

**ATTACHMENTS OR OTHER SUPPORTING REFERENCES**
Attachment 1: Draft Communication Plan  
Attachment 2: Draft Flyer  
Attachment 3: Draft Frequently Asked Questions document  
Attachment 4: Nuriootpa Pool Engagement Summary

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

**Community Plan**

- **Community and Culture**
  2.12 Contribute to a safer community

- **Infrastructure**
  3.1 Develop and implement sound asset management which delivers sustainable services.

**Corporate Plan**

- **Infrastructure**
  3.3 Ensure Council’s sporting, recreational and leisure building facilities and associated programs meet the current need of the community to an agreed level of service.  
  3.4 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.

- **Health and Wellbeing**
  4.6 Ensure that community members can participate in cultural, recreational, sporting and learning opportunities.  
  4.13 Ensure that Council services and facilities are fit for purpose including safety and access and these considerations are integrated into urban, asset and community planning.

- **How We Work – Good Governance**
  6.1 Ensure that the community has access to information regarding the discussions held and decisions made by Elected Members.  
  6.2 Ensure that Council’s policy and process frameworks are based on principle sound governance and meet legislative requirements.

**Legislative Requirements**

Local Government Act 1999

**FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS**

**Financial Management Considerations**
The costs associated with the proposed mail out to ratepayers to include printing, postage/return postage and production is $11,500 ex GST. An allocation for media advertising of $2500 is also recommended based on the length of the consultation period. These figures have been included in the draft Corporate and Community Services Administration base budget for 2020/21.

**Resource Considerations**
The separate item in the March 2020 Council Agenda relating to the current status of Council’s community engagement platform and the associated recommendations will impact Officer’s capacity to undertake this proposed consultation.

The proposed consultation is based on administration by internal Officer resources and is impacted by the range of other current Big Project implementation and planning commitments.
Risk Management Considerations
Effective management of consultation processes have a direct impact on the reputation of Council.

COMMUNITY CONSULTATION
The proposed consultation approach is consistent with the requirements of the Local Government Act and Council’s Public Consultation Policy.

There has been previous consultation on the options for the Nuriootpa Pool but not on a formal, region wide basis.

A summary of recent promotional information relating to the Nuriootpa pool in most recent months is provided at Attachment 4.

VISITOR TO THE MEETING – 10.11AM
Mayor Lange invited Mr Jon Durdin, Chairman and Ms Cathy Wills, representatives from Tourism Barossa to address Council.

Mr Durdin and Ms Wills addressed Council on recent activities, challenges and thanked the Council for support through funding, relationships with staff especially the visitor centre and representation on the Board.

The Mayor invited questions and matters raised were concerning event support, digital presence and achieved of social media growth, current impact and response to COVID-19 and reform ideas for the industry. Mr Durdin and Ms Wills addressed the questions.

The Mayor thanked representatives from Tourism Barossa.

MOVED Cr de Vries that Council receive and note Tourism Barossa presentation to Council.

Received Cr Johnstone CARRIED 2018-22/71

Council Meeting resumed at 10.37am.

7.3.2 DEBATE AGENDA – MANAGER COMMUNITY PROJECTS

7.3.2.1 NAMING OF ANGASTON RAILWAY PRECINCT

MOVED Cr de Vries that Council notes the recommendation of the Angaston Community and Business Alliance following consultation with its members and the broader Angaston community and approves naming the Angaston railway precinct, “Barossa Adventure Station”.

Seconded Cr Miller CARRIED 2018-22/72

PURPOSE
To consider the naming of the Angaston railway precinct.
REPORT

Introduction
The construction of the redevelopment of the Angaston railway precinct is underway and due for completion in May 2020.

Discussion
Various meetings and community discussions have taken place over the last 18 months with community stakeholders. A number of variations and themes were considered. Groups that have been consulted directly by Council officers as well as through Angaston Community and Business Alliance (ACBA) meetings include:

- Barossa Valley Machinery Preservation Society
- Angaston and Penrice Historical Society
- Interested local traders
- Interested local community members and residents

The Angaston Community and Business Alliance have now provided advice that its proposed name for Council to consider is:

“Barossa Adventure Station”

The word “Barossa” is used (as opposed to Angaston) as the playground and precinct is a regional level play space and therefore is a Barossa attraction, not just Angaston. We can also leverage the Barossa Brand in its marketing and promotion.

“Adventure” is used to describe that there are things to discover here. People will stay longer than a traditional playground setting as many elements to explore and enjoy. There are elements that will inspire play and interaction, and for children and youth to choose their own adventure.

The word “Station” is used not only to signify the place and its previous purpose to the community, but it also is understood that the local community will refer to the place as “The Station”. This then links the formal and informal name.

The mountain bike trail will then be named, “Barossa Adventure Bike Trail”.

Marketing and promotion materials can also play with the word “adventure” as a call to action. As an example, “choose your own adventure at the Barossa Adventure Station”.

Summary and Conclusion
Council is requested to consider the naming of the Angaston railway precinct as “Barossa Adventure Station”.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES
None

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS
Community Plan

- Community and Culture
- How We Work – Good Governance

Corporate Plan
6.2 Ensure that Council’s policy and process frameworks are based on principles of sound governance and meet legislative requirements.
6.8 Provide opportunities for the community to contribute to the ongoing care, improvement and use of Council’s community facilities.

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS
Marketing, promotion and signage will be developed over the next few months and into next financial year as operating budgets are prepared for the 2020/2021 financial year.

COMMUNITY CONSULTATION
Consultation has taken place via the Project Reference Group and most recently via ACBA which has in turn reflected its discussions and feedback from members and the broader Angaston Community. Extensive community consultation was undertaken on an ongoing basis through the planning development phases of this project.

7.3.2.2
ANGASTON RAILWAY STATION BUILDING – EXPRESSION OF INTEREST - UPDATE
B6403

MOVED Cr Wiese-Smith that Council:

(1) Note that the proposed lease arrangement for the Angaston Railway Station Building, as endorsed by Council at its 19 February 2019 meeting, have not been concluded with the proposed tenant withdrawing.

(2) Advertise an expression of interest process commencing as soon as practical after the 17 March 2020 Council Meeting.

(3) Require a further report to Council at the conclusion of the expression of interest

Seconded Cr Angas CARRIED 2018-22/73

PURPOSE
To update Council on the proposed use of the Angaston Railway Station Building and seek endorsement to offer a further opportunity for expressions of interest.

REPORT

Background
In February 2019, Council endorsed a lease agreement for the tenancy of the Angaston Railway Station Building.

Discussion
Officers have continued conversations with the prospective tenant over the course of the reconstruction of the building and since its completion. The tenant has now informed officers that they no longer wish to enter into a lease agreement for the use of the Station Building.

It is recommended that a further expression of interest process commence as soon as practical after the 17 March 2020 Council meeting and that an end date not be applied and that if a suitable submission is received, that officers negotiate and enter into a lease agreement under existing sub delegations. It is anticipated that now the building restoration is finished and that the railway precinct is nearing completion, that there may be additional interest in use of the building.

The previously unsuccessful respondents will be provided with an opportunity to resubmit their previous submissions.
If Officers receive multiple submissions a further report will be provided to Council for consideration.

Summary and Conclusion
After endorsing a lease for the tenancy of the Angaston Railway Station Building, the prospective tenant has informed officers that they no longer wish to enter into an agreement for use of the building. A further expression of interest process will commence, with a suitable submission moving towards a lease agreement.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES
None

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS

Community Plan

Business and Employment – 5.04, 5.08, 5.12
How We Work – Good Governance

Legislative Requirements
Local Government Act 1999

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

Financial Management Considerations
A lease fee of $10,000 (excl GST) per annum has been proposed in the business case. In comparison to other commercial tenants, for example, the previous conveyancer based in the front two office rooms of the Nuriootpa Soldiers Memorial Hall, this fee is significantly higher.

To support a new business in the start-up phase, Council previously approved a phased lease fee over the initial 2 year lease term as follows:

<table>
<thead>
<tr>
<th>Year</th>
<th>Monthly Fee</th>
<th>Yearly Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Year 1 – Initial term</td>
<td>$500</td>
<td>$6,000</td>
</tr>
<tr>
<td>Renewal</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Year 2</td>
<td>$666</td>
<td>$8,000</td>
</tr>
<tr>
<td>New lease negotiation</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Year 3 – ongoing and subject to change and CPI increases</td>
<td>$833</td>
<td>$10,000</td>
</tr>
</tbody>
</table>

The continuing fee is considered proportionate to the facilities provided. Any improvements that are specific to the business, will need to be funded by the business and in the early years, the reduced fee allows for capacity to achieve any required improvements.

Outgoings, such as electricity, will be on-charged to the lease holder.

Resource Considerations
Existing administration and management support for lease preparation, execution and financial management.

Risk Management Considerations
Risk in relation to the possibility of an unsustainable business venture is that of the proprietor; however, Council is seeking to provide support through a proposed phased increment of the lease fee and lease terms that encourage ongoing communication and flexibility to give the business the best chance of success, as well as linkages to business resources through Regional Development Australia, Barossa and facilities based maintenance that are Council’s responsibility. A priority is to have the premises occupied and operating to support the continued activation of the Railway Station precinct.
If the commercial arrangements are not sustained and to avoid the premises being unoccupied, alternative models for a community use could be further explored if the need arises and will again be the subject of a future report to Council.

### COMMUNITY CONSULTATION

Not required under legislation or Council’s Public Consultation Policy.

#### 7.3.2.3

**TANUNDA RECREATION PARK VOLUNTEER ADVISORY GROUP – INTENT TO INCORPORATE**

B9163

**MOVED** Cr de Vries that Council supports the Tanunda Recreation Park Volunteer Advisory Group with the next stage of the process it is undertaking to formalise the entity as an incorporated association, noting that it will carry out a period of community consultation on its proposed draft Constitution.

**Seconded** Cr Haebich  

**CARRIED 2018-22/74**

#### PURPOSE

For Council to consider its support for the next proposed stage of transition of the Tanunda Recreation Park Volunteer Advisory Group (the Tanunda group) to an incorporated association, Tanunda Recreation Park Association Incorporated through a committee led community consultation process on the draft constitution.

#### REPORT

**Background**

As part of the Redefining Community Committees project, at its 17 November 2015 meeting, Council resolved:

**MOVED Cr de Vries**

That Council:

1. Approve the transition of the Tanunda Recreation Park Committee to the Tanunda Recreation Park Volunteer Group as defined in the Memorandum of Understanding;
2. Endorse the Tanunda Recreation Park Volunteer Group and The Barossa Council Memorandum of Understanding noting the intent to pursue a possible incorporated association management model for Tanunda Recreation Park;
3. Formally dissolve the Tanunda Recreation Park Committee as established pursuant to Section 41 of the Local Government Act 1999;
4. Retain the balance of the Tanunda Recreation Park reserve funds at 30 June 2015 for future expenditure on the Park; and
5. Formally records it’s thanks to the Tanunda Recreation Park Committee members past and present for their contribution to the Section 41 Committee of Council.

**Seconded Cr Milne**  

**CARRIED 2014-18/458**

The Memorandum of Understanding ([Attachment 1](#)) approved at this time included the following objectives:

As a volunteer group the aim is to fulfil the following functions in partnership with Council:

1. To advise on the management and maintenance of the Park;
2. To contribute recommendations for the future development of the Park for the benefit of the community;
3. To promote a positive community spirit in the district towards the Park;
4. To contribute to the management of groups and persons occupying the Park in accordance with Council’s Lease and Licence policy;
5. To hold fundraising events if it chooses;
6) To review The Barossa Council’s draft annual budget for Tanunda Recreation Park and provide recommendation on priority of maintenance and new initiatives for the Park;

7) To provide advice on expenditure throughout the year as required;

8) To provide volunteer support for Park maintenance; and

9) To provide volunteer support for assessment of Park bookings.

Discussion
This informal arrangement has worked well since late 2015 as the group has progressed its intent to formalise its entity structure as an incorporated association. The draft constitution is included at Attachment 2 for Council’s review.

If Council continue to be supportive of this transition, the draft constitution will be advertised for community feedback. This process will be managed by the Tanunda group, with the advertising funded from the Tanunda Recreation Park operating budget.

The Tanunda group wishes to then further negotiate with Council for additional day-to-day operational management of the Tanunda Recreation Park. This will be documented in a management agreement document (contract) and brought back to Council for consideration prior to being executed.

An outcome of the Redefining Community Committee project was to provide a budget allocation for groups that may have progressed to this same stage. The budget was carried forward for a number of years but that arrangement ceased for the 2019/20 budget. To continue to provide the same support for the Tanunda group, officers can allocate funds from the current Tanunda Recreation Park operating budget for this purpose.

The costs involved will be $216 for incorporation application fee. There will also be a cost to insure the new entity and its members. Assistance with insurance was also provided to the early adopters. Once the incorporation process progresses, this will be further researched and brought to Council for support.

The early adopters of the Redefining Community Committees project were also required to provide a Strategic Plan that will guide the first three years of operation for the group. It is appropriate that the Tanunda group complete the same process and this will be done during the Management Agreement development phase.

Summary and Conclusion
The Tanunda Recreation Park Advisory Group would like to transition to an incorporated association. Council’s support of the constitution and proposed outcome is requested to then advertise the draft document for community feedback. Further reports will be brought back to Council for subsequent stages.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES
Attachment 1: Memorandum of Understanding – Tanunda Recreation Park Volunteer Advisory Group - Ref: 15/50689
Attachment 2: Draft Constitution – Tanunda Recreation Park Association Incorporated – Ref: 18/31917

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS
Community Plan
- Community and Culture
- How We Work – Good Governance

Legislative Requirements
None
FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

Costs for advertising and application fees can be supported via existing operating budgets.

Risk management considerations will need to continue to be assessed as the day-to-day management of the Park transitions to the Tanunda group. A full risk assessment will be completed as part of the process of the management agreement development.

COMMUNITY CONSULTATION

While there is no formal requirement for community consultation under the Local Government Act or Council’s Public Consultation Policy, the community will have an opportunity to provide feedback on the draft constitution. This will be done wholly under the Tanunda Recreation Park committee banner/branding and will not be a Council consultation process.

7.3.2.4
STOCKWELL RECREATION PARK AND HALL VOLUNTEER ADVISORY GROUP – INTENT TO INCORPORATE
B9162

MOVED Cr Wiese-Smith that Council supports the Stockwell Recreation Park and Hall Volunteer Advisory Group with the next stage of the process it is undertaking to formalise the entity as an incorporated association, noting that it will carry out a period of community consultation on its proposed draft Constitution.
Seconded Cr Schilling  CARRIED 2018-22/75

PURPOSE

For Council to consider its support for the next proposed stage of transition of the Stockwell Recreation Park and Hall Volunteer Advisory Group (the Stockwell group) to an incorporated association, Stockwell Community Association Incorporated through a committee led community consultation process on the draft constitution.

REPORT

Background

As part of the Redefining Community Committees project, at its 17 November 2015 meeting, Council resolved:

MOVED Cr de Vries
That Council:
(1) Approve the transition of the Stockwell Recreation Park Committee and Stockwell Hall Committee to the Stockwell Recreation Park and Hall Volunteer Group as defined in the Memorandum of Understanding;
(2) Endorse the Stockwell Recreation Park and Hall Volunteer Group, and The Barossa Council Memorandum of Understanding;
(3) Formally dissolve the Stockwell Recreation Park Committee as established pursuant to Section 41 of the Local Government Act 1999;
(4) Formally dissolve the Stockwell Hall Committee as established pursuant to Section 41 of the Local Government Act 1999;
(5) Retain the balance of the Stockwell Recreation Park reserve fund at 30 June 2015 for future expenditure on the Stockwell Recreation Park;
(6) Retain the balance of the Stockwell Hall reserve fund at 30 June 2015 for future expenditure on the Stockwell Hall; and
(7) Formally records its thanks to the Stockwell Recreation Park and Stockwell Hall Committee members past and present for their contribution to the Section41 Committee of Council.
Seconded Cr Miller  CARRIED 2014-18/489
The Memorandum of Understanding (Attachment 1) approved at this time included the following objectives:

As a volunteer group the aim is to fulfil the following functions in partnership with Council:

1. To advise on the management and maintenance of the Park and Hall;
2. To contribute recommendations for the future development of the Park and Hall for the benefit of the community;
3. To promote a positive community spirit in the district towards the Park and Hall;
4. To contribute to the management of groups and persons occupying the Park and Hall in accordance with Council’s Lease and Licence policy;
5. To hold fundraising events if it chooses;
6. To provide volunteer support for minor maintenance in liaison with Council; and
7. To liaise with the Park and Hall caretaker/s on maintenance matters.

Discussion
This informal arrangement has worked well since late 2015 as the group has progressed its intent to formalise its entity structure as an incorporated association. The draft constitution is included at Attachment 2 for Council’s review.

If Council continue to be supportive of this transition, the draft constitution will be advertised for community feedback. This process will be managed by the Stockwell group with the advertising funded from the Stockwell Recreation Park operating budget.

The Stockwell group wishes to then further negotiate with Council for additional day-to-day operational management of the Stockwell Recreation Park and Hall. This will be documented in a management agreement document (contract) and brought back to Council for consideration prior to being executed.

An outcome of the Redefining Community Committee project was to provide a budget allocation for groups that may have progressed to this same stage. The budget was carried forward for a number of years but that arrangement ceased for the 2019/20 budget. To continue to provide the same support for the Stockwell group, officers can allocate funds from the current Stockwell Recreation Park operating budget for this purpose.

The costs involved will be $216 for incorporation application fee. There will also be a cost to insure the new entity and its members. Assistance with insurance was also provided to the early adopters. Once the incorporation process progresses, this will be further researched and brought to Council for support.

The early adopters of the Redefining Community Committees project were also required to provide a Strategic Plan that will guide the first three years of operation for the group. It is appropriate that the Stockwell group complete the same process and this will be done during the Management Agreement development phase.

Summary and Conclusion
The Stockwell Recreation Park and Hall Advisory Group would like to transition to an incorporated association. Council’s support of the constitution and proposed outcome is requested to then advertise the draft document for community feedback. Further reports will be brought back to Council for subsequent stages.

**ATTACHMENTS OR OTHER SUPPORTING REFERENCES**

| Attachment 1: | Memorandum of Understanding – Stockwell Recreation Park and Hall Volunteer Advisory Group - Ref: 15/50469 |
| Attachment 2: | Draft Constitution – Stockwell Community Association Incorporated – Ref: 20/11716 |

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

Community Plan

*The Barossa Council 20/14909  Minutes of Council Meeting held on Tuesday 17 March 2020*
Community and Culture
How We Work – Good Governance

Legislative Requirements
None

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS
Costs for advertising and application fees can be supported via existing operating budgets.

Risk management considerations will need to continue to be assessed as the day-to-day management of the Park and Hall transitions to the Stockwell group. A full risk assessment will be completed as part of the process of the management agreement development.

COMMUNITY CONSULTATION
While there is no formal requirement for community consultation under the Local Government Act or Council’s Public Consultation Policy, the community will have an opportunity to provide feedback on the draft constitution. This will be done wholly under the Stockwell Recreation Park and Hall committee banner/branding and will not be a Council consultation process.

7.4.1 DEBATE AGENDA – DIRECTOR WORKS AND ENGINEERING SERVICES

7.4.1.1 PROPOSED ROAD CLOSURES - 2020 BAROSSA HISTORY FAIR
B9187 – 20/11388

Author – Manager Engineering Services

MOVED Cr Angas that the Commissioner of Police be advised that Council endorses the road closure of:

Kent Street, Angaston between South Terrace, Angaston, and a point 30m west of Sturt Street, Angaston, and Washington Street, Angaston between Sturt Street and Fife Street,

Between 9.00am and 4.30pm on Saturday 2 May 2020 and Sunday 3 May 2020 for the purpose of the Barossa History Fair 2020.

Additionally, that the speed limit along Murray Street, Angaston between South Terrace and Schilling Street and Sturt Street, Angaston between Murray Street and Fife Street, and Fife Street, Angaston between Sturt Street and Washington Street be lowered to 25km/h during the event.

Seconded Cr de Vries

CARRIED 2018-22/76

PURPOSE
A request has been received from the Angaston and Penrice Historical Society Inc. for Council to assist with the traffic management arrangements associated with the Barossa History Fair 2020 on Saturday 2 May and Sunday 3 May 2020.
As part of the Barossa History Fair 2020, the Angaston Town Hall will feature displays by regional history groups and others who have a passion for history on Saturday 2 May and Sunday 3 May 2020, to coincide with the opening of the restored Angaston Railway Precinct on Sunday 3 May 2020.

An application for the closure of segments of Kent Street and Washington Street, Angaston has been received from the Angaston and Penrice Historical Society Inc. as organisers of the Barossa History Fair 2020, a part of South Australia’s History Festival.

The Angaston and Penrice Historical Society Inc. advertising for the event advises that “there is something planned for the whole family, with a range of children’s games and fun activities, guided heritage walks, fascinating historic displays and paraphernalia, and some very interesting talks given in the Town Hall annexe.

Entry to the Town Hall will be $5 per adult or $10 per family, with a separate $5 contribution for the talks. The Angaston Blacksmith Shop and Museum will be open, as will Angaston’s renowned foodie havens in the main street. Visitors can enjoy a history, food, wine and shopping experience in the one beautiful town. A small bus will provide transport for those wishing to visit various heritage hotspots around the Barossa”.

**Summary and Conclusion**

The proposed road closure is pursuant to Section 33 of the Road Traffic Act 1961.

Council officers deem the closure necessary as a risk mitigation strategy to maintain the safety of participants and the general public.
COMMUNITY CONSULTATION
The community will be advised of the closure by public advertisements to be placed in the Leader and The Herald newspapers and also via placement of the SAPOL notice on Council’s website.

7.4.1.2
MURRAY RECREATION PARK – EDEN VALLEY CARAVAN PARK – SEPTIC UPGRADE
B10543 – 20/9130

MOVED Cr Haebich that Council:

1) Approve a third quarter budget transfer of $42,702 from the Murray Recreation Park reserve fund, cost centre 951, and;
2) Approve a third quarter budget transfer of $27,349 from the unallocated miscellaneous buildings renewal capital budget, cost centre 601269-841-961 to fund the Murray Recreation Park wastewater system upgrade for a total project estimated cost of $70,051 including contingency (excluding GST).

Seconded Cr Wiese-Smith CARRIED 2018-22/77

PURPOSE
For Council to consider and approve budget transfers to fund the proposed Murray Recreation Park (Eden Valley Caravan Park) wastewater system upgrade.

REPORT
Background
The existing Murray Recreation Park wastewater system is at the end of its useful life, non-compliant and not operating effectively resulting in increased maintenance with frequent facility closures causing great inconvenience and possible health risks to park users. It is proposed to decommission the existing system and install a new upgraded wastewater system.

Discussion
The new proposed wastewater system includes a much larger septic tank, connection of all on-site wastewater drains, additional caravan/RV dump point (DumpEZY) and new soakage trenches to be located at the southern end of the park, away from park users.

The proposed designed system has been granted wastewater works approval. The system has been designed to accommodate possible future Big Project masterplan work specifically an additional amenity block and additional toilets.

The new proposed system has been quoted and, with contingency, total project costs are forecast at $70,000. The work will be completed prior to June 30 2020.

Summary and Conclusion
The proposed replacement wastewater system at Murray Recreation Park will deliver an improved, and compliant, wastewater system with the additional benefit of a caravan/RV dump point. It will also allow for greater occupancy rates due to increased capacity.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES
Nil
**COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS**

**Community Plan**

**Community and Culture**

2.1 Initiate and support activities which encourage participation and pride in the Barossa Council area.

**Infrastructure**

3.2 Collaborate with private and public utilities providers to ensure infrastructure is adequate to support the community both now and into the future.

**Corporate Plan**

**Infrastructure**

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

3.12 Ensure Council owned waste water systems are safe and maintained to an agreed level of service.

**Legislative Requirements**

SA Public Health (Wastewater) Regulations 2013

**FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS**

Transferring $42,702 from the Murray Recreation Park reserve fund will exhaust all remaining funds from this reserve, at this stage there are no other known allocations proposed for this funding pool.

Transferring $27,349 from the miscellaneous buildings renewal budget will leave $53,939 for reactive maintenance building work for the balance of Financial Year 2019/2020.

**COMMUNITY CONSULTATION**

The park users will be notified in advance of construction works commencing.

7.5.2 **DEBATE AGENDA – ENVIRONMENTAL SERVICES REPORT**

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

Author: Director, Development and Environmental Services

**MOVED** Cr Angas that Council having reviewed the Minutes of the Barossa Bushgardens S41 Committee Meeting held on 12 February 2020 and that the Minutes be received and noted.

**Seconded** Cr Schilling

**CARRIED** 2018-22/78

**PURPOSE**

The Minutes of Council Section 41 Committees are presented for consideration and adoption of Council.

**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 12 February 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.

7.5.2 DEBATE AGENDA – ENVIRONMENTAL SERVICES REPORT

7.5.2.2 JUTLAND WATER RESERVE – UPDATED NATIVE VEGETATION MANAGEMENT ACTION PLAN B256

Author: Director, Development and Environmental Services

MOVED Cr de Vries that:
(1) Pursuant to Section 198(2) of the Local Government Act 1999, before Council adopts the Jutland Reserve Draft Native Vegetation Management Action Plan, it makes copies available for inspection or purchase at the Council’s Principal Office and follows the steps in its Public Consultation Policy by placing a Notice on Council’s website, and the Herald, The Leader and The Courier newspapers for a period of at least 21 days;
(2) At the conclusion of the public consultation period, Council receives and considers all feedback on the updated Jutland Reserve Draft Native Vegetation Management Plan;
(3) Council allocate the cost of the advertising of the Public Notice for public consultation, estimated to be $1,000 within a Budget Adjustment for Quarter 3;
(4) If no feedback is received during the public consultation period on the Jutland Reserve Draft Native Vegetation Management Action Plan that seeks change to the Plan, it can be adopted without further reference back to Council.
(5) Prior to the conclusion of the term of site management by the Goolwa to Wellington Local Action Planning Association, Council’s Director, Development and Environmental Services be authorised to negotiate ongoing site management of the Jutland Water Reserve, with a further report to Council, and;
Council consider within the 2020-21 budget and beyond, the associated costs for ongoing management of the Jutland Water Reserve (presented as part of the New Initiative process for 2020-21).

Seconded Cr Johnstone

CARRIED 2018-22/79

PURPOSE
To seek Council’s consideration and approval to undertake a community consultation process in relation to the Jutland Reserve Draft Native Vegetation Management Action Plan, as submitted and updated by Goolwa to Wellington Local Action Planning Association.

REPORT

Background
In 1921 the Government acquired a piece of land known as Gilbert’s Estate 8km east of Springton. The estate was cut into 14 small farms and allocated to Returned Soldiers (World War I).

The Jutland Water Reserve was historically known as the Rhine Water Reserve and a proclaimed Water Reserve located on a stock route, it provided a valuable water supply for household and stock use for the settlers.

Introduction
The Jutland Water Reserve (the Reserve) is classified as Community Land as per Section 193 of the Local Government Act 1999 (the Act).

The Reserve lies 7.5km south east of Eden Valley and covers an area of 4.3ha and forms part of the Upper Marne River catchment and is of significant local historical interest, and contains a memorial plaque commemorating the sacrifice of World War One Servicemen.

Discussion
In 1997, the Spring Valley Landcare Group negotiated an agreement over the Jutland Water Reserve with The Barossa Council and maintained the site until 2013 when responsibilities were handed over to the Eastern Hills and Murray Plains Catchment Group, who prepared and worked under the requirements of the Jutland Water Reserve Management Plan 2015-2020, and Memorandum of Understanding (Refer Attachment 1).

The Eastern Hills and Murray Plains Catchment Group have now ceased operation, and The Goolwa to Wellington Local Action Planning Association (GWLAP) were approached to complete the delivery of the project and have committed work until the end of the 2020-21 financial year.

The GWLAP expect to invest in the order of $8,000 on the Jutland site during the term of the Agreement.

On the conclusion of the term of the site management under the GWLAP, alternative land care arrangements will need to be put in place, either by similar Landcare groups (such as Bush for Life) or private environmental contractors.

Summary and Conclusion

Draft Native Vegetation Management Plan

The GWLAP have prepared a revised version of the Jutland Reserve Native Vegetation Management Plan (updated January 2020) which is referred to Council for public consultation under Section 198 of the Local Government Act 1999, prior to its adoption by Council, (refer Attachment 2).
ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Attachment 1: Jutland Water Reserve Management Plan 2015-20 and Memorandum of Understanding


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

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

Officer resources are required to coordinate the public consultation process.

The cost of advertising the Public Notice will be met from Council’s Quarter 3 Budget Adjustment.

The proposed management of the site will reduce the risk of the Reserve becoming unmanaged and assist in retaining safe public access to the community land.

A revised Management Plan will protect the threatened flora and fauna known to be on the site, and control declared pests.

COMMUNITY CONSULTATION

The Management Plan will be made available at Council’s Principal Office and on Council’s website and advertisements will be placed in local papers inviting community feedback during a 21 day period.

7.5.3 DEBATE AGENDA – ENVIRONMENTAL SERVICES REPORT

7.5.2.3 GAWLER RIVER FLOODPLAIN MANAGEMENT AUTHORITY (GRFMA) – NOTICE OF ANNUAL BUSINESS PLAN AND DRAFT BUDGET 2020/2021

B10461

Author: Director, Development and Environmental Services

MOVED Cr Johnstone that Council endorse the draft Gawler River Floodplain Management Authority Annual Business Plan 2020-2021 and the draft Consolidated Budget 2020-2021 as circulated to Constituent Councils.

Seconded Cr Barrett CARRIED 2018-22/80
**PURPOSE**

The attached documents have been circulated for consideration and approval by Constituent Councils in accordance with Clause 12 of the Charter for the Gawler River Floodplain Management Authority.

**REPORT**

*Background*

The Gawler River Floodplain Management Authority (GRFMA) is established as a regional subsidiary pursuant to section 43 and Schedule 2 of the Local Government Act 1999 to coordinate the construction, operation and maintenance of flood mitigation infrastructure in the Gawler River.


*Introduction*

The newly amended GRFMA Charter (2020) now provides that the Authority must prepare an Annual Business Plan and Budget for the forthcoming financial year.

The new Charter also provides requirement for establishment of a Strategic Plan, Long-Term Financial Plan and Asset Management Plan. The GRFMA Board has determined that a transition program to establish the new management framework will be undertaken. The Executive Officer of the GRFMA has written to the Constituent Councils seeking Council’s consideration of the draft 2020-2021 GRFMA Annual Business Plan and Draft Budget.

The GRFMA must submit in draft form the Business Plan and Draft Budget to each Constituent Council before 31 March for approval.

Both the draft Business Plan and Budget were considered at the GRFMA Audit Committee on 12 February 2020 and the GRFMA Board Meeting held on 27 February 2020.

The documentation was received on 28 February 2020, and are now presented for review and approval.

*Discussion*

**GRFMA ANNUAL BUSINESS PLAN 2020-2021**

Key elements of the 2020-2021 Annual Business Plan include:

- Continuation of the advocacy program to secure funding for the Northern Floodway Project
- Progress of the second stage of the GRFMA Charter and Governance Review to scope and consider other contemporary governance arrangements
- Establishment of new management framework and plans now required as per the amended Charter
- Establishment of a Dam Emergency Management Plan
- Establishment of a revegetation program around land associated with the Bruce Eastick North Para Flood Mitigation Dam
- Scheduled inspections and environmental management of land associated with the Dam location to be undertaken in accordance with ANCOLD recommendations. Principally routine (monthly), intermediate (annually), comprehensive (every 5 years).

The draft GRFMA Annual Business Plan is included as *Attachment 2*. 
DRAFT BUDGET 2020-2021

The 2020-2021 draft Budget has been prepared based on the 2019-20 Budget estimates with an annual price escalator of 2% to other general expenses not identified within the Business Plan.

The draft Budget is provided as Attachment 3.

The Barossa Council’s contribution is proposed to be $28,683, which is a reduction of $2,879 on the 2019-20 contributions, which is principally due to a reduction in property maintenance and capital works costs and the conclusion of the Gawler River Unharmed Mitigation Project.

Summary and Conclusion

The draft GRFMA Annual Business Plan 2020-2021 and Budget 2020-2021 have been circulated for consideration and approval by Constituent Council’s in accordance with the GRFMA Charter.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Attachment 1: Letter from Executive Officer
Attachment 2: GRFMA Annual Business Plan 2020-2021
Attachment 3: GRFMA Consolidated Draft Budget 2020-2021

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS

Community Plan

- Natural Environment and Built Heritage
- Infrastructure
- Health and Wellbeing
- How We Work – Good Governance

Corporate Plan

1.12 Build and maintain relationships with other levels of government to ensure development strategies are responsive to regional needs and issues.

3.11 Advocate for the allocation of State and Federal funding to maintain and invest in infrastructure within our region.

4.15 Plan for and where appropriate support response to extreme weather events or disasters in the region.

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 1999

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

Financial Management

As indicated in the Business Plan, the scope of the GRFMA annual budget operations is small in comparison to the extensive undertakings by Constituent Councils.
Principally the budget revenue is sourced from predetermined ‘formulae based’ financial contributions by the six Constituent Councils, opportunistic funding applications and some interest from financial institutions.

Operational contributions are calculated from the costs reflective of Administration of the GRFMA and general costs of the Gawler River Scheme Mark 2 (does not include capital works or maintenance of Assets) less bank and other income.

**Risk Management**

The GRFMA and Constituent Councils have a level of responsibility to act on dealing with known potential flood risks. The GRFMA needs to be seen as to be moving forward in seeking to address flood measures in a strategic and financially sustainable manner.

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**COMMUNITY CONSULTATION**

The GRFMA Charter requires that the Business Plan and Draft Budget are circulated to the Constituent Councils seeking support prior to their adoption. There is not an obligation or need for community consultation in relation to this matter.

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**8.1 – CHIEF EXECUTIVE OFFICER – CONFIDENTIAL**

**8.1.1 SECTION 270 LOCAL GOVERNMENT ACT – INTERNAL REVIEW - CONSIDERATION OF LEGAL ADVICE TO COUNCIL**

Refer minute page 2020/138

**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 10.57am.

The Chief Executive Officer assumed the chair, as the Deputy Mayor, Cr Boothby has a Leave of Absence. The Chief Executive Officer outlined that pursuant to Section 51(7) of the Local Government Act a member of the Council is required to be selected from the members present to preside over the meeting as Acting Mayor for the Leave of Absence item. A member can nominate themselves and does not need to be seconded. Further the Chief Executive Officer outlined pursuant to Section 51(8) of the Local Government Act if there is more than one candidate a vote must be taken and in the event of equal votes lots must be drawn to determine which candidate or candidates are excluded.

The Chief Executive Officer called for nominations to preside over the meeting as Acting Mayor for the leave of absence sought by the Mayor. There being only one nomination the Chief Executive Officer sought the passing of the following resolution.

MOVED Cr Johnstone that Cr Angas assume the position of Acting Mayor and preside over the meeting for the item ‘Request – Leave of Absence – Mayor Lange’.
Cr Angas took the chair.

**MOVED** Cr Hurn that Mayor Lange be granted Leave of Absence from Wednesday 18 March 2020 to Friday 27 March 2020 inclusive.

**Seconded** Cr Troup  
CARRIED 2018-22/82

Mayor Lange returned to the meeting at 10.59am and assumed the chair.

**9.2 REQUEST – LEAVE OF ABSENCE – CATHY TROUP**

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

Cr Cathy Troup advised Council of the conflict of interest and left the meeting at 11.00am.

**MOVED** Cr Johnstone that Cathy Troup be granted Leave of Absence from Saturday 21 March 2020 to Thursday 2 April 2020 inclusive.

**Seconded** Cr Wiese-Smith  
CARRIED 2018-22/83

Cr Cathy Troup returned to the meeting at 11.01am

Cr Angas sought the leave of the meeting to place a question on notice.

**MOVED** Cr Hurn that the leave of the meeting be granted for Cr Angas to put a question on notice.

**Seconded** Cr Wiese-Smith  
CARRIED 2018-22/84

Given the economic climate relating to the COVID-19 Pandemic and the drought, Cr Angas posed the question about what the impact of a nil increase on rates (including no growth) for 2020/21 would have on the budget.

The Chief Executive Officer responded that he will provide a formal response at the next council meeting.

**10. NEXT MEETING**

Tuesday 21 April 2020 at 9.00am.

**11. CLOSURE OF MEETING**

Mayor Lange declared the meeting closed at 11.04am.

Confirmed at Council Meeting on 21 April 2020
CONFIDENTIAL

CONFIDENTIAL MINUTES
OF THE MEETING OF THE BAROSSA COUNCIL
held pursuant to the provisions of Section 90(2) of the Local Government Act 1999 on
Tuesday 17 March 2020 commencing at 9.21am

MEMBERS PRESENT
Mayor Bim Lange, Crs John Angas, Don Barrett, Carla Wiese-Smith, Russell Johnstone, Cathy Troup, Richard Miller, Kathryn Schilling, David de Vries, Tony Hurn and David Haebich

OFFICERS PRESENT
Mr Martin McCarthy, Chief Executive Officer, Mrs Joanne Thomas, Director Corporate and Community Services, Mr Gary Mavrinac, Director Development and Environmental Services, Mr Matt Elding, Director Works and Engineering Services, Mrs Marisa South, Minute Secretary

LEAVE OF ABSENCE
Cr Leonie Boothby

APOLOGIES
Nil

8.1 – CHIEF EXECUTIVE OFFICER – CONFIDENTIAL

8.1.1 SECTION 270 LOCAL GOVERNMENT ACT – INTERNAL REVIEW – CONSIDERATION OF LEGAL ADVICE TO COUNCIL
B10150
Author: Governance Advisor

MOVED Cr de Vries that Council:

(1) Receive and note the legal advice provided by Michael Kelledy of Kelledy Jones Lawyers (at Attachment 1);

(2) Having considered this matter in confidence under Section 90(2) of the Local Government Act 1999, makes an order pursuant to Section 91(7), that the agenda report and attachments of legal advice other than the minutes relating to this confidentiality order of the Confidential Council Meeting held on 17 March 2020 in relation to item 8.1.1 Section 270 Local Government Act – Internal Review – Consideration of Legal Advice to Council be kept confidential and not available for public inspection and authorise the Chief Executive Officer to review and revoke the order.

Seconded Cr Johnstone

CARRIED CO2018-22/23

Confirmed at Council meeting Tuesday 21 April 2020

Date: ............................................ Mayor: ..............................................