



NOTICE OF SPECIAL COUNCIL MEETING
Wednesday 21 February 2024
In the Council Chambers, 43-51 Tanunda Road, Nuriootpa,
commencing at 5.30pm.



Martin McCarthy
CHIEF EXECUTIVE OFFICER
THE BAROSSA COUNCIL

A G E N D A

Welcome by Mayor

1. ATTENDANCE RECORD

1.1 Members Present

Apologies

Nil

Not Present

Nil

Leave of Absence

Nil

2. DEBATE REPORTS

2.1 Office of the Mayor and CEO

- 2.1.1 Extention to Growth and Investment Strategy Submissions 4

3. CONFIDENTIAL REPORTS**3.1 Office of the Mayor and CEO**

- 3.1.1 Lyndoch Recreation Park Redevelopment..... 7

3.2 Corporate Services and Business Innovation

- 3.2.1 Santos Tour Down Under 2025 9

4. NEXT MEETING

Tuesday 19 March 2024 at 5.30pm

5. CLOSURE

19 February 2024

Mr Martin McCarthy
Chief Executive Officer
The Barossa Council
43-51 Tanunda Road
Nuriootpa SA 5355

Dear Martin

Re: Calling of a Special Meeting of Council

Pursuant to Section 82 of the Local Government Act 1999, I hereby request that a special meeting of Council be called for 5:30pm, Wednesday, 21 February 2024.

I request that the agenda shall consist of the following item:

1. Extension to Growth and Investment Strategy Submissions
2. Confidential Matter – Expression of Interest 2025 Tour Down Under
3. Confidential Matter – Lyndoch Recreation Park Redevelopment.

Please prepare the necessary agenda and distribute.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Bim Lange', with a stylized flourish extending to the right.

Bim Lange OAM
Mayor
The Barossa Council

DEBATE REPORT

2.1 Office of the Mayor and CEO

2.1.1 EXTENTION TO GROWTH AND INVESTMENT STRATEGY SUBMISSIONS

**Author: Chief Executive Officer
24/24983**

PURPOSE

To consider a proposal to extend the consultation period for the Growth and Investment Strategy.

RECOMMENDATION

That Council, pursuant to Regulation 21 of the Local Government Act (Procedures at Meetings) Regulations 2013 amend part 2 of resolution number 2022-26/314 of 19 December 2023 meeting of Council, from:

Endorse the proposed community engagement methodology as contained within Attachment 2;

To:

Endorse the proposed community engagement methodology as contained within Attachment 2 with amendment to the closing date to submissions being 5pm Wednesday 1st May 2024.

REPORT

Background

As Council is aware the Growth and Investment Strategy is on consultation closing on 6 March 2024. Cr Greatwich has submitted a Notice of Motion to alter this date as the decision was made by Council, until the 1 May 2024. The substance of that notice is provided for in this report. Due to the timing of the closing of submissions and notice periods required by the Act the resultant Notice of Motion will actually be considered by Council after consultation has actually closed.

There is a power under the *Regulation 21 of Local Government Act (Procedures at Meetings) Regulations* provided to the Chief Executive Officer to bring matters to revoke or amend Council decisions which does not require the notice periods. This power is and should rarely be used but upon discussion it seem warranted that should Council agree to extend the consultation period it should be done quickly so we can alert the community immediately on social media and website notices an with adverts in next weeks papers. Therefore I have provided this report pursuant to the above regulation for Council determination.

Rationale Provided by Cr Greatwich

I acknowledge the hard work of The Barossa Council staff and Executive in undertaking a significant period of community engagement and consultation for the draft Growth and Infrastructure Plan to date. Prior to the current motion, two months of consultation have been managed by Council across May and June 2023, using a range of processes and engagement strategies. This period of consultation informed the current draft Growth and Investment Strategy, as well as Council's workshop and then consideration of the draft Growth and Investment Strategy at 19 December 2023. The plan is currently open for consultation closing at 5pm 6 March 2024.

It has become apparent that the wine sector, a key driver to our regional economy representing a significant number of critical brands, businesses, and individuals, have not adequately engaged in the initial consultations and they require further time to consider and provide input to the draft strategy. I believe that the additional time, particularly during the busy vintage period will allow the wine industry to provide an adequate and fulsome response to this complex and critically important document, and the broader strategic priorities at play.

I note that there is no legislative timeframe associated with this current piece of work and the addition of eight weeks will assist in gathering important feedback. The planning work undertaken, and still to be undertaken are critical to the future of our community and providing for greater time will enhance the integrity of this process and the overall outcome.

Should the motion be successful, it is my understanding the Chief Executive Officer will issue additional public notices, update the website information, and use social media to alert the community to the extension. I have also undertaken a number of initial meetings with representatives from the wine sector to underscore the importance of their cohesive, comprehensive and strategically aligned feedback, and I will continue to engage with the broader community to encourage participation in this process.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Nil

Supporting references

Nil

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTSCorporate 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
- BS13 Strategic/Legislative Planning and Reporting - Provision of organisational performance report (outcomes), activity report (outputs), a range of statutory reporting (e.g. public health, tax, superannuation), financial reporting. Transparency and accountability regarding Council activity and expenditure provided

Legislative Requirements

Regulation 21 of the Local Government Act (Procedures at Meetings) Regulations 2013

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

Nil considerations other than minor expenditure on additional adverts.

COMMUNITY ENGAGEMENT

The proposal is to extend a current engagement timeframe.

COVER SHEET

CONFIDENTIAL REPORT

21 February 2024

Council Meeting

3.1 Office of the Mayor and CEO

3.1.1 LYNDOCH RECREATION PARK REDEVELOPMENT

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 as Council is undertaking negotiation for funding of the development with third parties and assessing quotations for proposals.

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.

RECOMMENDATION

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 being information that must be considered in confidence pursuant to:

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 as Council is undertaking negotiation for funding of the development with third parties and assessing quotations for proposals.

COVER SHEET

CONFIDENTIAL REPORT

21 February 2024

Council Meeting

3.2 Corporate Services and Business Innovation

3.2.1 SANTOS TOUR DOWN UNDER 2025

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

In this matter, the reasons that receipt, consideration or discussion of the information or matter in a meeting open to the public would be contrary to the public interest are that the matter has been requested to be kept confidential until such dates any embargo on the announcement regarding venues for the 2025 Santos Tour Down Under is lifted by Events South Australia.

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

RECOMMENDATION

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 Service and the Minute Secretary, in order to consider in confidence a report relating to being information that must be considered in confidence pursuant to:

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

commercial information of a confidential nature (not being a trade secret) the disclosure of which-

- (i) could reasonably be expected to prejudice the commercial position of the person who supplied the information, or to confer a commercial advantage on a third party; and
 - (ii) would, on balance, be contrary to the public interest;
- (2) Accordingly, on this basis, Council is satisfied that public interest in conducting meetings in a place open to the public has been outweighed by the need to keep the information and discussion confidential in order that the matter has been requested to be kept confidential until such dates any embargo on the announcement regarding venues for the 2025 Santos Tour Down Under is lifted by Events South Australia.