TheBarossaCouncil

MINUTES OF THE MEETING OF SPECIAL COUNCIL MEETING

held on Wednesday 6 December 2023 commencing at 5.15pm
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 5.15PM.

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

APOLOGIES

JESS GREATWICH

NOT PRESENT

NIL

LEAVE OF ABSENCE

NIL

2. DEBATE REPORTS

2.1 Office of the Mayor and CEO

2.1.1 LYNDOCH RECREATION PARK REDEVELOPMENT - FINAL MASTERPLAN 23/115060

MOVED Cr Troup

That Council having received and reviewed feedback from the main stakeholders and noting prior community engagement when the master plan was first developed:

(1) Endorse the responses and actions highlighted to the feedback as provided in Table 1 – Engagement Submissions within this report.

(2) Approve the amended Option 3 masterplan as presented at Attachment 1 noting there will be design changes and amendments as the detailed design proceeds.

(3) Authorise the Chief Executive Officer or his delegate to proceed with:

a. Necessary design, planning and building approvals, engineering specification, quantitative survey costing and identification of funding sources to fund the redevelopment.
b. Develop a governance model for the delivery of the redevelopment.
c. Develop the project schedule for the delivery of the redevelopment pending the realisation of critical funding needs.

(4) Undertake an update to the relevant prudential management review, previously undertaken and updated periodically, pursuant to Section 48 of the *Local Government Act 1999*.

(5) Provide a report on matters arising from this resolution in early 2024 pertaining to part 3 and 4.

SECONDED Cr de Vries **CARRIED 2022-26/309**

PURPOSE

To review the stakeholder consultation feedback in relation to the Lyndoch Recreation Park redevelopment for the sporting and recreational precinct, excluding the Village Green, and endorse the masterplan and further work to ensure the project is positioned for further funding applications and delivery.

REPORT

Background
Council is aware that The Big Project previously undertook extensive planning and engagement processes across priority business areas and infrastructure. Part of this work included a master planning process for what was titled then, the Southern Barossa Recreation Hub. The Southern Barossa Recreation Hub was effectively a hub and spoke model, and incorporated planning for Lyndoch as the hub and Williamstown and Curdnatta Parks as supporting locations.

The initial stage 1 priority for investment was the investment in Rugby, which is underway, and allowed the release of the Lyndoch Recreational Park to be redeveloped for the transfer of football and netball. The further downstream benefit of this development is then releasing Williamstown to become an adventure, environmental recreation and tourism hub including expansion of the caravan park.

The original master planning and secondary review was undertaken when no additional land was available. Since that time, Council has negotiated the purchase of land adjacent to the Lyndoch Recreation Park. The final approvals for the land amendments to facilitate the sale are now in place and settlement is targeted to be completed by Christmas.

Introduction

With the passage of time since the first master planning process, along with the commencement of preliminary work for design and implementation guidelines prior to successfully negotiating the adjacent land purchase, a new master plan and review process was invoked.

Due to the original and subsequent planning, Council engaged in a third round of engagement with existing park stakeholders, including football, netball, tennis, little athletics and the Southern Barossa Alliance to undertake further refinement of the planning process.

In accordance with sound project planning practice, Dash Architects were engaged through a market approach to support the work.

Council was also consulted prior to the release of three revised layout and design options to stakeholders for comment.

Please note the engagement related to the Lyndoch Recreation Park only and did not include the Village Green, which will be the subject of a future report and full community consultation, as no prior community consultation has been undertaken for this precinct.

Discussion

Engagement with stakeholders by the Mayor, Dash and senior officers has been undertaken and a period for stakeholder comment provided. The comments received indicate universal support for Option 3, this too was a supported model of elected members, noting all three are live options.

A preliminary engagement was undertaken and a summary of initial input at that time is provided at Attachment 3. This input was in essence an information gathering process to feed into Dash Architects to start to develop a revised masterplan. Further, a set of general design principles was developed to guide design and decision making. The review of the master plan and the feedback in this report have been shaped in alignment with.in the parameters below:

- ***Vision for the site***
  - A precinct that provides modern fit for purpose facilities that meet the needs of the community now and into the future.

- ***Development Principles:***
  - Best use of the available space and topography – whilst maximising views, minimising impact of sun and prevailing weather and providing sufficient space for each use/discipline.
  - Modern fit for purpose facilities that are sustainable and meet current legislative requirements.
  - Focus on integrated design and delivery to reduce duplication of assets and long term costs for maintenance and renewal.

- Diversity of recreational pursuits and offerings – organised sport, passive recreation and playground whilst maintaining the heritage and feel of the town.
- Future proofing for state and national sporting activities – ie cricket and football.

Engagement feedback is captured in the following table by theme and proposed action or non-action. The full submissions are at Attachment 2. Please note the follow table is assessing the feedback in relation to option 3 only being the clear preferred option.

The assessment of the information has considered the generally agreed design principles for the location and redevelopment being:

Table 1 – Engagement Submissions

	Who	Theme	Commentary	Recommendation
1.1	**Barossa Districts (Football and Netball)**	Various pro's outlined.	Nil	Noted no further changes recommended.
1.2		Football oval is not large enough and has turf cricket pitch in middle.	The oval is of full AFL league standard of playing surface of 160m x 125m or 171m x 136m fence to fence (there is capacity to increase the site without impacting the master plan other elements). The turf pitch is consistent with other service levels and meets football standards.	Noted no further changes recommended.
1.3		Retention of existing clubrooms reduces ability for best return. More nose in parking.	The proposed masterplan will remove this facility to achieve more parking including nose in parking. The removal of the clubrooms supports more efficient infrastructure. There is a concept in the masterplan to implement a 'hill' concept for cricket and football to use for catering, storage and maybe even a modern scoreboard and ensure ongoing revenue generation.	The design be supported as tabled at Option 3.

1.4		Storage needs.	Adequate storage is fully supported and understood and will be resolved through detailed design.	The design be supported as tabled at Option 3.
1.5		Second oval size.	The second oval / recreation area as a multiuse area will meet necessary local, regional and State football size. The oval is of full AFL league standard of playing surface of 160m x 125m or 171m x 136m fence to fence.	The design be supported as tabled at Option 3.
1.6		Fencing to 1.8M around the whole facility.	Not supported, trying to achieve a regional / rural / country facility. May need in some locations, will assess through final design, but not support for interface with Barossa Valley Highway.	Assess as part of detailed design, costing and ultimate market price outcome.
1.7		Timekeeper and coaches' boxes.	To be assessed at detailed design.	Assess as part of detailed design, costing and ultimate market price outcome.
1.8		Clubrooms and change rooms to meet standard	They will meet and in case of clubrooms exceed current standards.	The design be supported as tabled at Option 3.
1.9		Lighting to be 300 LUX to main oval and 100 LUX second oval.	Lighting upgrades is a sound investment for main ovals and aligns to Tanunda. Nuriootpa seeking to go to same level and no doubt a future upgrade for Angaston would be considered. Service levels for second oval lighting is not funded or supported at this time.	Agreed with 300 LUX for main oval will be included in detailed design. Assess as part of detailed design, costing and ultimate market price outcome.
1.10		Netball requires four courts with lights including tennis for community.	That is what is designed no change, lighting proposed for complete site of 4 courts.	The design be supported as tabled at Option 3.
1.11		Clubrooms, change rooms and canteen to be close enough.	Noted the shared facilities are in a reasonable location	The design be supported as tabled at Option 3.

			to support all major users.	
1.12		Playground installation should be roadside.	Noted, current location considered best for utilisation, efficiency, and safety.	The design be supported as tabled at Option 3.
1.13		Lead and manage facility.	See detailed notes under SBA submission below line number 2.2.	See detailed notes under SBA submission below line number 2.2.
2.1	**Southern Barossa Alliance**	The facility be larger for conference at least 500 people.	The facility first and foremost is a sporting and recreational precinct and the service levels provided will be consistent with regular need and our other three key regional facilities. The proposed option 3 has been made larger to accommodate up to 300 people and also will be designed with ability to create multiple spaces. The facility is not designed or proposed to be designed as a conference facility nor compete with such facilities elsewhere in the Barossa. When also coupled with cost this level of investment for 500 people is considered excessive for times any event would need that level of space. The Barossa Council has upgraded the Tanunda Show Hall to be a regional conferencing facility of larger size as there are other commercial operations that offer similar products.	The design be supported as tabled at Option 3.
2.2		They wish to manage the facility including	The Barossa Council has adopted a clear Lease and License	The offer to manage the facility be acknowledged but Southern Barossa Alliance be informed that Council will retain the

		the revenue generation.	Policy and consistent with the three other key regional sites the Council should retain management as it has the capacity, systems, resources and frameworks to manage it in accordance with the Lease and Licence Policy. The model will be aligned to other locations with a head Lease provided to Barossa Districts and licences managed for other users with Council retaining critical other services. Council and the stakeholder clubs require the revenues to support the facility.	management of the site under its own governance systems with a head lease to Barossa Districts and licenses supporting all other users with Council retaining step in rights for large events including conferences.
2.3		Change to naming of clubrooms/event space.	The theme outlines the request.	Not supported, they are primarily being built as clubrooms and is consistent with other facilities.
2.4		Not have any sporting or community related paraphernalia.	The theme outlines the request.	Not supported, they are primarily being built as clubrooms and is consistent with other facilities and can be incorporated such that it tells the community story and doesn't have to be limited to sporting.
2.5		Comment on appropriateness of playground / family garden.	Noted complete current vision and review at later time.	Noted complete current vision and review at later time.
2.6		Parking needs.	Noted, that will be determined through final design and Council are acutely aware of parking needs.	The design be supported as tabled at Option 3.
3.1	**Tennis Club**	Want exclusive use to the tennis facilities especially the courts, minimal changes or upgrades.	The LRP like all others is a community facility. The infrastructure needs to be efficient in the long term. It is recommended in the final master plan that the tennis club in the near future integration into the clubrooms and change rooms building and the	The design be supported as tabled at Option 3. That Tennis club be integrated and use the joint infrastructure facilities as it results in more efficient infrastructure. That the Tennis club we offered two ways of managing the tennis courts: • Exclusive use and therefore all costs will be paid by the club. • The courts, when not under license and use by the club be available for

			existing building be removed to allow for future use and redevelopment of that area. The courts have been and are currently a shared cost of the club and community (through Council). It would flow, as it does from other facilities such as Tanunda that the courts be available for community use, when not required by the club. The alternative is if exclusive use is wanted the club can be provided a lease for the facilities on condition, they pay all maintenance and replacement costs. Upgrades have been removed.	the community on a 50/50 contribution model. 1.
3.2		Tennis courts to not be marked with netball lines.	The theme outlines the request. This can be achieved with netball having four new courts.	The design be supported as tabled at Option 3.
3.3		Upgrade the lighting to the existing public tennis courts	The theme outlines the request. The current public tennis courts will be removed and new netball courts build with new lighting.	The design be supported as tabled at Option 3.
4.1	**Little Athletics**	No javelin area.	Now included in new master plan.	The design be supported as tabled at Option 3.
4.2		Discuss ring and cage near cricket nets.	Noted and new area included in new masterplan.	Noted no further changes recommended.
4.3		Lighting for March and October.	Existing lighting with upgrade outlined above could cater for small lighting illuminating this area of the new towers, but stand around	Assess as part of detailed design, costing and ultimate cost.

			lighting not an efficient use of resources.	
4.4		Canteen facilities.	Noted the shared facilities are located in a reasonable location to support all major users.	Noted no further changes recommended.
4.5		Contribution to rubberised run ups.	Noted	Assess as part of detailed design, costing and ultimate cost.
4.6		Common BBQ area.	Noted. Also note the concept of the 'hill' to provide a common catering area.	Assess as part of detailed design, costing and ultimate market price outcome.
4.7		Facilities as close as possible to each other.	Noted	The design be supported as tabled at Option 3.
4.8		Shed storage – close to area but looking west.	Noted	Assess as part of detailed design, costing and ultimate cost.
4.9		Shot put / long jump on other side of oval – leave were is or move road back.	Noted, this is not achievable to make the main oval work.	Noted no further changes recommended.
4.10		Level running oval.	Noted, will be as level as possible noting the need to manage water.	Noted no further changes recommended.
5.1	**Lyndoch Cricket Club**	Retains control throughout summer.	Noted, this is achieved as it is at ither sites through lease and licensing arrangements.	Noted no further changes recommended.
5.2		Football and Athletics on second oval.	Noted, athletics will predominately on second oval. The best use of the space to achieve a central building structure solution is that the main oval be used for football, as it is for rugby now and addresses the location of the sun for viewing.	Noted no further changes recommended.
5.3		Cricket use of main building if it results in that requires further conversation around items of access, handover, and memorabilia.	Noted and can be achieved through lease and licence processes as it does at other sites.	Noted no further changes recommended.

5.4		Retention of existing rooms, revenue generation and the like.	The concept has been outlined at line 1.3 above.	The concept has been outlined at line 1.3 above.
5.5		Second oval to have turf pitch.	Noted and is not a service level provided at other key regional facilities.	Noted no further changes recommended.

There were no submissions from other direct stakeholders in the final engagement processes. Community feedback from prior design and engagement processes has been previously reviewed and is incorporated in the masterplan including a basketball area, open space needs, a playground and family garden.

The Bowling Club provided input to a prior meeting which outlined their main feedback, which does not impact the proposed master plan now presented. Their feedback in June 2023, prior to the final master plan presented post Council engagement had considered this feedback:

- 250 people two story facility is supported with flexible spaces.
- Sufficient storage – also addressed in the table above.
- Sufficient parking – also addressed in the table above.
- Playground upgrade into an adventure style with skate park.
- Upgraded bowling greens – this has been carried out by the club's themselves with Council support and this project can be considered outside of the redevelopment.
- The retaining wall fencing will be assessed as a normal operational matter.

In summary, the changes made to the master plans from the above matters include:

- Increase to the building size.
- Removal of old clubrooms.
- Introduction of a new 'hill' concept to support the facility on game days, including storage in place of the old clubrooms.
- Slight re-orientation of the main oval.
- Future removal of tennis rooms.
- Redevelopment of existing tennis courts is not in scope.

Many of the matters raised will be subject to:

- Design and ultimately costing outcomes as outlined in the table above.
- Management arrangements to ensure utilisation of the facility for its primary purpose of sport and recreation.

Summary and Conclusion
That having updated the master plan as a result of changes resulting from the purchase of adjacent land and having engaged in an abridged engagement process with key stakeholders, that Council review the feedback and endorse the master plan and the vision for the future of the Lyndoch Recreation Park. Noting any master plan will always be subject to variation and change as detailed design is undertaken.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Attachment 1 Lyndoch Recreation Park - Final Masterplan
Attachment 2 Full Submissions
Attachment 3 Preliminary Data Input July 2023

Supporting references
Nil

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS

Community Plan

Natural Environment and Built Heritage

Community and Culture

Infrastructure

Health and Wellbeing

Business and Employment

Goal 1
The history of our region including aboriginal sites is reflected in our streetscapes and our historic buildings are maintained for future generations.

Goal 2
The Barossa fosters community resilience, connection and wellbeing through its social planning, recreation, safety, education, preventative health and social strategies especially for our youth and vulnerable people.

Goal 3
The Barossa maintains and develops infrastructure that meets the needs of the region and is efficient.

Community infrastructure planning is aligned to both current and the future needs of the community.

Goal 4
Our community has fair and equitable access to the resources and services they need to lead a safe, healthy, inclusive and connected lifestyle.

Our community has fair and equitable access to the resources and services they need to lead a safe, healthy, inclusive and connected lifestyle.

Goal 5
We are a visitor destination of choice.

Legislative Requirements
Section 7, 8, 44, 48, 123 of the Local Government Act 1999

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

The current budget has resources allocated to achieve the forecast works in this resolution being the engagement of necessary support to design, achieve planning approval, undertake engineering design, survey, geotechnical needs and other preparatory work.

There is no doubt the current scope of works with the additional area, design standard and new building will result in increased costs than the original estimates related to the redevelopment. The need for significant additional funding is therefore critical to the ability to deliver the full master plan. At present the development is funded to an amount of approximately $9.604M exclusive of the land purchase which is approximately $1.725M in sale price, costs and taxes which is fully funded.

There is a broad estimate of $13M-18M for Option 3 prior to any adjustments being made to the scope following detailed consultation with stakeholders. With the scope of this development being practically a complete rebuild this generational investment provides new opportunity to achieve a high design standard and set the Barossa's southern sporting and recreation hub infrastructure up for many generations to come and assist with the early impacts of the Concordia development. There is a strong likelihood with the inclusion of the changes outlined, a commitment to achieving a quality design and authentic Barossa aligned design brief, as practically a new build, and ongoing and extensive increase in buildings costs being experienced in Australia will push the final costs up significantly.

As part of developing the governance framework for the project, a full risk assessment will be undertaken, however the general risks are known and amount to the following key risk issues of:

- Financial risk.
- Project delivery risks ranging from contractor sourcing and management to environmental, weather, design creep, material costs and the like.

COMMUNITY ENGAGEMENT

Community engagement facilitated to date is outlined in the body of this report and the governance arrangements for the redevelopment will cover future stakeholder engagement through the four main phases of design, project delivery, defects and ongoing management.

3. CONFIDENTIAL REPORTS

3.1 Office of the Mayor and CEO

3.1.1 AUSTRALIA DAY AWARDS 2024 - CITIZEN OF THE YEAR 23/114209

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 they contain private information of nominees and those who nominated them for an Australia Day Award including contact details, addresses and personal testimonials

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, Director Infrastructure and Environmental Services and the Minute Secretary, in order to consider in confidence a report relating to 3.1.1 Australia Day Awards 2024 - Citizen of the Year being information that must be considered in confidence pursuant to:

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

information relating to a proposed award recipient before the presentation of the award;

(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 they contain private information of nominees and those who nominated them for an Australia Day Award including contact details, addresses and personal testimonials

SECONDED Cr Evans **CARRIED 2022-26/310**

The meeting moved into confidence at 5.20pm

MOVED Cr Preece

That Council:

(1) Council Resolution

(2) Having considered this matter in confidence under Sections 90(2) and 90(3)(o) 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 6 December 2023 in relation to item 3.1.1 Australia Day Awards 2024 - Citizen of the Year be kept confidential and not available for public inspection until as part of the annual review of confidential items and authorise the Chief Executive Officer to review and revoke the order.

SECONDED Cr Troup **CARRIED CO 2022-26/311**

Resumption of open council meeting at 5.22pm

3.1.2 AUSTRALIA DAY AWARDS 2024 - YOUNG CITIZEN OF THE YEAR 23/114210

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 they contain private information of nominees and those who nominated them for an Australia Day Award including contact details, addresses and personal testimonials

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 Hurn

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, Director Infrastructure and

Environmental Services and the Minute Secretary, in order to consider in confidence a report relating to 3.1.2 Australia Day Awards 2024 - Young Citizen of the Year being information that must be considered in confidence pursuant to:

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

information relating to a proposed award recipient before the presentation of the award;

(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 they contain private information of nominees and those who nominated them for an Australia Day Award including contact details, addresses and personal testimonials

SECONDED Cr Preece **CARRIED CO 2022-26/312**

The meeting moved into confidence at 5.22pm

MOVED Cr de Vries

That Council:

(1) Council Resolution

(2) Having considered this matter in confidence under Sections 90(2) and 90(3)(o) 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 6 December 2023 in relation to item 3.1.2 Australia Day Awards 2024 - Citizen of the Year be kept confidential and not available for public inspection until as part of the annual review of confidential items and authorise the Chief Executive Officer to review and revoke the order.

SECONDED Cr Preece **CARRIED CO 2022-26/313**

Resumption of open council meeting at 5.23pm

Pursuant to Section 75 of the *Local Government Act 1999,* Cr Troup disclosed a perceived Conflict of Interest in the matter Item number 3.1.3 - Australia Day Awards 2024 - Community Event of the Year as she is the Chair of the Board on the Suicide Prevention Network, who is one of the nominees for this award. Cr Troup advised the Chamber that she will leave the meeting.

Cr Troup left the meeting at 5.23pm

3.1.3 AUSTRALIA DAY AWARDS 2024 - COMMUNITY EVENT OF THE YEAR
23/114212

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 they contain private information of nominees and those who nominated them for an Australia Day Award including contact details, addresses and personal testimonials

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 Evans

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, Director Infrastructure and Environmental Services and the Minute Secretary, in order to consider in confidence a report relating to 3.1.3 Australia Day Awards 2024 - Community Event of the Year being information that must be considered in confidence pursuant to:

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

information relating to a proposed award recipient before the presentation of the award;

(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 they contain private information of nominees and those who nominated them for an Australia Day Award including contact details, addresses and personal testimonials

SECONDED Cr Hurn **CARRIED 2022-26/314**

The meeting moved into confidence at 5.23pm

MOVED Cr Hurn

That Council:

(1) Council Resolution

(2) Having considered this matter in confidence under Sections 90(2) and 90(3)(o) 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 6 December 2023 in relation to item 3.1.3 Australia Day Awards 2024 - Citizen of the Year be kept confidential and not available for public inspection until as part of the annual review of confidential items and authorise the Chief Executive Officer to review and revoke the order.

SECONDED Cr Preece **CARRIED CO 2022-26/315**

Resumption of open council meeting at 5.36pm

Pursuant to Section 75 of the *Local Government Act 1999,* Cr Schilling disclosed a perceived Conflict of Interest in the matter Item number 3.1.4 - Australia Day Awards 2024 - Award for Active Citizenship as she nominated one of the people being presented for selection. Cr Schilling advised the Chamber that she will leave the meeting.

Cr Schilling left the meeting at 5.35pm.

3.1.4 <u>AUSTRALIA DAY AWARDS 2024 - AWARD FOR ACTIVE CITIZENSHIP</u>
23/114215

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 they contain private information of nominees and those who nominated them for an Australia Day Award including contact details, addresses and personal testimonials

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, Director Infrastructure and Environmental Services and the Minute Secretary, in order to consider in confidence a report relating to 3.1.4 Australia Day Awards 2024 - Award for Active Citizenship being information that must be considered in confidence pursuant to:

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

information relating to a proposed award recipient before the presentation of the award;

(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 they contain private information of nominees and those who nominated them for an Australia Day Award including contact details, addresses and personal testimonials

SECONDED Cr Preece **CARRIED 2022-26/316**

The meeting moved into confidence at 5.36pm

MOVED Cr de Vries

That Council:

(1) Council Resolution

(2) Having considered this matter in confidence under Sections 90(2) and 90(3)(o) 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 6 December 2023 in relation to item 3.1.4 Australia Day Awards 2024 - Citizen of the Year be kept confidential and not available for public inspection until as part of the annual review of confidential items and authorise the Chief Executive Officer to review and revoke the order.

SECONDED Cr Barrett **CARRIED CO 2022-26/317**

Resumption of open council meeting at 5.38pm

4. NEXT MEETING

Tuesday 19 December 2023 at 5.30pm

5. CLOSURE

Mayor Lange declared the meeting closed at 5.39pm

Confirmed at Council Meeting on 19 December 2023

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