



MINUTES OF THE MEETING OF SPECIAL COUNCIL MEETING

held on Wednesday 21 February 2024 commencing at 5.30pm
in the Council Chambers, 43-51 Tanunda Road, Nuriootpa.

MINUTES

Welcome by and Acknowledgment of Country by Mayor Lange who declared the meeting open at 5.30pm.

1. ATTENDANCE RECORD

1.1 MEMBERS PRESENT

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

APOLOGIES

Cr Heidi Thompson

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 **24/24983**

MOVED Cr Greatwich

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.

SECONDED Cr Evans

CARRIED 2022-26/374

PURPOSE

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

REPORTBackground

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.

If 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 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
- 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.

3. CONFIDENTIAL REPORTS

3.1 Office of the Mayor and CEO

3.1.1 LYNDOCH RECREATION PARK REDEVELOPMENT 24/24815

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 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.

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

SECONDED Cr Greatwich

CARRIED 2022-26/375

The meeting moved into confidence at 5.34pm

MOVED Cr de Vries

That Council

- (1) Council resolution
- (2) Council resolution
- (3) Council resolution
- (4) Council resolution
- (5) Council resolution
- (6) Council resolution
- (7) Council resolution
- (8) Council resolution
- (9) Council resolution
- (10) Council resolution
- (11) Council resolution
- (12) Council resolution
- (13) 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 21 February 2024 in relation to item 3.1.1 Lyndoch Recreation Park Redevelopment be kept confidential and not available for public inspection and authorise the Chief Executive Officer to review and revoke the order.

SECONDED Cr Lane

CARRIED CO 2022-26/376

Resumption of open council meeting at 6.07pm

3.2 Corporate Services and Business Innovation

3.2.1 SANTOS TOUR DOWN UNDER 2025 24/24454

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.

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 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.

SECONDED Cr Barrett

CARRIED 2022-26/377

The meeting moved into confidence at 6.07pm

MOVED Cr de Vries

That Council:

- (1) Council resolution
- (2) Council resolution
- (3) Council resolution
- (4) Having considered this matter in confidence under Sections 90(2) and 90(3)(d) 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 19 March 2024 in relation to item 3.2.1 Santos Tour Down Under 2025 be kept confidential and not available for public inspection until the embargo has been lifted and authorise the Chief Executive Officer to review and revoke the order.

SECONDED Cr Greatwich

CARRIED CO 2022-26/378

RESUMPTION OF OPEN COUNCIL MEETING AT 6.11PM

4. NEXT MEETING

Tuesday 19 March 2024 at 5.30pm

5. CLOSURE

Mayor Lange declared the meeting closed at 6.11pm.

Confirmed at Council Meeting on 19 March 2024

Date:.....

Mayor:.....