



Notice is hereby given that the next confidential meeting of Council
will be held on Tuesday 19 March 2024
in the Council Chambers, 43-51 Tanunda Road, Nuriootpa,
commencing at 5.30pm.

Martin McCarthy
CHIEF EXECUTIVE OFFICER
THE BAROSSA COUNCIL

CONFIDENTIAL AGENDA

8. CONFIDENTIAL REPORTS

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8.3 Development and Community Services

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COVER SHEET

CONFIDENTIAL REPORT

19 March 2024

Council Meeting

8.1 Office of the Mayor and CEO

8.1.2 ELECTOR REPRESENTATION REVIEW 2024-25

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 so as to appoint a qualified consultant to undertake the Representation Review 2024-25 on behalf of Council and that it assess and appoint the consultant who will be appointed under the quotation processes issued to the market requiring maintenance of confidential tender pricing information.

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:

- tenders for the supply of goods, the provision of services or the carrying out of works

- (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 so as to appoint a qualified consultant to undertake the Representation Review 2024-25 on behalf of Council and that it assess and appoint the consultant who will be appointed under the quotation processes issued to the market requiring maintenance of confidential tender pricing information.

CONFIDENTIAL

DEBATE REPORT

8.1 Office of the Mayor and CEO

8.1.2 ELECTOR REPRESENTATION REVIEW 2024-25

**Author: Executive Business Partner
24/29279**

PURPOSE

The Barossa Council is due to commence a Representation Review in April 2024 with the resulting report completed and forwarded to the Minister for certification by April 2025. Council is asked to endorse the commencement of the review and to appoint a qualified consultant to undertake the review on behalf of Council.

RECOMMENDATION

That Council:

- (1) Receive and note the requirement to undertake a Representation Review 2024-25 as outlined in the Gazettal Notice dated 1 August 2019 ([Attachment 1](#)); and
- (2) Endorse the commencement of the Elector Representation Review 2024-25; and
- (3) Appoint Kelledy Jones Lawyers to undertake The Barossa Council's Representation Review 2024-25, under the Project Schedule contained within this report.
- (4) Having considered this matter in confidence under Sections 90(2) and 90(3)(k) 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 8.1.2 Elector Representation Review 2024-25 be kept confidential and not available for public inspection and authorise the Chief Executive Officer to review and revoke the order.

REPORT

Background

Council last completed an Elector Representation Review in 2016.

On 1 August 2019, the Minister for Local Government gazetted a schedule of dates by which councils are to commence and complete their next Elector Representation Review ([Attachment 1](#)). A Council must undertake a reviewed once in every eight years in accordance with the published schedule.

This project is being managed by the Executive Business Partner. A review of the specification and legislative needs has been undertaken, a request for quotation issued to the market and it now requires Council consideration and appointment of the consultant.

Introduction

A representation review is held to determine whether a Council would benefit from a change to its composition or ward structure. The Act sets out the requirements for a representation review and each Council must manage the representation review in the context of the prescribed process.

A prescribed review must comprehensively examine:

- all aspects of the composition of the council, and
- the potential division of the council area into wards, or the abolishment of existing wards, and
- a notice under this section may also change the name of a council.

Councils are required to conduct a review of its representation:

- at least once in each relevant period as prescribed by the regulations. The Minister for Local Government from time to time will publish in the SA Government Gazette a timing schedule for determination of the relevant period for each council to conduct their representation review (Attachment 1), or
- a council may undertake a review at any time into specific aspects of its composition or ward structure or those matters generally.

The process includes:

- initiating the preparation of a representation options paper
- detailed public consultation processes
- preparing a report on the public consultation and council's response to the issues arising from the written submissions
- providing a final representation review report to the Electoral Commissioner.

Discussion

The Act provides the framework for councils to conduct a representation review.

This report is to advise Council of the impending review and to outline the timeframes and complex nature of a review including:

- council project plan
- research and analysis requirements
- community engagement strategies
- scheduled workshops
- voters roll status/accuracy
- select/appoint a qualified person to prepare the representation options paper.
- Council must pass a resolution to commence a representation review.

A comprehensive Representation Review could take a minimum of 42 weeks and requires significant resources to be completed successfully. There are a further four

weeks for the Electoral Commissioner to determine if the statutory requirements have been met and issue a certificate of compliance.

Council must ensure the timeframes for decision making will meet the legislative timelines for the preparation of the options paper, review report and final report including the public consultation periods.

The confirmed Project Schedule is outlined below:

Activity	Timing
Resolution of Council to engage Qualified Person to assist with Representation Review	February / March 2024
Commencement Workshop	April / May 2024
Draft Representation Review Report for discussion by Council at a further Workshop	July 2024
Adoption of Draft Representation Review Report by Council for consultation	Draft Report for Council's consideration and adoption for consultation purposes at its meeting of August 2024
Public Consultation	August / September 2024
Review Submissions Received	September / October 2024
Finalisation of the Representation Review Report	Consider submissions from consultation and prepare Final Representation Review – November 2024
Second round of consultation (should the Council wish to progress this step)	December 2024 / January 2025
Adoption of Representation Review Report by Council	Final Representation Review Report to be prepared for Council's consideration and adoption at its meeting of February 2025
Referral of Representation Review Report to the ECSA	February 2025
Gazettal of composition of the Council on receipt of certification from ECSA	March 2025

Four Tender Submissions were received which were assessed using the RFQ - Evaluation Matrix with a summary provided at Attachment 2. Following this assessment, it is recommended that Council appoint Kelledy Jones Lawyers to undertake the Representation Review 2024-25. The preferred candidate has extensive expertise in the local government sector, key understanding of the needs of a representation review, lowest per hourly rate for any variations, and is below budget.

Summary and Conclusion

Council is asked to endorse the formal commencement of the Representation Review 2024-25 and appoint a qualified consultant to undertake the review on behalf of Council.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

- Attachment 1 Gazette - No- 37 - Thursday 1 August 2019 - pages 2869-2929 - Representation Review Schedule published by the Minister [!\[\]\(a88007b249b36c75dcbde101f514cec3_img.jpg\)](#) [!\[\]\(800628c068083563f747129d8b339031_img.jpg\)](#)
- Attachment 2 Tender Matrix - Representation Review 2024-25 [!\[\]\(01f5879e654468630e790d983a473ee0_img.jpg\)](#) [!\[\]\(ce8b778f402aca455ccdfd070a33a08d_img.jpg\)](#)

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 – Division 2 – Powers of Council and representation reviews.

Local Government (Elections) Act 1999

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

Cost allocation has already been included in the 2024 and 2025 budget. The costs budgets were \$8,500 in 2023-2024 and a further \$8,500 in 2024-2025. With a provision for variations, of say 10 hours, under the contract depending on Council decisions throughout the contract the estimated cost is \$12,050 or \$4,950 below budget. The budget will be amended to align to the estimate.

There are no internal resourcing issues, the project is being managed by the Executive Business Partner.

The risk inherent in the project are minimal and within normal risk statements and profile. The process also included community engagement.

The main risk and challenge foreseen in this review is associated with the need to meet the expectations of new legislative conditions (Section 11A – since the last review in 2016) limiting the number of Elected Members. The limit is 13 members, including the Presiding Member. Officers are aware of Onkaparinga Council, one of the earliest reviews done since Section 11A was introduced sought more than 13 members which was not approved by the Electoral Commissioner. The review must take account proportional representation of other Councils. As Onkaparinga is a council of some 178,000 residents and ultimately was structured with 12 Elected Members; a Mayor and 11 Elected Members. It is expected this will be a significant topic of discussion for Council and community in relation to the review.

COMMUNITY ENGAGEMENT

Not required for this decision. Full community engagement will be included as outlined in the Project Schedule.

CONFIDENTIAL

1 August 2019

THE SOUTH AUSTRALIAN GOVERNMENT GAZETTE

2883

LAND ACQUISITION ACT 1969

SECTION 16

*Form 5—Notice of Acquisition***1. Notice of acquisition**

The Minister for Education (the Authority), of 31 Flinders Street, Adelaide SA 5000, acquires the following interests in the following land:

Comprising an unencumbered estate in fee simple in that piece of land being portion of Allotment 100 in Deposited Plan No 18876 comprised in Certificate of Title Volume 5069 Folio 457, and being the whole of the land identified as Allotment 1 in D121402 lodged in the Lands Titles Office

This notice is given under section 16 of the *Land Acquisition Act 1969*.

2. Compensation

A person who has or had an interest in the land that is divested or diminished by the acquisition or the enjoyment of which is adversely affected by the acquisition who does not receive an offer of compensation from the Authority may apply to the Authority for compensation.

3. Inquiries

Inquiries should be directed to:

Rocco Caruso
GPO Box 1533
Adelaide SA 5001

Telephone: (08) 8343 2569

Dated: 30 July 2019

The Common Seal of the MINISTER FOR EDUCATION was hereto affixed by direction of the Minister in the presence of:

JOHN GARDNER
Minister for Education
Department for Education

DPTI 2019/04429/01

LAND ACQUISITION ACT 1969

SECTION 16

*Form 5—Notice of Acquisition***1. Notice of acquisition**

The Commissioner of Highways (the Authority), of 50 Flinders Street, Adelaide SA 5000, acquires the following interests in the following land:

Comprising an unencumbered estate in fee simple in that piece of land being portion of Allotment 8 in Deposited Plan No 7476 comprised in Certificate of Title Volume 5596 Folio 35, and being the whole of the land identified as Allotment 11 in DP 121326 lodged in the Lands Titles Office

This notice is given under section 16 of the *Land Acquisition Act 1969*.

2. Compensation

A person who has or had an interest in the land that is divested or diminished by the acquisition or the enjoyment of which is adversely affected by the acquisition who does not receive an offer of compensation from the Authority may apply to the Authority for compensation.

3. Inquiries

Inquiries should be directed to:

Carlene Russell
GPO Box 1533
Adelaide SA 5001

Telephone: (08) 8343 2512

Dated: 1 August 2019

The Common Seal of the COMMISSIONER OF HIGHWAYS was hereto affixed by authority of the Commissioner in the presence of:

MOHAMMED ELGAZZAR
Manager
Property Portfolio & Strategy
(Authorised Officer)

Department of Planning, Transport and Infrastructure

DPTI 2019/01903/01

LOCAL GOVERNMENT ACT 1999

NOTICE OF DETERMINATION OF RELEVANT PERIOD

Review of Council Compositions and Wards

Pursuant to section 12(4) of the *Local Government Act 1999*, the Minister for Transport, Infrastructure and Local Government has determined the relevant period for the next review of council compositions and wards, to be the date as contained in the table listed hereunder:

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THE SOUTH AUSTRALIAN GOVERNMENT GAZETTE

1 August 2019

Council	Last Review	Next Review Period
Adelaide	19/11/2013	June 2020–June 2021
Adelaide Plains	26/11/2013	June 2020–June 2021
Alexandrina	26/11/2013	June 2020–June 2021
Burnside	8/01/2013	June 2020–June 2021
Charles Sturt	5/09/2013	June 2020–June 2021
Coorong	18/09/2013	June 2020–June 2021
Flinders Ranges Council	14/05/2013	June 2020–June 2021
Goyder	16/08/2013	June 2020–June 2021
Light	14/11/2013	June 2020–June 2021
Marion	27/11/2013	June 2020–June 2021
Mid Murray	05/11/2013	June 2020–June 2021
Mitcham	12/11/2013	June 2020–June 2021
Mount Remarkable	29/11/2013	June 2020–June 2021
Murray Bridge	8/07/2013	June 2020–June 2021
Robe	18/09/2013	June 2020–June 2021
Unley	19/08/2013	June 2020–June 2021
Elliston	14/11/2013	October 2020–October 2021
Franklin Harbour	9/07/2013	October 2020–October 2021
Gawler	26/11/2013	October 2020–October 2021
Holdfast Bay	5/11/2013	October 2020–October 2021
Mount Barker	26/08/2013	October 2020–October 2021
Port Pirie	05/11/2013	October 2020–October 2021
Prospect	28/11/2013	October 2020–October 2021
Streaky Bay	28/11/2013	October 2020–October 2021
Tatiara	05/11/2013	October 2020–October 2021
Tumby Bay	12/11/2013	October 2020–October 2021
Wakefield Regional	26/11/2013	October 2020–October 2021
Wattle Range	26/08/2013	October 2020–October 2021
West Torrens	06/11/2013	October 2020–October 2021
Wudinna	26/08/2013	October 2020–October 2021
Yorke Peninsula	19/11/2013	October 2020–October 2021
Adelaide Hills	30/11/2017	April 2024–April 2025
Barossa	1/05/2017	April 2024–April 2025
Berri Barmera	29/06/2017	April 2024–April 2025
Campbelltown	1/05/2017	April 2024–April 2025
Clare & Gilbert Valleys	7/07/2017	April 2024–April 2025
Grant	8/05/2017	April 2024–April 2025
Kangaroo Island	14/02/2017	April 2024–April 2025
Kimba	5/06/2017	April 2024–April 2025
Mount Gambier	1/05/2017	April 2024–April 2025
Northern Areas	21/08/2017	April 2024–April 2025
Norwood, Payneham & St Peters	31/08/2017	April 2024–April 2025
Onkaparinga	7/12/2017	April 2024–April 2025
Playford	16/10/2017	April 2024–April 2025
Port Adelaide Enfield	3/07/2017	April 2024–April 2025
Port Lincoln	6/04/2017	April 2024–April 2025
Salisbury	21/11/2017	April 2024–April 2025
Southern Mallee	1/06/2017	April 2024–April 2025
Victor Harbor	27/07/2017	April 2024–April 2025
Yankalilla	27/07/2017	April 2024–April 2025
Barunga West	31/07/2017	October 2024–October 2025
Ceduna	5/10/2017	October 2024–October 2025
Cleve	26/10/2017	October 2024–October 2025
Cooper Pedy	21/11/2017	October 2024–October 2025
Copper Coast	3/10/2017	October 2024–October 2025
Karoonda East Murray	6/11/2017	October 2024–October 2025
Kingston	4/09/2017	October 2024–October 2025
Lower Eyre Peninsula	26/10/2017	October 2024–October 2025
Loxton Waikerie	31/07/2017	October 2024–October 2025
Naracoorte Lucindale	4/09/2017	October 2024–October 2025

1 August 2019

THE SOUTH AUSTRALIAN GOVERNMENT GAZETTE

2885

Orroroo Carrieton	6/11/2017	October 2024–October 2025
Peterborough	15/12/2017	October 2024–October 2025
Port Augusta	3/10/2017	October 2024–October 2025
Renmark Paringa	3/10/2017	October 2024–October 2025
Tea Tree Gully	28/11/2017	October 2024–October 2025
Walkerville	26/10/2017	October 2024–October 2025
Whyalla	21/11/2017	October 2024–October 2025

Dated: 20 July 2019

HON STEPHAN KNOLL MP
Minister for Transport, Infrastructure and Local Government

MINING ACT, 1971

Declaration of Forfeiture of Exploration Licence

Notice is hereby given that the exploration licences mentioned and described at the foot hereof are declared forfeited:

Licensee	Wentworth Metals Group Pty Ltd
Licence Reference	Exploration Licence 5603
Location	Outalpa Station area - approx 21km NW of Olary
Reason for forfeiture	Non-payment of money due to Crown
Licensee	Wentworth Metals Group Pty Ltd
Licence Reference	Exploration Licence 5604
Location	Yerka Hill area - approx 13km NW of Olary
Reason for forfeiture	Non-payment of money due to Crown
Licensee	Wentworth Metals Group Pty Ltd
Licence Reference	Exploration Licence 5605
Location	Abminga Station area - approx 8km NW of Olary
Reason for forfeiture	Non-payment of money due to Crown
Licensee	Yerka Minerals Pty Ltd
Licence Reference	Exploration Licence 5612
Location	Olary area - approx 40km West of and immediately east of Olary
Reason for forfeiture	Non-payment of money due to Crown
Licensee	Yerka Minerals Pty Ltd
Licence Reference	Exploration Licence 5613
Location	Bindarra area - approx 35km NE of Olary
Reason for forfeiture	Non-payment of money due to Crown
Licensee	Sathya Holdings Pty Ltd
Licence Reference	Exploration Licence 5957
Location	Mount Victor Station area - approx 115 km NE of Peterborough
Reason for forfeiture	Non-payment of money due to Crown
Licensee	Sathya Holdings Pty Ltd
Licence Reference	Exploration Licence 5978
Location	Florina Station area - approx 35 km WSW of Olary
Reason for forfeiture	Non-payment of money due to Crown
Licensee	Sathya Holdings Pty Ltd
Licence Reference	Exploration Licence 5979
Location	Melton Station area - approx 35 km NNW of Yunta
Reason for forfeiture	Non-payment of money due to Crown
Licensee	Cronje Iron Pty Ltd
Licence Reference	Exploration Licence 5980
Location	Faraway Hill area - approx 65 km SSE of Yunta
Reason for forfeiture	Non-payment of money due to Crown

Dated: 1 August 2019

A BLOOD
Executive Director
Mineral Resources Division
Department for Energy and Mining

MINING ACT 1971

Notice pursuant to Section 28(5)

Notice is hereby given in accordance with Section 28(5) of the *Mining Act 1971* that the delegate of the Minister for Energy and Mining intends to grant Exploration Licences over the areas described below.

Applicant:	Kalyan Resources Pty Ltd & Orogenic Exploration Pty Ltd
Location:	Flinders Island area – approximately 35 km west-southwest of Elliston
Term:	Three years
Area in km ² :	16
Reference number:	2019/00044
Applicant:	Iluka (Eucla Basin) Pty Ltd
Location:	Coorabie area approximately 140km west-northwest of Ceduna
Term:	Two years
Area in km ² :	35
Reference number:	2019/00065

The Barossa Council Request for Quote Evaluation Matrix																				
T246/2024 Elector Representation Review	Request for Quote Selection Criteria (Qualitative Assessment)												Total Total Weightings	Price WOL Cost	Multiplication Factor	Value for Money Score				
	Organisation Structure, Facilities & Resources			Experience			Implementation Schedule, Transition Plan, Methodology, Program, Reporting & Timeframe			WHS compliance										
	Criteria Weighting (%)																			
	Point Score	Weighting	Weighted Score	Point Score	Weighting	Weighted Score	Point Score	Weighting	Weighted Score	Point Score	Weighting	Weighted Score								
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