# MINUTES OF THE MEETING OF THE BAROSSA COUNCIL

held on Tuesday 21 November 2023 commencing at 5.31pm
in the Council Chambers, 43-51 Tanunda Road, Nuriootpa.

# M I N U T E S

Welcome and acknowledgement of country by Mayor Bim Lange who declared the meeting open at 5.31pm.

## 1. ATTENDANCE RECORD

### 1.1 Members Present

Mayor Bim Lange, Crs John Angas, Don Barrett, David de Vries, Tony Hurn, Kathryn Schilling, Cathy Troup, Jane Evans, Bruce Preece, Jess Greatwich, Rick Lane and Heidi Thompson

*Cr Preece entered the meeting at 5:31pm*

Apologies

Nil

Not Present

Nil

Leave of Absence

Nil

## 2. CONFIRMATION OF MINUTES

### 2.1 Minutes of previous meetings – for confirmation:

**MOVED** Cr Hurn

That the Minutes of the Council meeting held on Tuesday 17 October 2023 at 5.30pm as circulated, be confirmed as true and correct records of the proceedings of those meetings.

That the Confidential Minutes related to item 2.1.1 Information Update – Tanunda Oval Contract of the Special Council meeting held on Thursday 26 October 2023 at 5.30 pm, be amended as follows:

- *That Council having considered this matter in confidence under Sections 90(2) and 90(3)(b) of the Local Government Act 1999, makes an order pursuant to Section 91(7), that the minutes, agenda report and attachments other than the minutes relating to this confidentiality order of the Confidential Council Meeting held on 26 October 2023 in relation to item 2.1.1 Information Update – Tanunda Oval Contract be kept confidential and not available for public inspection and authorise the Chief Executive Officer to review and revoke the order.*

That the Minutes of the Special Council meeting including the amended confidential minutes, held on Thursday 26 October 2023 at 5.30pm, be confirmed a true and correct record of the proceedings of the meeting.

**SECONDED** Cr Angas **CARRIED 2022-26/283**

### 2.2 Matters arising from previous minutes

Nil

## 3. PROCEDURAL ITEMS

### 3.1 Petitions

Nil

### 3.2 Deputations/Visitors to the meeting

Mayor Lange welcomed Denise Mahlo and recognised her volunteering services for Council, acknowledged her retirement from the Library program and thanked her for her service to the Barossa community.

### 3.3 Notice of Motion

Nil

### 3.4 Questions with Notice

Nil

# 4. MAYOR

## 4.1 Mayor's Report

**MOVED** Cr de Vries

That the Mayor's report be received.

**SECONDED** Cr Greatwich **CARRIED 2022-26/284**

# 5. COUNCILLORS' REPORTS

Nil

# 6. MATTERS FOR INFORMATION

**6.1** Sister City Grapevine, Texas - Update From Mayor

**6.2** Gawler River Floodplain Management Authority - Membership Change

**6.3** Resignation of Cr Troup from the Barossa And Districts Health Advisory Committee

**6.4** Gawler River Floodplain Management Authority (GRFMA) Annual Report

**6.5** Local Government Association of South Australian - Annual Renewal Information

**6.6** Key Strategic Governance Reviews - Local Government Participation and Elections Review and Representation Review 2024

**6.7** Williamstown, Lyndoch Landcare Group Inc

**6.8** Rural Living Code Amendments - State Planning Commission Update

**6.9** State Disability Inclusion Plan Consultation

**6.10** Gawler River Floodplain Management Authority Meeting Minutes and outcomes for 19 October 2023

**6.11** International Day of People with Disability

**6.12** Conclusion of Native Title Claim - Ngadjuri Nation Number 2

# 7. DEBATE REPORTS

## 7.1 Office of the Mayor and CEO

### 7.1.1 APPOINTMENT OF DEPUTY MAYOR
**23/93773**

**MOVED** Cr Angas

That Council:

(1) Appoint a Deputy Mayor for a period of 12 months commencing on 28 November 2023 and concluding on 27 November 2024;

(2) Determine that the method of choosing a Deputy Mayor be by an election process using Option B - preferential voting system;

(3) Undertake an indicative secret ballot should it be required;

(4) Appoint the Chief Executive Officer to be the returning officer for any ballot;

(5) On completion of the ballot (if required), authorise the returning officer (Chief Executive Officer) to declare the successful candidate of the ballot to the position of Deputy Mayor and require the Council to consider Recommendation 3.

**SECONDED** Cr de Vries **CARRIED 2022-26/285**

The Mayor called for nominations to the position of Deputy Mayor.

*Cr Preece nominated Cr Kathryn Schilling. Cr Kathryn Schilling accepted the nomination and* Pursuant to Section 73 of the *Local Government Act 1999,* Cr Schilling disclosed an actual Conflict of Interest in the matter of Item number 7.1.1 - Appointment of Deputy Mayor as a nominee and as such left the meeting.

*No other nominations were tabled and the Mayor checked Cr Kathryn Schilling was willing to accept the nomination.*

*Cr Schilling confirmed she accepted the nomination.*

*Cr Schilling disclosed that she now had a material conflict of interest pursuant to Section 75 of the Local Government Act 1999 due to the increased allowance and status of the position of Deputy Mayor, and informed the Council she would leave the meeting.*

*Cr Schilling left the meeting at 5.40pm*

**MOVED** Cr de Vries

(1) That Council, pursuant to Section 51 (3) of the *Local Government Act 1999*, appoints Cr Kathryn Schilling as Deputy Mayor of The Barossa Council for a period outlined in resolution 2022-26/285.

(2) That Deputy Mayor, Cr Kathryn Schilling be appointed to represent Council as the Mayoral Proxy on the Local Government Association SA, for the period of appointment and the Chief Executive Officer inform the Local Government Association.

**SECONDED** Cr Preece **CARRIED 2022-26/286**

**PURPOSE**

Section 51(3) of the L*ocal Government Act 1999* provides that a Council may resolve to elect a Deputy Mayor. Further, that the Deputy Mayor can hold office for a term determined by the Council, but for a period not exceeding 4 years (which is now 3 years for this Council).

**REPORT**

*Background*
Section 51(3) of the *Local Government Act 1999* provides that a Council may resolve to elect a Deputy Mayor. Further, that the Deputy Mayor will hold office for a term determined by the Council, but for a period not exceeding 4 years (now that the Council is one year into its term it can only appoint for a maximum of 3 years).

*Introduction*
The Barossa Council has historically elected a Deputy Mayor for a term of 12 months. The rationale for this has been that shorter terms allows for role of Deputy Mayor to provided development opportunities to more than one Elected Member though the four-year Council term, should they be interested in gaining the experience in the role. There is no restriction on any of these variables or those who have been Deputy Mayor during the term from re-nominating and continuing. No resolution can be structured so as to exclude any nominee.

The Deputy Mayor is also appointed by virtue of their position in Council committees and external bodies, including the Community Assistance Scheme Committee, established under Section 42 of the *Local Government Act 1999*. It has also been usual practice for the Deputy Mayor to be appointed as the Mayor's Proxy to the Local Government Association SA.

Delegates appointed to the Local Government Association SA shall attend the Annual General Meeting, and any meetings Ordinary General Meetings and Special General Meetings that may be called. It is recommended that a Proxy be appointed to represent Council in the event the Mayor is unable to attend a meeting.

*Discussion*
There are various ways to undertake the election and appointment of a Deputy Mayor.

Option A - Resolution of Council

Option B - An election process determined by the Council

Option A requires Council to test each nomination by resolution, and only if a resolution is lost (or not seconded) can it proceed to the next nomination. How the nominations are tested through this process is undertaken in the order the Mayor accepts the nominations. If there are two nominations and the first nominee receives majority support then they are appointed, the second nominee's nomination in this case does not proceed.

Option B, which is that which has traditionally been adopted by Council, is to undertake a nomination and secret ballot, conducted by the Chief Executive Officer. In accordance with the Local Government Association SA guidelines, this should be undertaken in adjourned Council so that nominees and the Mayor may cast a ballot. The Mayor will call on nominees if they wish to say anything in support of their nomination prior to the vote. Once the result is determined the adjournment ends and the result is formally tested as a motion of the Council.

It should be noted that whilst a ballot is undertaken, no conflict of interest arises for the nominees. The Mayor is also provided a ballot due to the fact that they form part of the members of Council pursuant to Section 51(4) of the Act and it is not a question before Council, it is a ballot. Once formal meeting procedures commence again the nominee determined by the ballot by virtue of the provisions of Section 74 of the Act will have a material conflict of interest due to the increased allowance and status of the position and must declare a conflict of interest and leave the meeting before the final motion is considered and debated by Council.

Option B if selected should stipulate if the voting system shall be first past the post or preferential voting utilising a show of hands or a secret ballot. Traditionally Council has undertaken a secret ballot using preferential voting. By way of example:

<u>Example 1</u> - First past the post

Candidate 1 = 5 votes
Candidate 2 = 4
Candidate 3 = 3

Candidate 1 has the most votes and would be elected, but with a minority of the votes cast.

<u>Example 2</u> - A preferential system with the elimination of the candidate with the lowest vote until a preferred candidate is left.

Candidate 1 = 5
Candidate 2 = 4
Candidate 3 = 3

Candidate 3 is eliminated, and those three votes are distributed to the second preference demonstrated on the ballots. Let's assume candidate 3's second preferences all when to candidate 2, then the result will be:

Candidate 1 = 5
Candidate 2 = 7

Candidate 2 would be elected with a majority of the total votes cast on a preferential basis. Traditionally this has been the method chosen by Council.

Further if there is a tied vote it is an established practice under Section 51(8) that lots shall be drawn (by the returning officer) to determine who is excluded from the ballot. This is done by placing the tied nominee's names on identical pieces of paper, placing them in a receptacle so that no one can see the names on the paper and the returning officer drawing names until only one nominee remains (of those on the tied vote). The name of the candidate/s withdrawn will be the one/s excluded from the ballot.

Council must also consider whether or not to appoint the newly appointed Deputy Mayor (or other Elected Member) as the Mayor's Proxy to the Local Government Association SA. Council may choose to appoint the newly appointed Deputy Mayor (or other Elected Member)

*Summary*

Council is now asked to consider appointing a new Deputy Mayor, and whether or not to appoint the new Deputy Mayor as the Mayor's Proxy on the Local Government Association SA.

## ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Nil

*Supporting references*

https://www.remtribunal.sa.gov.au/documents/2022/20220705-Determination-2-of-2022-Members-of-Local-Government.pdf

Periodic adjustment of council member allowances | LGA South Australia

## COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS

Corporate Plan

BS7 - Governance - Provision of governance advice and support in the discharge of legislative responsibilities for policy development, delegations and authorisations, internal review of Council decisions, delegations and authorisations, Native Title claims

Legislative Requirements

Section 51, Local Government Act 1999

## FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

The Deputy Mayor will be remunerated at $25,296 paid quarterly in arrears and this is fully budgeted.

## COMMUNITY ENGAGEMENT

Consultation is not required under policy or legislation.

*Cr Schilling returned to the meeting at 5.41pm*

*Mayor Lange congratulated Cr Schilling on being elected to the role of Deputy Mayor and thanked Cr de Vries for undertaking the role over the past twelve months.*

*Cr de Vries thanked the chamber for the support whilst undertaking the role of Deputy Mayor.*

*Pursuant to Section 120(1) of the Local Government Act 1999, Mr Martin McCarthy as Chief Executive Officer, disclosed a Conflict of Interest in the matter 7.1.2 - Review of Confidential Orders as it relates to his employment contract. Mr McCarthy advised that he would leave the meeting.*

*CEO, Mr Martin McCarthy left the meeting at 5.43pm*

**7.1.2 REVIEW OF CONFIDENTIAL ORDERS**
**23/110206**

**MOVED** Cr de Vries

That Council in compliance with Section 91(9)(a) of the *Local Government Act 1999* and having reviewed the confidentiality orders of the follow matters:

- 16 July 2013 - Performance Review of the Chief Executive Officer;
- 24 June 2014 - Performance Review of the Chief Executive Officer;
- 17 February 2015 - Mid Year CEO Performance Target Report;
- 21 July 2015 - Performance Review of the Chief Executive Officer;
- 16 August 2016 - Chief Executive Officer's 2015/16 Performance Review and New Contract Negotiation;
- 18 July 2017 - Chief Executive Officer's 2016/17 Performance Review, and,
- 17 July 2018 - Chief Executive Officer's 2017/18 Performance and Conditions of Contract Review;
- 16 July 2019 - Chief Executive Officer's 2018/19 Performance and Conditions of Contract Review;
- 21 July 2020 - Chief Executive Officer's 2019/20 Performance and Remuneration Review;
- 15 June 2021 - CEO Performance Review Outcomes;
- 12 July 2022 - CEO Performance Review Outcomes;
- 19 July 2022 - CEO Performance Review Outcomes;
- 3 May 2023 - Consultant – Scope of Works and Review of Processes;
- 16 May 2023 - CEO Performance Review Process
- 7 June 2023 - Capability Framework
- 7 June 2023 - Data Collection - 360-Survey Design
- 7 June 2023 - Updated Position Description
- 12 July 2023 - Presentation of Results from the Data Collection Phase of the CEO Performance Review
- 18 July 2023 - CEO Performance Review Outcomes and Remuneration Review

And made in accordance with Section 90(3)(a) of the *Local Government Act 1999* resolve that the CEO performance documents, agenda, reports and relevant minutes shall continue to remain Confidential, and that Council review the said orders prior to 24 January 2023.

**SECONDED** Cr Schilling **CARRIED 2022-26/287**

## PURPOSE

To review the confidential items due for review and ascertain whether items should be released from confidential status and made available for public access or remain confidential due to the ongoing nature of the project or issue.

Any order made by Council that operates for a period of more than 12 months must be reviewed at least once in every year – thus, these orders pursuant to Section 91(9) *Local Government Act 1999* are due for review.

## REPORT

*Background*
Council utilises the confidential provisions within the *Local Government Act 1999* when it believes the information being discussed is of a confidential nature and meets one of the provisions in Section 90(3) of the Act.

This review considers the nature of confidential orders and its compliance with the Act. Sections 90 and 91 of the *Local Government Act 1999* outline the requirements for Council to consider items in confidence and under what conditions they may be retained in confidence.

Documents held in confidence are reviewed each year to determine whether an item is to remain in confidence or be released to the public as at Attachment 1.

*Discussion*
The confidential orders are reviewed annually. This report provides Council the opportunity to review the items due for review and decide to either release items to the public or to maintain ongoing matters in confidence.

The confidential orders were reviewed on 24 January 2023 and determined that the circumstances for which Council considered the original matters in confidence and subsequent reviews continues to meet the personal affairs test under Section 90(3)(a) of the *Local Government Act 1999* and thereby all relevant documents remained in confidence.

*Summary*
There has been no change to the circumstances held within the Confidential Orders and it is recommended through this review the documents as at Attachment 1, remain in confidence. Again, there has been no change to these personal circumstances, and it is recommended through this review the documents remain in confidence.

## ATTACHMENTS OR OTHER SUPPORTING REFERENCES

*Supporting references*
Nil

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

Corporate Plan

BS7 - Governance - Provision of governance advice and support in the discharge of legislative responsibilities for policy development, delegations and authorisations, internal review of Council decisions, delegations and authorisations, Native Title claims

Legislative Requirements
Section 91(9)(a) of the Local Government Act 1999

**FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS**

Nil

**COMMUNITY ENGAGEMENT**

Nil

*CEO, Mr Martin McCarthy returned to the meeting at 5.44pm*

### 7.1.3 POSSIBLE RENAMING OF THE WARREN RESERVOIR TO LAKE WARREN AND THE SOUTH PARA RESERVOIR BE RENAMED SOUTH PARA LAKE
**23/110290**

**MOVED** Cr de Vries

That Council authorises the Mayor to formally write to the Minister for Climate, Environment and Water, Susan Close MP recommending the renaming of the Warren Reservoir to Lake Warren and the South Para Reservoir be renamed South Para Lake.

**SECONDED** Cr Greatwich **CARRIED 2022-26/288**

**PURPOSE**

I am seeking Council's endorsement to formally write to the Minister seeking approval for the possible renaming of these reservoirs.

**REPORT**

*Discussion*
Following my trip to Grapevine Texas, I noticed manmade water facilities are called 'Lakes'. I had a brief conversation with regard to the South Para and Warren Reservoirs with the Hon Deputy Premier and Minister for Climate, Environment and Water, Susan Close MP, to seek consideration for the renaming of these facilities to 'Lake Warren' and 'South Para Lake'. The renaming of these important attractions presents an opportunity for our region to enhance the promotion of existing passive water recreational activities to attract a broader range of visitors and to increase the

diversity of tourism product through growth and investment in complimentary activities and infrastructure in the southern area of our region.

*Summary and Conclusion*
I am seeking Council's endorsement to formally write to the Minister seeking approval for the possible renaming of these reservoirs.

## ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Nil

*Supporting references*
Nil

## COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS

Community Plan
Support tourism development that is sensitive to the natural environment and ensures that the unique character of the rural landscape is appropriately managed and promoted.

Corporate Plan
CS21 - Tourism - Provision of a range of tourism services and business and economic development support. This includes managing the nationally accredited Barossa Visitor Centre; development and maintenance of tourism resources both digital and printed.

Legislative Requirements
Nil

## FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

Nil

## COMMUNITY ENGAGEMENT

Not required.

### 7.2.2 OFFICE CLOSURE
**23/110034**

**MOVED** Cr Barrett

That Council:

(1) Pursuant to Section 45(2) of the *Local Government Act 1999*, approves the Principal Office and other offices of the Council to open at 10.15am and 10.30am respectively on Thursday, 7 December, 2023.

(2) Makes the following alternative arrangements to enable the local community to access the services of the Council which are ordinarily available at the Principal Office of the Council:

Email: barossa@barossa.sa.gov.au
After Hours Service: Answering Adelaide 8563 8444
Website (Online Services and Make a Payment): barossa.sa.gov.au

**SECONDED** Cr Hurn **CARRIED 2022-26/289**

**PURPOSE**

To consider and adopt a proposal for late Council office opening in order to facilitate all staff access and inclusion in an organisation-wide professional development event.

Specifically, to consider and adopt the following late opening times for Thursday 7 December, 2023:

- 10.15am opening for Council workplaces that provide direct service to the public.
- 10.30am opening for the following three locations that provide direct service to the public:
  - Lyndoch Library
  - Mt Pleasant Library
  - Williamstown Depot.

**REPORT**

*Background*
Twice per annum organisation-wide professional development events are held in support of Council's ongoing commitment to the implementation of modern people and culture strategies and the development and retention of staff, with a strong aim to continuously improve the quality of services to our community through the professional development of our staff.

*Introduction*
An all-staff professional development and recognition event is scheduled to be held on Thursday 7 December 2023, from 8am to 10.00am. To allow as many staff to attend and return to the workplace, the timing of the event will commence at 8am, before normal working hours, and will run to approximately 10.00am. To facilitate this timeframe, support is being sought to allow Council workplaces providing direct

services to the public to open 75/90 minutes later than normal at 10.15/30am, allowing staff to attend the event in its entirety.

*Discussion*

This event has been designed to promote knowledge sharing, staff milestone recognition and connection of staff from various departments and work sites. It also provides a pivotal opportunity for new and existing staff alike to broaden their understanding and appreciation for the positive impacts that Council makes within our community.

Whilst face to face service delivery will be impacted for 75/90 minutes due to the delayed opening of Council workplaces, online services will continue to be available, along with email enquiries and Council's after-hours telephone contact service.

*Summary and Conclusion*

Council' support is being sought to approve the amendment of the opening times of Council's Principal Office and other offices to 10.15/30am to support staff attendance at an organisation-wide professional development and recognition event on Thursday, 7 December, 2023.

**ATTACHMENTS OR OTHER SUPPORTING REFERENCES**

Nil

*Supporting references*

Nil

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

Corporate Plan

BS10 - People and Culture - Support to Managers and employees across the full employee lifecycle, including attraction, recruitment and selection, induction and on-boarding, training and performance development, performance management and offboarding.

Legislative Requirements

Local Government Act 1999

**FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS**

Financial costs associated with after-hours phone service for the 75 minute duration that the event runs into standard opening hours will be absorbed within the existing operational budget.

Costs associated with promotion of the late opening to the public, including public notices will be absorbed within the existing operational budget.

**COMMUNITY ENGAGEMENT**

No consultation required given the amendment is minor in nature, although promotion and awareness to the community of the late opening will occur via social media, public notices and signage at relevant sites.

**7.2.3 PROCUREMENT POLICY**
**23/110971**

**MOVED** Cr Hurn

That Council:

(1) Approves the updated Procurement Policy.

(2) Approves the delegation of authority to the Chief Executive Officer to review, update and approve as necessary, supporting processes to facilitate implementation of the Procurement Policy.

**SECONDED** Cr Lane **CARRIED 2022-26/290**

**PURPOSE**

To present an updated version of Council's Procurement Policy for consideration and approval.

**REPORT**

*Background*
The Procurement Policy was last updated in March 2021 and following review as part of the policy review cycle it has undergone staff consultation and been presented to the Executive Leadership Team for endorsement.

*Introduction*
The review of the Procurement Policy aimed to assess the effectiveness and efficiency of the current procurement policy and to make recommendations for improvement where necessary.

In compliance with Section 49 of the *Local Government Act 1999* and best practice principles in procurement, the Policy seeks to:

- Define methods by which Council can acquire goods and services;
- Demonstrate probity, accountability and responsibility of Council to all stakeholders;
- Be fair and equitable to all parties involved;
- Enable consistency of approach and the application of procurement processes; and
- Ensure that the best possible outcome is achieved for Council.

*Discussion*
The Procurement Policy plays a critical role in ensuring the responsible and efficient allocation of public funds for the acquisition of goods and services. This review included all staff consultation and focused on several key areas, including policy compliance, cost-effectiveness, transparency and sustainability.

***Key Findings:***

1. *Policy Compliance*
   - The Procurement Policy aligns with relevant laws and regulations governing public procurement.
   - The policy outlines clear procurement methods and exemptions inclusive of emergency procurement and delegations.

2. *Cost-Effectiveness*
   - The policy supports cost-effective procurement through competitive bidding processes.
   - Value for money is not limited to price alone with Principle 2 expanding on considerations such as Council's long term strategic direction, whole of life costs, market trends and risk exposure.
   - Further efforts can be made to evaluate cost effectiveness in ongoing contracts and exploring opportunities for cost savings which will be supported in more detail via audit process.

3. *Transparency and Accountability*
   - Principle 3 emphasizes transparency in the procurement process, ensuring that all stakeholders have access to relevant information.
   - There is evidence of comprehensive records of procurement activities, including request for quotation, expression of interest, request for tender, and contract and contractor registers.

4. *Sustainability*
   - The policy has been updated to include Principle 8 - Social Sustainability, defining a commitment to consider the impact of procurement practices to improve outcomes for minority, marginalised or at-risk groups through equitable participation in procurement opportunities.

5. *Strategic Alliance*
   - Exemption to comply with all aspects of procurement methods have also been included if Council enters into a strategic alliance procurement process under this policy, then there will be no requirement for Council to approach the wider market or enter into a separate RFT/RFQ as an open tender process has already been undertaken.

     Strategic alliances include, but are not limited to:
     - LGA Procurement (via VendorPanel).
     - A purchasing group of which the Council is a member.
     - Some State Government contracts.
     - Ad hoc alliances created with other Local Government entities.

<u>*Summary and Conclusion*</u>
Council's Procurement Policy has been reviewed and updated with inclusion of Principle 8 Social Sustainability and Strategic Alliance in relation to exemption where Council has entered into a strategic alliance procurement process. The updated documented is now presented for Council's consideration and approval.

## ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Attachment 1 DRAFT - Procurement Policy - Version 6

*Supporting references*
Nil

## COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS

Corporate Plan
BS6 - Finance - Transparency and accountability regarding Council activity and expenditure. Provision of organisational performance report (outcomes), activity report (outputs), a range of statutory reporting (e.g. public health, tax, superannuation), financial reporting

BS7 - Governance - Provision of governance advice and support in the discharge of legislative responsibilities for policy development, delegations and authorisations, internal review of Council decisions, delegations and authorisations, Native Title claims

Legislative Requirements
Independent Commissioner Against Corruption Act 2012
Local Government Act 1999 – Sections 7, 8, 48 and 49
South Australian Work Health and Safety Act 2012
South Australian Work Health and Safety Regulations 2012

## FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

The updated Procurement Policy provides guidance for the acquisition of goods, works, services and contractors across all aspects of the procurement lifecycle to ensure that Council funds are expended in accordance with approved budgets and procurement activity demonstrates value for money.

## COMMUNITY ENGAGEMENT

Community consultation is not required under the Act or Council's Public Consultation Policy. Further, the Procurement Policy is based on the Local Government Association's Best Practice Model policy, which in turn is based on legal advice as to legislative compliance and best practice.

**7.2.4 ANNUAL REPORT 2022-23 FINANCIAL YEAR**
**23/111033**

**MOVED** Cr Angas

That Council adopt the 2022-23 Annual Report for The Barossa Council as presented in Attachment 1, with any necessary non-material amendments and typography corrections to be made by the Chief Executive Officer.

**SECONDED** Cr Greatwich **CARRIED 2022-26/291**

**PURPOSE**

The Annual Report for the financial year ending 30 June 2023 is presented for adoption by Council.

**REPORT**

*Background*
Council is required under legislation to prepare and adopt an Annual Report relating to the operations of Council. The Annual Report is produced by Council to be accountable to our community and foster strong community connection and engagement with Council programs, services, decisions and performance.

*Introduction*
The Annual Report highlights key activities, financial and business plan performance and other disclosures as required by legislation.

*Discussion*
Section 131(1) of the Local Government Act 1999 (the Act) states that:

"*A Council must, on or before the 30 November in each year, prepare and adopt an annual report relating to the operations of the Council for the financial year ending on the preceding June.*"

If members have drafting changes that are non-material they will be amended by the Chief Executive Officer under the authorisation provided, should Council agree to the recommendation.

Financial statements for The Barossa Council and Nuriootpa Centennial Park Authority are the subject of a separate report to Council. Financial details will be included in the body of the Report and in Appendix 2 following adoption by Council.

*Summary and Conclusion*
The adopted Annual Report provides a snapshot of highlights in the 2022-23 year and will be distributed in accordance with the Act.

**ATTACHMENTS OR OTHER SUPPORTING REFERENCES**

Attachment 1 Annual Report - Draft for Council report
Attachment 2 Freedom of Information Statement 2022-2023 - Signed
Attachment 3 Financial Statements and Subsidiary Reports

*Supporting references*
Nil

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

Corporate Plan
BS7 - Governance - Provision of governance advice and support in the discharge of legislative responsibilities for policy development, delegations and authorisations, internal review of Council decisions, delegations and authorisations, Native Title claims

Legislative Requirements
Local Government Act 1999 Section 131
Local Government (General) Regulations 1999

**FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS**

The cost of preparing and producing the report is factored into the existing budget.

**COMMUNITY ENGAGEMENT**

Not required.

**7.2.5 TOWNSHIP STREET FLAGS FRAMEWORK**
**23/111087**

**MOVED** Cr Hurn

That Council:

(1) Approves the draft Street Flags Guidelines and supporting draft Locations, noting locations are indicative and subject to further discussion and finalisation;

(2) Approves a budget variation (asset number 601799) of $30,000 to achieve the full strategy implementation and purchase two sets of ‘default’ flags per nominated township;

(3) Endorse the Chief Executive Officer or his delegate to make non-substantive changes to the Guidelines and Locations as required.

**SECONDED** Cr de Vries **CARRIED 2022-26/292**

**PURPOSE**

To consider and approve the draft Township Street Flags Guidelines, proposed Locations and additional funding for infrastructure and flags, giving effect to a framework governing the installation and ongoing management of street flags in major townships within The Barossa Council.

**REPORT**

*Background*
Council has approved $90,000 in the current 2023-24 budget to install Flagtrax infrastructure in the townships of Eden Valley, Angaston, Nuriootpa, Tanunda, Lyndoch, Mount Pleasant and Williamstown.

Officers are seeking additional funds to extend the infrastructure to Springton and to purchase two sets of 'default' flags per township that remain in-situ when no other application for street flags has been made.

The Executive Leadership Team has endorsed the draft Street Flags Guidelines and proposed locations, which are now presented for Council approval.

*Introduction*
Historically Council has had no framework for managing the installation of street flags, leading to ad-hoc and inconsistent assessment and approval of requests generated by the community. Concurrently, banner infrastructure on existing town centre streetlights lacks formal approval and in many cases is ageing infrastructure that represents a potential safety risk to the public.

Council has allocated $90,000 in the current financial year to install Flagtrax infrastructure to achieve compliance with SA Power Networks guidelines. This will mitigate both cost and risk, as installation can be facilitated from the ground without the need for elevated work platforms or traffic management.

The draft Guidelines will govern how this infrastructure is used by both Council and the community. The guidelines will ensure requests are assessed consistently and outline the associated levels of service from Council.

Council will retain ownership of the infrastructure and the street flag "spaces" in each township, superseding historic and ad-hoc arrangements with community groups.

*Discussion*
The Guidelines define appropriate use of the Flagtrax infrastructure to activate townships with the aim of:

- providing a sense of arrival for visitors to the region;
- driving economic activity through event promotion;
- generating a sense of community pride; and
- increasing visibility of regional brand and community attributes.

Officers propose supplying two sets of Council 'default' flags in each township, which remain in-situ when no other application by a third party has been made. One set of flags will feature hero township imagery and town name; the other set will feature Christmas imagery and town name. These flags are currently unfunded.

Under the Guidelines, Council will also accept and assess applications by third parties to use the flag infrastructure.

It is recommended that applications from community groups nominated in the Guidelines attract no installation fee. However, applicants receiving a financial return from their event/activity will be charged a nominal one-off fee of $350. This is not intended to generate revenue but rather to offset the cost for the operations team to install and remove the flags. If endorsed, this fee will be added to the Fees and Charges register as part of a separate report to Council.

Given that the current budget provision for this project was approved to service only six of the region's 8 townships, officers have determined that the existing funding allocation of $90,000 is insufficient to service all eight townships. Noting the Eden Valley community has previously been unsuccessful in obtaining funding for street flags via the Community Assistance Scheme, in order to provide equity and extend a level of service to Eden Valley and Springton, a further allocation of up to $30,000 is requested. This will also achieve two sets of 'default flags' (up to 12 poles) for each township.

The estimated cost breakdown is as follows:

| **Item** | **Cost (ex GST)** |
|---|---|
| Flagworld infrastructure and 180 flags (eight townships) | $95,409 |
| Installation – personnel (depot) | $5,850 |
| Platform Truck (depot) | $1,820 |
| Additional banding/tools | $10,000 |
| Contingency (5%) | $5,654 |
| **Total (ex GST)** | **$118,733** |

The draft Street Flag Locations provided at Attachment 2 provide an indicative footprint, however further discussion is required with SAPN to identify any obstructions (such as tree canopy) or impediments to installation of the Flagtrax infrastructure, or to identify alternate locations. Further, Eden Valley has stobie poles rather than light poles and Officers will continue dialogue with SAPN to achieve a mutually satisfactory outcome that is compliant. Development approval is also a requirement for the project to proceed.

In addition to the draft Guidelines and draft Locations, design specifications will be developed by Officers to ensure imagery and content appearing on flags is aligned with Council's branding guidelines.

Officers have commenced preliminary discussions with community groups to explain the rationale for removing existing infrastructure and advise of a new model for managing street flags, subject to Council approval.

*Summary and Conclusion*

Approval of the draft Street Flags Guidelines and Locations will give effect to the proposed approach to activate townships for community and economic benefit. However current funding of $90,000 is insufficient to achieve the installation to strive for all the original primary townships of Angaston, Nuriootpa, Tanunda, Lyndoch, Mount Pleasant, Williamstown, Springton and Eden Valley. Therefore, additional funding is sought to ensure the project can be successfully implemented and townships are serviced equitably.

**ATTACHMENTS OR OTHER SUPPORTING REFERENCES**

Attachment 1 Draft Street Flags Guidelines

Attachment 2 Draft street flags locations

Supporting references
Nil

## COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS

Corporate Plan
CS3 - Assets - Planning, construction, maintenance and operation of Council's assets (Transport, Bridges, Community Wastewater Management System, Community, Cultural, Recreation and Stormwater)

Legislative Requirements
Nil

## FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

The following table outlines the assessment as required by the Annual Business Plan and Budget Policy. The budgetary impacts are minor and target financial indicators are within the set targets, when adjusting for the advanced payments of the 2023-24 financial assistance grants.

| **Financial Considerations (where additional funding outside adopted budget is required)** | | | | | |
|---|---|---|---|---|---|
| **Items Being Considered in this Agenda** | [redacted] | | | **Banners** | |
| **Net operating costs (incl depreciation)** | | | | $857.14 | |
| **Total project cost (ex GST)** | | | | $30,000 | |
| **Grant / Other Income (ex GST)** | | | | $0 | |
| **Funding required by Council** | | | | $30,000 | |
| **Where funding is sourced from:** | | | | Borrowings | |
| **DDR provided** | | | | Not required | |
| **Business Assessment Tool Score Cut Off Comparison** | | | | Not assessed as part of budget development - assessment is pursuant to Clause 3.5 of the Annual Business Plan and Budget Policy | |
| **If approved – a BAR or NI will be included in the:** | | | | December 2023 Quarterly Budget Update | |
| **KPI** | **Original Adopted $'000** | **Quarter 1 Revised Budget $'000** | **Change** | **Budget Result for 2023/24** | **Result** |
| Operating Surplus / (Deficit) | ($2,371) | ($2,064) | Improvement of $307K | ($2,065) | Increase in deficit of $0.8K |
| Operating Surplus / (Deficit) - Adjusted (removes effect of Grants upfront payment) | ($286) | $21 | Improvement of $307K | $20 | |
| Operating Surplus Ratio (Target: -2% to10%) | -5.26% | -4.58% | Improvement of 0.68% | -4.58% | No Change |
| Operating Surplus Ratio - Adjusted (removes effect of Grants upfront payment) (Target: -2% to10%) | -0.63% | 0.05% | Improvement of 0.68% | 0.04% | Decrease in surplus ratio of 0.01% |
| Net Financial Liabilities Ratio (NFL) (Target: >0 to <100%) | 67.3% (peaking in 2024/25 at 77.9%) | 64.0% (peaking in 2024/25 at 74.8%) | Improvement of 3.1% | 64.1% (peaking in 2024/25 at 74.9%) | Increase in NLF of 0.1% |
| Asset Funding Renewal Ratio (Target: >80% to <110%) | 116.8% | 116.8% | No change | 116.8% | No change |

* Assumes all are approved and presented in order of the agenda and all other components of budget will be achieved.

## COMMUNITY ENGAGEMENT

Council will continue dialogue with community groups to explain the rationale and proposed new model for managing street flags. Officers will also liaise with representatives on the hero imagery to align with the values identified in the Barossa Community Plan 2020-2040 and Council's vision statement.

**7.2.6 BAROSSA VALLEY HOCKEY ASSOCIATION - MEMORANDUM OF UNDERSTANDING AND LOAN ARRANGEMENTS AMENDMENT**
**23/111661**

**MOVED** Cr Schilling

That Council:

(1) Support the termination of the current Memorandum of Understanding between the Barossa Valley Hockey Association (BVHA) and the Barossa Council for the Stockwell Recreation Park Artificial Turf Pitch; and

(2) Approve a new set of conditions to govern financial arrangements associated with the ongoing management and replacement of the Stockwell Recreation Park Synthetic Hockey Pitch as follows:
   a. BVHA are required to contribute 50% towards the future costs of the synthetic playing surface replacement.
   b. BVHA are to establish a sinking fund with minimum annual contributions determined in accordance with Council's calculation methodology set out in the Lease, Licence and Hire Permit Policy.
   c. BVHA are to meet loan repayment instalments in accordance with the original approved Loan Agreement Schedule.
   d. Council to provide ongoing annual operational funding of $15,000 per year to assist with routine maintenance of the synthetic hockey pitch subject to the provision of an annual maintenance schedule to be agreed by Council, submission of evidence of compliance with the agreed maintenance schedule at the conclusion of each financial year, and the conduct of routine inspections at Council's sole discretion to ensure that a base level of service is maintained.
   e. BVHA to provide Council with a copy of its annual financial report to satisfy Council of its financial sustainability during the loan period.
   f. BVHA to provide annual audited Financial Statements to Council within three months of the end of the Financial Year each year.
   g. BVHA and Council to negotiate revised lease and licence agreements in accordance with recently approved Lease, Licence and Hire Permit Policy to ensure alignment with contemporary settings.

**SECONDED** Cr Preece **CARRIED 2022-26/293**

**PURPOSE**

To seek Council approval to vary financial conditions set out in the Memorandum of Understanding (MOU) between the Barossa Valley Hockey Association and the Barossa Council for the Stockwell Recreation Park Artificial Turf Pitch.

**REPORT**

*Background*
In support of the development and installation of an artificial turf hockey pitch at the Stockwell Recreation Park in 2013, Council approved a $515,000 community loan to be taken out by the Barossa Valley Hockey Association (BVHA). The loan was taken over a 20-year period via Local Government Financial Services and is supported by an MOU between The Barossa Council and Barossa Valley Hockey Association setting

out the repayment schedule and ongoing financial administration arrangements for the turf pitch during the period 2013-2034.

The BVHA fully own the artificial hockey pitch and surrounding infrastructure at Stockwell Recreation Park and operate the asset under a ground lease arrangement.

*Introduction*
At a Special Council Meeting on 28 October 2013, Council resolved to support the BVHA Artificial Hockey Pitch project with the provision of funding assistance subject to a number of conditions.

In addition to loan funding, Council agreed to provide annual operational funding of up to a maximum of $15,000 per year (for the first 15 years of the loan term). This contribution was however subject to conditions within Section G of the MOU whereby any BVHA income realised above that estimated in the original Whole of Life Analysis may be returned to Council to offset Council's operational contribution.

Section D of the MOU provided specific conditions relating to the repayment of loan funds as follows:

- Loan Repayments over a 20-year period in accordance with a set repayment schedule;
- Return of $100,000 over the life of the project – Council and BVHA to review on an annual basis the capacity for repayment of a contribution towards the $100,000.
- Sinking fund – Council and BVHA to agree arrangements for the establishment of a trust fund to act as a sinking fund and draw up an MOU to govern that fund during the first five years of the loan repayment term.

The above terms and conditions have limited the BVHA's capacity to generate sufficient surplus funds to establish a sinking fund or contribute to any further improvements at the site. The remaining conditions have also not been fully realised by both BVHA and The Barossa Council, as aside from the Association's capacity to service its loan repayments, they have simply not been economically viable.

In addition, the current conditions set out in the MOU are also not consistent with new sinking fund and investment settings recently approved in Council's Lease, Licence and Hire Permit Policy reforms.

*Discussion*
Given the lack of alignment between historical financial conditions set out in the MOU between the Barossa Valley Hockey Associated and the Barossa Council for the Stockwell Recreation Park Artificial Turf Pitch (2013-2034) and Council's recently adopted Lease, Licence and Hire Permit Policy settings and the unsustainability of the current financial arrangements at the site, a review of agreed conditions is now required.

The BVHA still owes $357,250 (plus interest of 6.2% p.a) in loan repayments for the remaining term of 11 years. In addition to this financial commitment, the Association is also responsible for generating additional funds for the replacement of the turf pitch when it is assessed as being at the end of its useful life. Hockey playing surfaces normally have an average playing life of 15 – 20 years, depending on the usage and maintenance of the field. A recent internal assessment has indicated that the playing surface appears to have 3 years of competition life left in it and 5 years of structural life. As such, the requirement for BVHA to generate and rapidly grow a sinking fund for the replacement of the turf pitch is paramount.

Under new Lease, Licence and Hire Permit Policy provisions, to ensure that sufficient funds are available for the replacement of synthetic playing surfaces, Council will require the Lessee to establish a 'sinking fund'. It is expected the Lessee will contribute 50% towards the future cost of the synthetic playing surface replacement, unless otherwise resolved by Council. The policy further sets out methodology for calculating annual sinking fund contributions to meet replacement costs. At this time, the BVHA is constrained in meeting this requirement by contradictory conditions set out in the MOU.

To support the ongoing financial sustainability of the BVHA and its capacity to both maintain the existing Synthetic Hockey Pitch and contribute to its replacement in accordance with Council's current policy settings, it is recommended that Council support the termination of the current MOU and approve a new set of conditions to govern financial arrangements associated with the ongoing maintenance and replacement of the Stockwell Recreation Park Synthetic Hockey Pitch as follows:

- BVHA are required to contribute 50% towards the future costs of the synthetic playing surface replacement;
- BVHA are to establish a sinking fund with minimum annual contributions determined in accordance with Council's calculation methodology set out in the Lease, Licence and Hire Permit Policy;
- BVHA are to meet loan repayment instalments in accordance with the original approved Loan Agreement Schedule;
- Council to provide ongoing annual operational funding of $15,000 per year to assist with routine maintenance of the synthetic hockey pitch subject to the provision of an annual maintenance schedule to be agreed by Council, submission of evidence of compliance with the agreed maintenance schedule at the conclusion of each financial year, and the conduct of routine inspections at Council's sole discretion to ensure that a base level of service is maintained.
- BVHA to provide Council with a copy of its annual financial report to satisfy Council of its financial sustainability during the loan period.
- BVHA to provide annual audited Financial Statements to Council within three months of the end of the Financial Year each year.
- BVHA and Council to negotiate revised lease and licence agreements in accordance with recently approved Lease, Licence and Hire Permit Policy to ensure alignment with contemporary settings.

<u>*Summary and Conclusion*</u>
Based on the lack of feasibility of current MOU arrangements between the Barossa Valley Hockey Association and the Barossa Council for the Stockwell Recreation Park Artificial Turf Pitch and misalignment with recently approved Lease, Licence and Hire Permit Policy settings, it is recommended that Council approve a new set of conditions to support the ongoing financial sustainability of the BVHA and its capacity to both maintain the existing Synthetic Hockey Pitch and contribute to its replacement.

**ATTACHMENTS OR OTHER SUPPORTING REFERENCES**

Nil

*Supporting references*
The Barossa Council Lease, Licence and Hire Permit Policy

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

Corporate Plan
BS6 - Finance - Transparency and accountability regarding Council activity and expenditure. Provision of organisational performance report (outcomes), activity report (outputs), a range of statutory reporting (e.g. public health, tax, superannuation), financial reporting

Legislative Requirements
Nil

**FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS**

The proposed revised financial conditions are aligned with current policy settings and will have no net impact on current approved budget settings. In accordance with the original council resolution on 28 October 2013, Council has made provision within the Long Term Financial Plan to contribute to 50% of replacement costs for the Synthetic Turf Hockey Pitch.

The review and update of financial arrangements of associated with the ongoing maintenance and replacement of the Stockwell Recreation Park Synthetic Hockey Pitch ensures risks associated with the ongoing financial sustainability of the Hockey Association and its capacity to maintain and replace pitch infrastructure are mitigated and provides for equity and transparency in the application of modern policy settings.

**COMMUNITY ENGAGEMENT**

The Barossa Valley Hockey Association has been consulted on current challenges inherent in existing MOU arrangements. Further community engagement is not required under Council policy settings.

### 7.2.7 MONTHLY FINANCE REPORT AS AT 31 OCTOBER 2023
**23/111717**

**MOVED** Cr de Vries

That Council receive and note the Monthly Finance Report as at 31 October 2023 as provided at Attachment 1.

**SECONDED** Cr Preece **CARRIED 2022-26/294**

**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

The Monthly Finance Report (as at 31 October 2023) is Attached. The report has been prepared comparing actuals to the original adopted budget 2023/24.

## ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Attachment 1 Monthly Finance Report Council October 2023

*Supporting references*
Nil

## COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS

Corporate Plan
BS6 - Finance - Transparency and accountability regarding Council activity and expenditure. Provision of organisational performance report (outcomes), activity report (outputs), a range of statutory reporting (e.g. public health, tax, superannuation), financial reporting

Legislative Requirements
*Local Government (Financial Management) Regulations 2011, Regulation 9(1)(b) LGA Information paper no.25 – Monitoring Council Budget Performance*

## FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

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

## COMMUNITY ENGAGEMENT

Community Consultation was part of the original budget adoption process in June/July 2023, as per legislation. This report is advising Council of the monthly finance position compared to that budget.

## 7.3 Infrastructure and Environmental Services

### 7.3.1 REQUEST - MEMORIAL ON COMMUNITY LAND - JOHN REUSCH
**23/92581**

**MOVED** Cr Schilling

That Council provides consent to Jane Fox for the installation of a bronze plaque on a bench seat in Linear Park, Nuriootpa in memory of John Reusch, subject to compliance with the Memorials on Community Land Policy.

**SECONDED** Cr Preece **CARRIED 2022-26/295**

**PURPOSE**

To consider a request for the installation of a memorial plaque on an existing bench seat at Linear Park, Nuriootpa.

**REPORT**

*Background*
The installation of memorial symbols within Community Land requires the approval of Council. Council's Memorials on Community Land Policy is attached for information.

*Discussion*
The family of the late John Reusch have written to Council requesting permission to install a memorial plaque to an existing bench in Liner Park, Nuriootpa, attached.

The application provides a detailed summary of Mr Reusch's service to the Barossa Community together with the wording the family wish to have included on the memorial plaque.

*Summary and Conclusion*
The application clearly outlines the connection John Reusch had to the Barossa as required at 4.1.1 of the Policy.

Council's Manager Operations and Environmental Services has no objection to the proposal.

**ATTACHMENTS OR OTHER SUPPORTING REFERENCES**

Attachment 1 Memorials on Community Land - adopted 17 September 2019
Attachment 2 Memorial plaque application - John Reusch

*Supporting references*
Nil

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

Corporate Plan
CS3 - Assets - Planning, construction, maintenance and operation of Council's assets (Transport, Bridges, Community Wastewater Management System, Community, Cultural, Recreation and Stormwater)

Legislative Requirements
Nil

**FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS**

The Reusch family will pay all costs associated with the installation of the memorial plaque.

An audit of Open Space Furniture is currently in progress, should the audit indicate that the bench is past its useful life, Council will fund a new bench at the same location prior to the installation of the plaque.

**COMMUNITY ENGAGEMENT**

Community consultation is not required under legislation or Council Policy.

## 7.4 Development and Community Services

### 7.4.1 CONSIDERATION AND ADOPTION OF COMMITTEE RESOLUTIONS - BAROSSA BUSHGARDENS
**23/93523**

**MOVED** Cr Preece

That Council having reviewed the Minutes of the Barossa Bushgardens S41 Committee meeting held 11 October 2023, adopt the Resolutions contained within.

**SECONDED** Cr Troup **CARRIED 2022-26/296**

**PURPOSE**

The minutes of Council Section 41 Committee are presented here for consideration and adoption by Council.

**REPORT**

*Discussion*
The consideration and adoption of recommendations of Council Committees to Council requires assessment by Council to ensure compliance obligations under section 6(a) of the *Local Government Act 1999*. The relevant Minutes received in the past month are therefore presented for Council adoption.

## ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Attachment 1 Minutes - Barossa Bushgardens Committee Meeting - 11 October 2023

*Supporting references*
Nil

## COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS

Community and Culture

Natural Environment and Built Heritage

Community Plan
Support community based sustainability initiatives to help reduce the Barossa's contribution to the climate crisis and build on the capacity of local residents and industry to mitigate negative impacts.

Build on a strong sense of community pride with active community groups and individuals participating in local decision making and community building activities.

Legislative Requirements
Local Government Act and Regulations
Landscape South Australia Act 2019 and Landscape South Australia (General) Regulations 2020.

## FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

Identified within the body of the minutes, and is included within endorsed Council budget.

## COMMUNITY ENGAGEMENT

Not required by Council.

**7.4.2 <u>SUBMISSION TO THE GREATER ADELAIDE REGIONAL PLAN DISCUSSION PAPER</u>**
**23/110923**

**MOVED** Cr Preece

That Council endorse the draft Greater Adelaide Regional Plan Discussion Paper submission, contained within <u>*Attachment 2*</u>.

**SECONDED** Cr Hurn **CARRIED 2022-26/297**

**PURPOSE**

To seek Council endorsement of the draft submission prepared in relation to the Greater Adelaide Regional Plan Discussion Paper.

**REPORT**

<u>*Background*</u>
The State Planning Commission released the Greater Adelaide Regional Plan (GARP) Discussion Paper on 14 August 2023.

The GARP incorporates 27 Local Government areas and extends from Cape Jervis in the south, to Murray Bridge in the east and the Barossa in the north.

The GARP will replace the current plan, known as the 30-Year Plan for Greater Adelaide. The plan will identify growth over a 15 to 30 year period, by investigating and guiding:

- Where houses and employment land will go;
- How housing and population will be serviced;
- Which areas need conservation and protection; and
- What major infrastructure is needed and how it will be provided.

Following consultation and feedback, the State Planning Commission will prepare and release a draft GARP. Consultation on the draft GARP is anticipated to occur in 2024.

The Chair of the State Planning Commission, Mr Craig, Holden, attended the Council Workshop on 6th September 2023 to speak to the Discussion Paper. A copy of the GARP Discussion Paper Presentation is contained within Attachment 1.

The consultation period concluded on 6th November 2023.

Councils were given an extension to make a submission, provided that an embargoed draft was provided by the due date and that the endorsed version is provided the next business day following the scheduled November Council meeting.

<u>*Discussion*</u>
The GARP Discussion Paper is divided into two (2) parts. Part one (1) is focused on *how* Greater Adelaide should grow and part two (2) is focused on *where* Greater Adelaide should grow.

In part one (1) of the Discussion Paper, four (4) key outcomes are proposed to guide the discussion. These outcomes were informed by the State Planning Policies and global trends. The four (4) outcomes are as follows:

- A greener, wilder and climate resilient environment;
- A more equitable and socially cohesive place;
- A strong economy built on a smarter, cleaner, regenerative future; and
- A greater choice of housing in the right places.

Additionally, the need for 'living locally' and understanding the true costs of providing infrastructure to service urban growth are other key focus areas.

In part two (2) of the Discussion Paper, there are seven (7) principles that will guide decisions about where Greater Adelaide should grow. These include:

- Planning for a high growth scenario (670,000 people or 300,000 dwellings by 2051);
- Accommodating a rolling 15-year land supply for a range of land uses;
- Avoiding encroachment into areas of high primary production, landscape or environmental significance; and
- Identification and prioritisation of growth areas that are based on the transparency of costs to the community.

Proposed 'greenfield and satellite city investigation areas' are focused around four (4) key 'spines' (roads) with the north-eastern spine (Sturt Highway) being relevant to The Barossa Council. This spine identifies land clustered around Roseworthy as being a growth investigation area.

The GARP Discussion Paper identifies that the Commission will not investigate growth opportunities in the Barossa Character Preservation District. The Discussion Paper further notes that:

- Concordia is identified as a major growth area; and
- Townships of Freeling and Kapunda will be investigated for modest township growth.

Council's embargoed draft submission is contained within *Attachment 2*. Accompanying the draft submission are key documents relevant to The Barossa Council's Growth and Character planning including:

- Barossa Growth and Infrastructure Investment Issues Paper, URPS, March 2023 (*Attachment 3)*;
- Consultation Issues Paper Engagement Summary Report, URPS, September 2023, (*Attachment 4)*;
- Barossa Character Area Planning, State Planning Commission (*Attachment 5*);
- Strategic Planning Review of the Barossa Character Area – Strategic Directions Paper, Paul Mickan, September 2022 (*Attachment 6)*.

The draft GARP submission makes the following six (6) key recommendations:

- **Recommendation 1** – Retain the Character Preservation District Addendum within the GARP whilst being flexible to accommodate growth and new opportunities and needs of the community.

- **Recommendation 2** – Facilitate a Ministerial Code Amendment to strengthen planning policies within the Character Preservation Overlay under the Planning and Design Code.
- **Recommendation 3** – Support Council in implementing the recommendations under the Growth and Infrastructure Investment Strategy.
- **Recommendation 4** – Infrastructure investment for Concordia is identified and delivered through an equitable funding arrangement and Council is engaged in all facets of structure planning and delivery.
- **Recommendation 5** – Establish a peri-urban sub-region within the GARP.
- **Recommendation 6** – Support growth in existing nodes in proximity to the Barossa, including Freeling and Kapunda.

*Summary and Conclusion*

The GARP is the key document guiding planning outcomes for Greater Adelaide. Council's submission reflects the key priorities identified within Council's Growth and Character Planning agenda and identifies key issues and opportunities for The Barossa Council.

It is recommended that Council endorse the Greater Adelaide Regional Plan Discussion Paper submission, contained within *Attachment 2*.

## ATTACHMENTS OR OTHER SUPPORTING REFERENCES

| | |
|---|---|
| Attachment 1 | PowerPoint Presentation - Greater Adelaide Regional Plan |
| Attachment 2 | Greater Adelaide Regional Plan Submission - The Barossa Council - 6 November 2023 |
| Attachment 3 | Barossa Growth and Infrastructure Investment Issues Paper - URPS - March 2023 |
| Attachment 4 | URPS Consultation Issues Paper Engagement Summary Report |
| Attachment 5 | 11861736 - SCAP - Letter to Council Concurrence Delegated Decision |
| Attachment 6 | Strategic Planning Review of the Barossa Character Area - Strategic Directions Paper |

*Supporting references*

The Discussion Paper can be viewed via the following link:
https://plan.sa.gov.au/regional-planning-program/about-the-greater-adelaide-regional-plan/what-is-the-greater-adelaide-regional-plan

## COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS

Community Plan

Natural Environment and Built Heritage

Ensure land use planning and resource use protects the quality of the natural environment, the existing character of rural landscapes, historic significance and the high value of agricultural land.

Legislative Requirements

*Planning, Development and Infrastructure Act 2016*

**FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS**

There are no financial or resource implications.

**COMMUNITY ENGAGEMENT**

This was a state-led consultation and was open to everyone in the community. Therefore, the consultation did not trigger Council's Public Consultation Policy. Council however promoted the GARP Discussion Paper consultation through its website and facebook channels.

## 7.5 Other Business - Corporate Services and Business Innovation

### 7.5.1 CITY OF GRAPEVINE TEXAS SISTER CITY RELATIONSHIP - SEPTEMBER 2023 VISIT DELEGATION REPORT
**23/110977**

**MOVED** Cr Preece

That Council receives and notes the Sister City Visit Delegation Report provided at Attachment 1 in accordance with requirements set out within Council's Sister City Relationships and Engagement Policy following the Mayor and Acting CEO's travel to the City of Grapevine, Texas in September 2023.

**SECONDED** Cr de Vries **CARRIED 2022-26/298**

**PURPOSE**

To provide Council with a Sister City Visit Delegation Report in accordance with Council's Sister City Relationships and Engagement Policy following the Mayor and Acting CEO's travel to the City of Grapevine, Texas in September 2023.

**REPORT**

*Background*
Following the signing of the intention to enter into a Sister City Accord with the City of Grapevine, Texas during their visit in April 2023, the Barossa Council was invited to attend Grapevine's premier event, GrapeFest 2023, in September to sign the official Sister City Accord.

*Introduction*
Mayor Bim Lange, Jo Moen, Acting CEO The Barossa Council, Scott Hazeldine, CEO Barossa Australia, and a delegation of Barossa Winemakers travelled to the City of Grapevine, Texas from 12th to 18th of September to attend GrapeFest 2023 and facilitate the official signing of a Sister City Accord between the two local government entities.

*Discussion*
A comprehensive itinerary of events, site visits and networking opportunities were curated for The Barossa Council Delegation over the five day visit providing an opportunity to develop key relationships with City of Grapevine Council Officials, Staff, Business Leaders, representatives from Rotary, Volunteer Groups, the Education Sector and the Tourism/Conference/Hotel industry, Texas government officials and sister city delegates from Scotland and Mexico to provide a platform for future conversations and collaborations in the pursuit of education, tourism, trade, cultural and innovation outcomes.

In addition to key contacts made with Texas stakeholders, Barossa's delegates also capitalised on the opportunity to establish strong connections with delegates attending Grapefest from the City of Grapevine's other sister cities including West Lothian, Scotland and Parras de la Fuente, Mexico.

Representatives from Barossa Australia and the contingent of Barossa Wineries were also afforded a range of media, education, networking and promotional opportunities as a result of being showcased as a featured wine region at GrapeFest 2023.

A detailed Sister City Visit Delegation Report is provided at ***Attachment 1*** which provides the following for Council consideration:

- Background
- Grapevine Key Statistics
- City of Grapevine Summary & Community Profile
- Detailed Visit Program Overview
- Wine Delegation Reflections
- Financial Analysis – Council Costs Associated with the Visit
- Grapevine Visit Key Takeaways – City Identity, Tourism and Visitor Economy, Arts and Culture, Heritage and History, Events and Volunteerism, Trade and Investment
- Acknowledgement and Thanks

The report also sets out a number of observations and opportunities for improvement within the Barossa Council region based on learnings from the visit. These ideas and concepts, summarised in overarching themes within the Key Takeaways section of the report, will be explored further by Council Officers in due course.

*Summary and Conclusion*
In accordance with Council's Sister City Relationships and Engagement Policy, a Sister City Visit Delegation Report has been prepared for Council consideration following the Mayor and Acting CEO's travel to the City of Grapevine, Texas in September 2023.

**ATTACHMENTS OR OTHER SUPPORTING REFERENCES**

Attachment 1 Grapevine, Texas Sister City Visit Delegation Report - September 2023

*Supporting references*
Nil

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

Community Plan

Community and Culture

Corporate Plan
CS10 - Economic Development - Facilitating the economic well-being and quality of life of the local businesses and the community

Legislative Requirements
Nil

**FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS**

Council's total financial commitment for the Mayor and Acting CEO's visit to Grapevine in September 2023 was $18,451.16. This expenditure was incurred in accordance with approved budget provisions and relevant policy settings (Sister City Relationships and Engagement Policy; Clause 3.5.3 of the Elected Member's Allowances and Benefits Policy; and Clause 4.1.3 of the Employee Travel and Accommodation Policy).

Deliverables and outcomes associated with this spend are detailed within the attached report.

**COMMUNITY ENGAGEMENT**

Not required.

**7.5.2 ESTABLISHMENT OF A SECTION 41 COMMITTEE - SISTER CITIES ADVISORY COMMITTEE**
**23/16685**

**MOVED** Cr Preece

That Council:

1) Endorse the establishment of the Sister City Advisory Committee pursuant to Section 41 of the *Local Government Act 1999*; and

2) Adopt the Sister City Advisory Committee Terms of Reference as per Attachment 1.

3) Approve an allocation of $10,000 as seed funding to assist the Committee to carry out its purpose, on condition the Committee shall at an appropriate time table a program/budget that the funds will support for the 2023-24 financial year.

**SECONDED** Cr de Vries **CARRIED 2022-26/299**

**PURPOSE**

Pursuant to Section 41 of the *Local Government Act 1999* (the "Act"), seeking endorsement to establish a Section 41 Council committee to be known as the Sister City Advisory Committee (the 'Committee") and adopt the Terms of Reference for the legislative operation of the Committee and it members.

**REPORT**

*Introduction*
Sister cities with other countries, is an agreement to foster strong cultural and commercial ties between two regions. The Barossa Council's Mayor and Acting CEO, Jo Moen formally cemented the bond of friendship between Grapevine, Texas by signing the official Sister City Agreement on 16 September 2023.

These long term, formal agreements facilitate a wide range of opportunities for both regions to participate in international educational, community, cultural, technical and business exchanges.

This agreement paves the way for ongoing exchanges between the two cities and its citizens; for the fostering of deeper of cultural ties, encouraging exhibitions, exchange and promotion of products and services, increasing the awareness of tourist attractions, and promoting visits between the people of the two cities.

*Discussion*
The Council is responsible for the commitment to the development and maintenance of effective international relations as a Sister City with Grapevine, Texas and through the already established Sister City Relationships and Engagement Policy, provides a framework for maintaining and assessing such relationships to ensure that maximum benefits can be realised by both parties and with community benefits.

The Committee will provide advice and support (as outlined in the formal Sister City Agreement) on ways and means to enhance Sister City relationships and programs and will actively undertake the facilitation of activities with the objective of nurturing and fostering the relationship and providing cross-cultural understanding, aiming to build connected communities and generating mutual benefits for both cities through but not limited to, educational, cultural, professional, economic and industry exchanges by:

- Facilitation of the sharing of best practice and exchange of new ideas and successful experiences across a range of disciplines to improve capability and build more vibrant cities and local government authorities.

- Fostering trade and investment initiatives that promote business development, provide accelerated access and open doors into key markets to connect our cities more effectively with buyers and sellers.

- Promotion of each other's cities as visitor destinations, cross participation in festivals and events and facilitation of the exchange of destination marketing expertise and experience to enhance the tourism market intelligence of both cities.

- Facilitation of education, cultural and sporting exchanges that empower our youth, support the education sector, celebrate our unique heritage, create opportunities for artistic expression and activate community participation.

- Enhancement of each other's reputation and capacity to meet emerging policy issues facing our cities in addition to capitalizing on opportunities to explore innovations and improvements in science and technology, viticulture, rural and urban design, public infrastructure and sustainability.

- Fostering friendship, mutual regard, and understanding among the citizens of our communities.

The Section 41 Committee will operate under the Committees Terms of Reference (Attachment 1)

*Summary and Conclusion*
Since the return of the delegation from Texas, the attendees from Council, Barossa Australia and the Wine Industry representatives, it has generated excitement on the possibilities of what can be achieved moving forward for our region and direct benefits to our community.

This Committee aims to engage, develop and activate events, programs and other innovative initiatives that are facilitated by the Committee but will directly involve the community.

Council is asked to support the establishment of the Committee.

**ATTACHMENTS OR OTHER SUPPORTING REFERENCES**

Attachment 1 Draft Terms of Reference - Sister Cities Advisory Committee

*Supporting references*
Sister City Relationships and Engagement Policy

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

Community Plan

Community and Culture

Corporate Plan
CS10 - Economic Development - Facilitating the economic well-being and quality of life of the local businesses and the community

Legislative Requirements
Section 41 and 123 of the Local Government Act 1999

**FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS**

The commitment of resources is absorbed through existing resource allocations and responsibilities.

It is recommended a small amount of seed funding be provided to the Committee to support its work. The Committee will develop and program of work and that will be reported back to Council through its minutes. An amount of $10,000 is recommended.

| FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS | | | | | | |
|---|---|---|---|---|---|---|
| Financial Considerations (where additional funding outside adopted budget is required) | | | | onfidential Ite | | |
| Items Being Considered in this Agenda | [redacted] | | | Barossa Central - Judicial Review | Sister City Establishment | |
| Net operating costs (incl depreciation) | | | | $20,000.00 | $10,000.00 | |
| Total project cost (ex GST) | | | | $20,000 | $10,000 | |
| Grant / Other Income (ex GST) | | | | $0 | $0 | |
| Funding required by Council | | | | $20,000 | $10,000 | |
| Where funding is sourced from: | | | | Borrowings | Borrowings | |
| DDR provided | | | | Not required | Not required | |
| Business Assessment Tool Score Cut Off Comparison | | | | Not assessed as part of budget development - assessment is | Not assessed as part of budget development - assessment is pursuant to Clause 3.5 of the Annual Business Plan and Budget Policy | |
| If approved – a BAR or NI will be included in the: | | | | September 2023 Quarterly Budget | September 2023 Quarterly Budget Update | |
| KPI | Original Adopted $'000 | Quarter 1 Revised Budget $'000 | Change | Result | Budget Result for 2023/24 | Result |
| Operating Surplus / (Deficit) | ($2,371) | ($2,064) | Improvement of $307K | Increase of $20K | ($2,094) | Increase of $10K |
| Operating Surplus / (Deficit) - Adjusted (removes effect of Grants upfront payment) | ($286) | $21 | Improvement of $307K | | ($9) | |
| Operating Surplus Ratio (Target: -2% to 10%) | -5.26% | -4.58% | Improvement of 0.68% | Reduction of 0.04% | -4.64% | Reduction of 0.02% |
| Operating Surplus Ratio - Adjusted (removes effect of Grants upfront payment) (Target: -2% to 10%) | -0.63% | 0.05% | Improvement of 0.68% | Decrease in surplus ratio of 0.05% | -0.02% | Decrease in surplus ratio of 0.02% |
| Net Financial Liabilities Ratio (NFL) (Target: >0 to <100%) | 67.3% (peaking in 2024/25 at 77.9%) | 64.0% (peaking in 2024/25 at 74.8%) | Improvement of 3.1% | Increase in NLF of 0.1% | 64.3% (peaking in 2024/25 at 75.1%) | Increase in NLF of 0.1% |
| Asset Funding Renewal Ratio (Target: >80% to <110%) | 116.8% | 116.8% | No change | No change | 116.8% | No change |
| * Assumes all are approved and presented in order of the agenda and all other components of budget will be achieved. | | | | | | |

## COMMUNITY ENGAGEMENT

As per the Terms of Reference, (Attachment 1) the Committee Members will include broadly represented members of the community who are actively involved in the sectors required and aligned with the Committee Objectives. Expressions of Interest will be sort for Community Members.

*At 6.16pm, Mayor Lange introduced the official signing of the Sister City Accord with Grapevine, Texas an invited each individual Elected Member to the signing table to place their signature on the two official documents. The Mayor on behalf of the Mayor Tate of City of Grapevine, Texas presented each Elected Member with an official pen and lapel pin to commemorate the occasion.*

*Cr Thompson left the meeting at 6:19pm*

*Cr Thompson returned to the meeting at 6:21pm*

*Cr Preece left the meeting at 6:27pm*

*Cr Preece returned to the meeting at 6:28pm*

# 8. CONFIDENTIAL REPORTS

## 8.1 Office of the Mayor and CEO

*Pursuant to Section 75 of the Local Government Act 1999, Cr Evans disclosed a general Conflict of Interest in the matter Item number 8.1.1 - Elizabeth Street Tanunda - Discharge to Easement - Court Case Strategy and Teusner & Co Lawyers are representing the McKeady's in the above matter as she used to be employed by Teusner & Co Lawyers as a practising solicitor and was colleagues with solicitor Julia Lloyd who is involved in representation of the Keady's. As such, advised that she will leave the meeting.*

*Cr Evans left the meeting at 6.29pm*

### 8.1.1 ELIZABETH STREET TANUNDA - DISCHARGE TO EASEMENT - COURT CASE STRATEGY 23/111649

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

In this matter, the reasons that receipt, consideration or discussion of the information or matter in a meeting open to the public would be contrary to the public interest are that this is a matter relating to actual litigation and there is a need to detemine Council's strategy in the court case.

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

**MOVED** Cr de Vries

That Council:

(1) Under the provisions of Section 90(2) of the *Local Government Act 1999*, make an order that the public be excluded from the meeting with the exception of the Chief Executive Officer, Director Corporate Services and Business Innovation, Director Development and Community Services, and the Minute Secretary, in order to consider in confidence a report relating to 8.1.1 Elizabeth Street Tanunda - Discharge to Easement - Court Case Strategy being information that must be considered in confidence pursuant to:

Section 90(3)(i) of the *Local Government Act 1999:*

information relating to actual litigation, or litigation that the council or council committee believes on reasonable grounds will take place, involving the council or an employee of the council;

(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 that this is a matter relating to actual litigation and there is a need to determine Council's strategy in the court case.

**SECONDED** Cr Preece **CARRIED 2022-26/300**

*The meeting moved into confidence at 6.30pm*

**MOVED** Cr Angas

That Council having considered the legal advice and strategic discussion presented in the report:

(1) Council resolution

(2) Council resolution

(3) Council resolution

(4) Council resolution

(5) Council resolution

(6) Having considered this matter in confidence under Sections 90(2) and 90(3)(i) of the *Local Government Act 1999,* makes an order pursuant to Section 91(7), that the minutes, agenda report and attachments other than the minutes relating to this confidentiality order of the Confidential Council Meeting held on 21 November 2023 in relation to item 8.1.1 Elizabeth Street Tanunda - Discharge to Easement - Court Case Strategy be kept confidential and not available for public inspection authorise the Chief Executive Officer to review and revoke the order as part of the annual review.

**SECONDED** Cr Preece **CARRIED CO 2022-26/301**

*Resumption of open council meeting at 6.38pm*

*Cr Evans returned to the meeting at 6.38pm*

*Pursuant to Section 75 of the Local Government Act 1999, Cr Evans disclosed a general Conflict of Interest in the matter Item number 8.1.2 - Barossa Central Development - Judicial Review – Update as she is the current Local Government representative sitting on the Barossa Development Assessment Panel, however, she was not involved with the decision making in the Barossa Central Development*

*Application and as such will not leave the meeting and shall debate and vote on the matter.*

**8.1.2 BAROSSA CENTRAL DEVELOPMENT - JUDICIAL REVIEW - UPDATE**
**23/111922**

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

In this matter, the reasons that receipt, consideration or discussion of the information or matter in a meeting open to the public would be contrary to the public interest are that actual litigation in the case of Barossa Central in the Supreme Court and managing matters arising from the recent judgement.

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

**MOVED** Cr de Vries

That Council:

(1) Under the provisions of Section 90(2) of the *Local Government Act 1999*, make an order that the public be excluded from the meeting with the exception of the Chief Executive Officer, Director Corporate Services and Business Innovation, Director Development and Community Services, and the Minute Secretary, in order to consider in confidence a report relating to 8.1.2 Barossa Central Development - Judicial Review - Update being information that must be considered in confidence pursuant to:

Section 90(3)(i) of the *Local Government Act 1999:*

information relating to actual litigation, or litigation that the council or council committee believes on reasonable grounds will take place, involving the council or an employee of the council;

(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 that actual litigation in the case of Barossa Central in the Supreme Court and managing matters arising from the recent judgement.

**SECONDED** Cr Troup **CARRIED 2022-26/302**

Pursuant to section 75B(3)(d) of the Local Government Act 1999 Cr Evans voted for the motion.

*The meeting moved into confidence at 6.39pm*

**MOVED** Cr de Vries

That Council:

(1) Council resolution

(2) Council resolution

(3) Council resolution

(4) Council resolution

(5) Having considered this matter in confidence under Sections 90(2) and 90(3)(i) of the *Local Government Act 1999,* makes an order pursuant to Section 91(7), that the minutes, agenda report and attachments other than the minutes relating to this confidentiality order of the Confidential Council Meeting held on 21 November 2023 in relation to item 8.1.2 Barossa Central Development - Judicial Appeal - Update be kept confidential and not available for public inspection and authorise the Chief Executive Officer to review and revoke the order as part of the annual review.

**SECONDED** Cr Preece **CARRIED CO 2022-26/303**

Pursuant to section 75B(3)(d) of the Local Government Act 1999 Cr Evans voted for the motion.

*Resumption of open council meeting at 7.01pm*

*Pursuant to Section 75 of the Local Government Act 1999, Cr Barrett disclosed a perceived Conflict of Interest in the matter Item number 8.2.1 - Mt Pleasant Farmers Market as his wife is a member of the Farmers Market and on no less than 3 occasions over the last 12 months he has undertaken volunteer work on the gate to the Farmers Market.*

*This volunteer work was collecting a gold coin donation as people and vehicles entered the Farmers Market. There has been a flow on from the volunteering work whereby the organisations he has volunteered for have received a monetary benefit from the Farmers Market for this work. The groups involved were the local history group, the Mt. Pleasant RSL and the Mt. Pleasant Men's Shed. No personal benefit however each of the organisations he is involved with have benefited from a contribution/donation from the Mt. Pleasant Farmers Market. He has no idea how much each organisation has received, only that the Farmers Market forwards an amount to each organisation after they have undertaken gate duty on a Saturday morning.*

*As such he will not leave the meeting but indicated that he would not enter the debate nor vote but be available to answer any questions the Chamber may have due to his local knowledge on the matter.*

*Cr Preece left the meeting at 7:01pm*

## 8.2 Corporate Services and Business Innovation

**8.2.1 MT PLEASANT FARMERS MARKET**
**23/110976**

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

In this matter, the reasons that receipt, consideration or discussion of the information or matter in a meeting open to the public would be contrary to the public interest are that Information containing financial affairs

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

**MOVED** Cr de Vries

That Council:

(1) Under the provisions of Section 90(2) of the *Local Government Act 1999*, make an order that the public be excluded from the meeting with the exception of the Chief Executive Officer, Director Corporate Services and Business Innovation, Director Development and Community Services, and the Minute Secretary, in order to consider in confidence a report relating to 8.2.1 Mt Pleasant Farmers Market being information that must be considered in confidence pursuant to:

Section 90(3)(a) of the *Local Government Act 1999:*

information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead); and

Section 90(3)(b) of the *Local Government Act 1999:*

information the disclosure of which-
- (i) could reasonably be expected to confer a commercial advantage on a person with whom the council is conducting, or proposing to conduct, business, or to prejudice the commercial position of the council; and
- (ii) would, on balance, be contrary to the public interest;

(2) Accordingly, on this basis, Council is satisfied that public interest in conducting meetings in a place open to the public has been outweighed by the need to

keep the information and discussion confidential in order that Information containing financial affairs

**SECONDED** Cr Thompson **CARRIED 2022-26/304**

*The meeting moved into confidence at 7.03pm*

**MOVED** Cr Angas

That Council:

(1) Council resolution

(2) Having considered this matter in confidence under Sections 90(2) and 90(3)(a) and (b) of the *Local Government Act 1999,* makes an order pursuant to Section 91(7), that the minutes and agenda report attachments other than the minutes relating to this confidentiality order of the Confidential Council Meeting held on 21 November 2023 in relation to item 8.2.1 Mt Pleasant Farmers Market be kept confidential and not available for public inspection and authorise the Chief Executive Officer to review and revoke the order as part of the annual review.

**SECONDED** Cr Greatwich **CARRIED CO 2022-26/305**

*Resumption of open council meeting at 7.04pm*

## 9. URGENT OTHER BUSINESS

Nil

## 10. NEXT MEETING

Tuesday 19 December 2023 at 5.30pm

## 11. CLOSURE

Mayor Lange declared the meeting closed at 7.05pm

Confirmed at Council Meeting on 19 December 2023

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