MINUTES OF THE MEETING OF THE BAROSSA COUNCIL
held on Tuesday 19 November 2024 commencing at 5.30pm
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 declared the meeting open at 5.32pm.

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

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 15 October 2024 at 5.30pm, as circulated, be confirmed as true and correct records of the proceedings of those meetings.

SECONDED Cr Barrett **CARRIED 2022-26/559**

2.2 Matters arising from previous minutes

Nil

3. PROCEDURAL ITEMS

3.1 Petitions

3.1.1 PETITION - AMENDMENT TO THE COUNCIL BEHAVIOUR MANAGEMENT POLICY 24/107786

MOVED Cr de Vries

That Council receive and note the petition and instruct the Chief Executive Officer to seek legal advice on the question proposed by the petitioners and the use of Section 75F of the *Local Government Act 1999,* and if legally acceptable, draft the said Council Behavioural Support Policy for presentation at the December 2024 meeting of Council and notify the lead petitioner of this direction.

SECONDED Cr Troup **CARRIED 2022-26/560**

PURPOSE

A petition containing 12 signatories and the lead petitioner making 13, has been received regarding a request for amendments to the Elected Member Behavioural Management Policy.

REPORT

The petition seeks Council to amend the Elected Member Behavioural Policy and is clearly articulated in the attached petition. A petition must be presented to Council, in the public agenda, if it complies with the *Local Government Act 1999 (Act)* at the next available Council meeting. The petition meets the legislative requirements.

Should Council wish to pursue a Policy change as requested, it is my interpretation that Council can utilise *Section 75F of the Act* and invoke a Council behaviour management support policy. It is imperative that any policy under this component act be legally based. The request to apply behaviour codes outside of the currently understood reach of the Behaviour Standards enacted by the Minister under *Section 75E of the Act,* and requires legal opinion to confirm the validity of this approach.

The lead petitioner has requested that the signatory's private information not be made public for personal reasons which have been disclosed to the Mayor and myself as CEO. I have therefore presented the petition pursuant to Clause 4.7.2 of Councils Privacy Policy which caters for the presentation in a format that honours a reasonable request for personal information not being released in the public agenda.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Attachment 1 Petition

Supporting references

policy-privacy.pdf

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS

Corporate Plan

BS5 Enterprise Risk - Strategic and operational risk assessment, control and monitoring; internal control and audit; business continuity and disaster recovery planning; organisational emergency management; insurance portfolio management; and Work Health Safety system coordination

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

Section 10 of the Local Government (Procedures at Meetings) Regulations 2013

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

Will require legal advice, which will be funded from existing budget.

The assessment or risk and future resourcing will be dependent on the outcome of legal advice on any complaints received pursuant to the behavioural framework be that altered or unaltered.

COMMUNITY ENGAGEMENT

The request is driven by the community. If Council determine to implement a support policy pending legal advice, the support policy must be placed on public consultation before being tabled for final adoption.

3.2 Deputations/Visitors to the meeting

Nil

3.3 Notice of Motion

Nil

3.4 Questions with Notice

Nil

4. MAYOR

4.1 Mayor's Report

MOVED Cr Evans

That the Mayor's report be received.

SECONDED Cr Troup **CARRIED 2022-26/561**

5. COUNCILLORS' REPORTS

5.1 COUNCILLOR'S REPORT TO COUNCIL - CR CATHY TROUP

MOVED Cr Troup

That the Councillor Troup's report be received.

SECONDED Cr de Vries **CARRIED 2022-26/562**

5.2 COUNCILLOR'S REPORT TO COUNCIL - CR DON BARRETT

MOVED Cr Barrett

That the Councillor Barrett's report be received.

SECONDED Cr Evans **CARRIED 2022-26/563**

6. MATTERS FOR INFORMATION

6.1 Gawler River Floodplain Management Authority (GRFMA) Annual Report 2023-24

6.2 Nuriootpa Centennial Park Authority - Minutes of Meetings - September 2023 to August 2024

6.3 Audit and Risk Committee Meeting Minutes of 30 September 2024

6.4 Update - Design Standard for Residential Driveway Crossovers

6.5 Gawler River Floodplain Management Authority - Meeting Minutes

6.6 Building and Construction Industry Review

6.7 Local Government Finance Authority - Annual General Meeting

6.8 Gawler River Floodplain Management Authority - Submission to the Greater Adelaide Regional Plan

6.9 Election of Legatus Councils Regional Grouping Representative to SAROC

6.10 Local Government Association Annual General Meeting

7. DEBATE REPORTS

7.1 Office of the Mayor and CEO

7.1.1 REVIEW OF CONFIDENTIAL ORDERS
24/51340

Mr Martin McCarthy, Chief Executive Officer declared a conflict of interest pursuant to Section 120(1) of the Local Government Act as the matter before Council pertains to his employment and personal information and he left the meeting and chamber prior to any debate.

Mr Martin McCarthy left the meeting at 5.41pm

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;
- 23 January 2024 - Chief Executive Officer Performance Review 2023 - Close out of Key Performance Indicators;
- 5 June 2024 - CEO Performance Review Outcomes;
- 5 June 2024 - CEO Performance Targets 2023-24 and CEO Accountability Report;
- 5 June 2024 - Employee Exit Data;
- 18 June 2024 - 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 21 November 2025.

SECONDED Cr Evans **CARRIED 2022-26/564**

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 listed in the recommendation.

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 21 November 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 listed within the recommendation, 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

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

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

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

Nil

COMMUNITY ENGAGEMENT

Nil

Mr Martin McCarthy returned to the meeting at 5.42pm

7.1.2 APPOINTMENT OF DEPUTY MAYOR
24/91512

Mayor Lange sincerely thanked Cr Kathryn Schilling for all her support provided during her 12 months as Deputy Mayor.

MOVED Cr de Vries

That Council:

(1) Appoint a Deputy Mayor for a period of 12 months commencing on 28 November 2024 and concluding on 27 November 2025;

(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 Evans **CARRIED 2022-26/565**

Pursuant to Section 75 of the *Local Government Act 1999,* Cr Greatwich disclosed a actual Conflict of Interest in the matter Item number 7.1.2 – Appointment of Deputy Mayor as she was nominated and advised the Chamber that she would leave the meeting.

Cr Greatwich left the meeting at 5.45pm

MOVED Cr de Vries

(1) That Council, pursuant to Section 51 (3) of the *Local Government Act 1999*, appoints Cr Jess Greatwich as Deputy Mayor of The Barossa Council for a period outlined in resolution 2022-26/565.

(2) That Deputy Mayor, Cr Jess Greatwich 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 Troup **CARRIED 2022-26/566**

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 2 years remaining 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 two years into its term it can only appoint for a maximum of a further 2 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 the 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 and assumes the role as presiding member at the Community Assistance Scheme Committee.

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 (where there is more than one nomination), 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 the presiding member forms 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:

Example 1 - 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.

Example 2 - 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, at any time during the ballot process, 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
20220705-Determination-2-of-2022-Members-of-Local-Government.pdf

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 1.25 times the amount paid to a Councillor quarterly in arrears and this is fully budgeted.

COMMUNITY ENGAGEMENT

Consultation is not required under policy or legislation.

Cr Greatwich returned to the meeting at 5.45pm

Cr Schilling – thanks her fellow Elected Members for their support they provided during her time as Deputy Mayor and congratulated Cr Greatwich on her appointment to Deputy Mayor.

7.2 Corporate Services, Strategy and Innovation

7.2.1 CRITICAL UPDATE TO NON-CURRENT ASSET ACCOUNTING POLICY 24/105807

MOVED Cr de Vries

That Council, having reviewed the updated Non-Current Asset Accounting Policy as presented at Attachment 1, approve the updated Policy and that it be effective for the 2023-2024 financial year and for the comparison year in the financial statements being 2022-2023.

SECONDED Cr Troup **CARRIED 2022-26/567**

PURPOSE

To review and approve a minor but critical update to the Non-Current Asset Accounting Policy.

REPORT

Background and Introduction
The Non-Current Asset Accounting Policy (NCAAP) outlines how to manage the recognition and disclosure of non-current assets traditionally thought of as things like roads, buildings, and equipment.

However, as the maturity of accounting standards and interpretation has grown and as the Policy currently identifies, there are other asset classes like oval surfaces and landscaping that are significant expenditures and meet the Australian Accounting Standards definition of an asset. The Policy recognises this in clause 3.2 - capitalisation:

- Clause 3.2.2 identifies that Parks and Reserves Developments over $5,000 should be capitalised.

Discussion
Noting the above information, the Policy has been applied for some time for facets of precinct developments at many locations recently such as Angaston, Nuriootpa soccer and Tanunda with new and renovated ovals, landscaping and the like recognised as assets as it forms part of the overall development.

Recently further interpretation of the NCAAP Clause 3.2.7, of the currently adopted Policy indicates that trees are exempt from the capitalisation rules. Whilst this is a sound policy position for normal operational tree replacement and plantings of their own accord, it is contrary to the intent of Clause 3.2.2 and the current practices of Council.

By way of definition an asset in Australian Accounting Standards is:

"a resource controlled by the entity as a result of past events and from which future economic benefits are expected to flow to the entity."

Importantly the definition refers to a resource not a building, road or piece of equipment. A resource is not defined in Australian Accounting Standards so that term really provides little direction. An asset is therefore *something* (my emphasis) controlled by an entity from a past event for which future economic benefits are expected to flow. I proffer that a tree, landscaping and plantings are a resource - an important one to achieving economic and community benefit.

The delivery of precinct developments as outlined above and Barossa Park Lyndoch have an extensive set of assets which by definition include all earthworks (for buildings and ovals, mounds, retaining walls etc), ovals, irrigation and the like but if the current exemption is applied, excludes trees. This is considered an incorrect exemption on review of the policy and its application in the 2023-24 financial year financial statements because:

- All trees and plantings are integral to the overall precinct development, its presentation, ability to secure events, present the Barossa as a destination and generate benefits.
- The expenditure meets the capitalisation threshold to become a non-current asset.
- The trees and plantings provide a future economic benefit for the community in both attraction and use of the locations which are providing both an economic and community benefit, amenity, and decarbonisation.
- The trees and plantings provide a level of service that is equivalent to grass on ovals and the substructure of a road (the pavement under the bitumen for instance) which are capitalised.
- If the costs are not capitalised, they are expensed in the year incurred which is not truly matching the actual cost structure of the benefits (incurred in one year) and life of the asset (which in some cases is measured in hundreds of years).
- Expensing these environmental assets would result in massive budget deficits during the years these service levels are being upgraded resulting is significant risk to the financial sustainability of Council's key performance indicators.
- By all measures in an overall precinct development they behave like and are assets of future benefit and arise from a past event (the planning of them).

Perversely the application of the exemption in its current form and capitalisation rules could (at a future time) result in a Council determining not to do plantings, landscaping and the like in new and upgraded precinct development, as the operating budget would be significantly in deficit. This is also not an outcome desired by the Council and the community.

Therefore it is recommended this exemption be urgently amended to recognise the need to capitalise such assets as part of broader development and that it be effectively applied for the financial year ending 2023-2024 and prior comparison year in the financial statements of 2022-2023. The amendment is a simple one to amend 3.2.7 to clarify the exemption does not apply in the above explained circumstances and to create a new 3.2.8 to cater for the need of land under roads separate to 3.2.7.

The change is from:

3.2.7 Assets specifically excluded from capitalisation include directional and informational signage, trees and Land Under Roads.

To:

3.2.7 Assets specifically excluded from capitalisation include directional and informational signage and trees and plantings except where these investments are associated with precinct and other significant developments of facilities and integral to the overall asset service at the location (for the avoidance of doubt this does not include regular asset replacement of trees or new plantings not associated with a broader precinct or site development).

3.2.8 Land Under Roads is excluded from capitalisation.

Summary and Conclusion

There is a small anomaly in the Non-Current Asset Accounting Policy pertaining to a component of significant precinct and integrated asset upgrades which can be interpreted to require the costs not to be capitalised and recognised as an asset. As outlined, this is contrary to the intent of past accounting treatment, Australian Accounting Standards definition, representing a true and accurate set of financial accounts and community outcomes.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Attachment 1 Non-Current Asset Accounting Policy - Updated October 2024

Supporting references

Non-Current-Asset-Accounting-Policy.pdf

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
Section 124 and 127 of the Local Government Act

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

Outlined in the body of the report.

COMMUNITY ENGAGEMENT

As a minor and technical accounting policy there is no requirement or recommendation for community engagement.

7.2.2 BAROSSA AUSTRALIA - 2024-2025 FUNDING AGREEMENT
24/106807

MOVED Cr de Vries

That Council approve the Funding Agreement between Barossa Australia and The Barossa Council, authorising the Chief Executive Officer to make any minor final amendments and execute the agreement as presented at Attachment 1.

SECONDED Cr Lane **CARRIED 2022-26/568**

PURPOSE

To seek endorsement of the draft Funding Agreement between Barossa Australia and The Barossa Council and provide authority to enter into the agreement with delegation to deal with any minor variations.

REPORT

Background
Council is a long-term provider of regional Tourism funding support, having historically engaged in a direct funding relationship with Tourism Barossa prior to 2022. Tourism Barossa and Barossa Grape and Wine Association (BGWA) merged in January 2022 and a new agreement and ongoing relationship was formed with Barossa Australia.

The funding agreement between Barossa Australia and The Barossa Council is now due for renewal subject to Council approval.

Introduction

Barossa Australia fulfils the role of the Regional Tourism Organisation (RTO) for the State government defined Barossa tourism region; a role that was previously carried out by Tourism Barossa Inc. BGWA and Tourism Barossa have both previously received funding from local government, however it has largely been sector specific (tourism), project specific or in response to a crisis (eg COVID-19) or adhoc opportunity.

A draft Funding Agreement has been developed (see Attachment 1) in consultation between Barossa Australia and Council's Tourism Services team.

Discussion

The grape, wine and tourism sectors account for approximately 2000 jobs across the region and deliver an estimated $500 million of economic benefit to the Barossa region. Barossa Australia has carefully reviewed its resources, capability and governance to meet this vital role for the region and aims to work collaboratively for greater alignment across the wine, grape and tourism industries.

In March 2024, Barossa Australia facilitated a CEO Regional Roundtable to initiate the development of its Annual Operating Plan for 2025, along with its strategic priorities, goals, and objectives. This collaborative forum allowed regional leaders to contribute insights to shape Barossa Australia's approach to supporting the wine, grape, and tourism sectors in alignment with local government and community needs. The endorsed 2024/2025 Annual Operating Plan is included as Attachment 2.

Barossa Australia is committed to partnering with local government to deliver ongoing value to The Barossa Council. To support the development of the wine, grape, and tourism sectors holistically, Barossa Australia seeks Council's support for organisation-wide core funding. This collaborative approach aligns with the organisation's aim to strengthen the region's key industries, ensuring sustained economic growth and benefit for the Barossa community.

The previous funding agreement has been redrafted to reflect the shift toward organisation-wide core funding and reporting framework aligned with the endorsed Annual Operating Plan 2025.

Additionally, funding for the Barossa Vintage Festival has been incorporated into the funding schedule. Given that Barossa Australia acts as the auspicing entity for the festival, with the Barossa Vintage Festival Management Committee serving as a Sub-Committee of the Barossa Australia Tourism Committee, this consolidated approach is both appropriate and efficient.

Special Projects Funding for 2024/25 to support regional marketing initiatives and drive participation, specifically in the China market has been previously approved as part of Council's Annual Business Plan and Budget process. The Special Projects Funding allowance is set as a maximum funding allocation and will be subject to an annual submission and approval of a project proposal(s) as part of Council's standard annual budget process and subsequent submission of project outcome reports.

The new funding agreement extends over a three-year term, with the addition of Clause 3.4 to account for potential changes in the tourism landscape as a result of the ongoing State Regional Review.

> *The Parties acknowledge that the State Regional Tourism Review may impact the tourism landscape and regional priorities over the next 12 months. Both Parties agree to collaborate and adapt as necessary, reviewing and adjusting this Agreement if required, as a result of the review*.

Summary and Conclusion
A strong partnership between local government and Barossa Australia, as the region's peak wine, food and tourism body, is essential for supporting and enhancing the Barossa's overall success and sustainability.

The draft Agreement has been negotiated, revised and endorsed by Council's Deputy CEO & Director, Corporate Services, Strategy & Innovation; the Manager Tourism Services; and representatives of Barossa Australia. With input from these key stakeholders, the agreement has reached a level of maturity suitable for formal consideration by Council.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Attachment 1 Barossa Australia Funding Agreement - 2024-25 - FINAL DRAFT PDF
Attachment 2 Barossa Australia Annual Operating Plan 2025

Supporting references
Nil

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS

Legislative Requirements
Nil

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

Funding of $50,000 has been budgeted in 2024/25 to support the core operations of Barossa Australia to deliver agreed outcomes and activities set out in the Draft Funding Agreement. This figure is proposed to remain stable over the life of the three year draft agreement but will be subject to CPI increases.

Council's standing biennial financial commitment of $25,000 to support the Barossa Vintage Festival was increased to $35,000 for the 2025 Vintage Festival following approval at the 20 August 2024 Council meeting. The draft agreement proposes to bring that figure back to the standard contribution of $25,000 in 2026/27.

Special Project Funding was approved by Council as part of the Annual Budget and Business Planning process and adopted within the 2024/25 budget. It is recommended that step increases are applied across the three year agreement to support increased capacity within Barossa Australia to deliver on agreed projects over and above core business.

The below table sets out the proposed financial model.

YEAR	2024/25	2025/26	2026/27
Core Council Funding	$50,000	$50,000**	$50,000**
Barossa Vintage Festival Funding	$35,000	N/A	$25,000
Special Projects Funding* **	$30,000*	$35,000	$40,000
TOTAL	$115,000	$85,000**	$115,000**

* Special funding approved in 2024/25 to support regional marketing initiatives and drive participation, specifically in the China market.
** Core funding to be increased annually in accordance with section 1.17 of this agreement.
*** Special Projects Funding allowance is set as a maximum funding allocation and subject to the annual submission and approval of a project proposal(s) as part of Council's annual budget process and subsequent submission of project outcome reports.

The proposed funding model has been accounted for within Council's Long Term Financial Plan and is considered both sustainable and appropriate with sound alignment to Council's Community and Corporate Plan goals and objectives.

Oversight of the agreement and ongoing monitoring of performance will continue to be managed by Council's Executive resources and Tourism Economy and Events team.

COMMUNITY ENGAGEMENT

Consultation and engagement with regional stakeholders and council officers have informed the development of this agreement, there is no requirement for public consultation.

7.2.3 ANNUAL REPORT 2023-24 FINANCIAL YEAR
24/106924

The following amendments to the annual report are hereby tabled from that released in the Agenda

1. *Value of Development Applications on page 247 of the agenda will increase from $138M to $156M*
2. *Additional notes to provide context to the credit card disclose on page 294 of the agenda to read as follows:*

"Purchasing via credit cards is used as one of various forms of procurement of goods and services by Council as an efficient and effective procurement methodology for expenses.

All purchase be it from credit cards, store accounts, purchase orders, contracts or on other account arrangements are all approved in accordance with Council Procurement Policy, expenditure authority and approved budget.

Total expenditure incurred using credit cards provided by Council for use by members or employees of Council during 2023-24 was $274,409 including GST. This excludes bank fees".

MOVED Cr Angas

That Council adopt the 2023-24 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 Hurn **CARRIED 2022-26/569**

PURPOSE

The Annual Report for the financial year ending 30 June 2024 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 2023-24 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 2023-24
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

7.2.4 MONTHLY FINANCE REPORT AS AT 31 OCTOBER 2024
24/107502

MOVED Cr Greatwich

That Council receives and notes the Monthly Finance Report as at 31 October 2024 as provided at Attachment 1.

SECONDED Cr Schilling **CARRIED 2022-26/570**

PURPOSE

The monthly finance report provides information on the financial performance and position of Council, including information on material financial transactions.

REPORT

The Monthly Finance Report as at 31 October 2024 is attached. The report has been prepared comparing actuals to the original adopted budget for 2024-25.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Attachment 1 Monthly Finance Report Council October 2024

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 monthly high level financial report is provided.

COMMUNITY ENGAGEMENT

Community consultation was part of the original budget adoption process in June 2024, as per legislation. This report is advising Council of the monthly finance position compared to that budget.

7.2.5 MINOR AMENDMENTS TO 2024-25 FEES AND CHARGES REGISTER 24/107508

MOVED Cr de Vries

That Council approve the updated fees for Class B and Class C CWMS reuse water for the 2024-25 budget year as outlined in Attachment 1 and backdate their application to 1 July 2024.

SECONDED Cr Hurn **CARRIED 2022-26/571**

PURPOSE

The 2024-25 fees and charges register was approved by Council at the 18 June 2024 meeting. It has subsequently been identified that there was an error in the fees disclosed for the sale of Class B and Class C community wastewater management system (CWMS) reuse water.

REPORT

Discussion

At its meeting on 18 June 2024, Council approved and adopted a list of fees and charges for the 2024-25 budget year. It has been identified that there was an error in the fees disclosed for the sale of Class B and Class C CWMS reuse water.

The fees are based on the rate charged in the previous financial year, which is then adjusted by CPI in June each year for the preceding twelve months. That is, the 2024-25 fees for Class B and Class C CWMS reuse water can only be determined as at 30 June 2025, when the 2023-24 rate is adjusted by the June 2025 CPI. Charges for the 2024-25 financial year will be invoiced in June 2025 following the final determination of the applicable fees.

Summary and Conclusion

The amended fees for Class B and Class C CWMS reuse water are attached for Council consideration and approval.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Attachment 1 Minor amendments to 2024-25 fees and charges register - November 2024

COMMUNITY PLAN / CORPORATE PAN / 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

Section 188 of the *Local Government Act 1999*

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

The current budget is aligned to the 2024-25 fees and charges register and this report represents no change in risk, financial outcomes or resource allocations.

COMMUNITY ENGAGEMENT

The revised 2024-25 fees and charges register will be made available on the Council's website for the community to access once approved.

7.2.6 OFFICE CLOSURE
24/107692

MOVED Cr Angas

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, 12 December, 2024.

(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 Troup **CARRIED 2022-26/572**

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 and recognition event.

Specifically, to consider and adopt the following late opening times for Thursday 12 December, 2024:

- 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 12 December 2024, from 8am to 10.00am. To allow as many staff as possible 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, 12 December, 2024.

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

Nil

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.

7.2.7 AUDIT AND RISK COMMITTEE - GOVERNANCE STRUCTURE - FEEDBACK FROM COMMITTEE
24/91310

MOVED Cr de Vries

That Council having reviewed the feedback of the Audit and Risk Committee receive and note the information and proceed with the structure approved at the Council meeting of 20 August 2024 contained in resolution number 2022-26/496.

SECONDED Cr Schilling **CARRIED 2022-26/573**

PURPOSE

To review the feedback from the Audit and Risk Committee (the Committee) pertaining to the proposed restructure of the governance structure of the Committee.

REPORT

Background
At its Ordinary Meeting of 20 August 2024, Council adopted revised arrangements for the Audit and Risk Committee based on research undertaken as to good governance practices for such committees in other tiers of government.
It adopted these arrangements pending comments from the Committee.

The agreed changes were:

- Move to a fully independent membership;
- Appoint all members based on skills appointments; and
- Reduce membership to 4 members.

Introduction
The Committee has reviewed the framework and agrees with the additional independent member but would prefer to adopt the Terms of Reference with five members and one of those members being an Elected Member representative. The purpose of this was to have direct interaction and representation of Council through that member.

Discussion
The prior report and attachments are provided at Attachment 1.

Considering the feedback of the Committee, for the following reasons I recommend the adopted 20 August 2024 position be maintained:

- The Committee is undertaking independent assessment of Council's financial, governance and risk performance.
- The Committee's interaction with Council is best placed through reporting to full Council not a single member.
- The Committee reporting is sound with at least the following provided annually:
    - All minutes and agendas.
    - Annual report in writing.
    - Annual presentation from the Presiding Member.
- The Committee can invite Elected Members to participate in specific matters if necessary.
- The Committee is supported by two Executive Leadership Team members and the Manager Financial Services, plus officers who provide technical support, all of which have reporting responsibilities to Council and or the Chief Executive Officer.

Notwithstanding the above rationale, should the Council wish to add the fifth member back into the Terms of Reference as an Elected Member, a secondary recommendation follows.

That Council having reviewed the feedback of the Audit and Risk Committee:

1. *Update the Terms of Reference to add a fifth member:*
    a. *Who shall be a member elected by Council from within its members.*
    b. *An appointment of Council to the position shall be for the term of the Council.*
2. *That Cr …… be appointed to the position of member of the Audit and Risk Committee for the remainder of the current term of this Council.*

Summary and Conclusion
The feedback of the Committee has been tabled for review and determination by Council.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Attachment 1 Prior August 2024 Report and Attachments

Supporting references

Nil

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS

Corporate Plan

BS4 Council and Committees - Provision of support to Council and Committees through the provision of required information, agendas, and minutes. Council and Committees are provided with support to enable informed decisions

BS5 Enterprise Risk - Strategic and operational risk assessment, control and monitoring; internal control and audit; business continuity and disaster recovery planning; organisational emergency management; insurance portfolio management; and Work Health Safety system coordination

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

Nil

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

Nil consideration.

COMMUNITY ENGAGEMENT

Nil requirements or recommendations. Engagement with the Committee has been completed.

7.2.8 BUDGET UPDATE - QUARTER 1 FOR 2024-2025 FINANCIAL YEAR - AS AT SEPTEMBER 2024 AND UPDATED LONG TERM FINANCIAL PLAN FOR 2024-25 TO 2033-34 AS AT NOVEMBER 2024
24/108642

MOVED Cr Angas

That Council, having reviewed the Budget Update for 2024/2025 (as at 30 September 2024) at Attachment 1 and updated Long Term Financial Plan for 2024/2025 to 2033/2034 at Attachment 2:

1) Adopt the budget update report and budget variations including reserve transfers.

2) Adopt the Long Term Financial Plan and all estimates encased in the plan and authorise amendments to Council's borrowing requirements as outlined in the budget update report and budget variations including reserve transfers.

SECONDED Cr Greatwich **CARRIED 2022-26/574**

PURPOSE

The Budget Update for 2024-2025 (as at 30 September 2024) is attached for Council consideration and adoption of budget variations and final carry overs from the 2023-24 financial year. Further an updated Long Term Financial Plan is also provided to

align to the updated budget plus additional information available post 30 September 2024.

REPORT

Background

On a quarterly basis the budgets of Council are to be reviewed in accordance with the *Local Government Act 1999* and associated regulations.

Budget managers undertake a review of all budget lines and adjust where budgets are trending over or under budget and where changes are required for capital programs or new or changed funding conditions.

In addition, the first review in September each year brings into the budget changes associated with the finalisation of the financial statements and carried forward funding, final annual grant allocations, insurance costs and many other items that are estimated in the budget but are solidified in the first quarter of each financial year when annual accounts are received. Further, each quarter will present prior decisions of Council where funding changes have been made so they are captured in the full estimates and budgeted financial statements.

As Council is undertaking significant investments, regular updates of the Long Term Financial Plan are also being undertaken as a process of sound risk management, good governance and financial management and this too has also been updated with the latest budget information from current operations and the quarter 1 budget update, this is provided for review and adoption.

Discussion

This updated report to that released earlier in the week has been possible due to the practical completion of the financial statements. This has allowed final reconciliation of continuing capital projects and expenditure and calculation of carry overs from the 2023-24 financial year.

The reports provide information on the financial position of Council, containing budget update reports which include Executive Summary, Uniform Presentation of Finances, Key Performance Indicators, Summary of Operating Budget Variance Adjustments and Summary of Capital Budget Variance Adjustments.

At this time in the financial year the predicted borrowings for the year are $28.25M. To date, as at 15 November 2024, borrowings of $11.6M have been drawn down in support of our capital program. The remaining value of approved cash advance debentures is $21.25M, which more than sufficient for the current financial year based on the estimates. Should 100% of the total capital spend be achieved (which is unlikely noting we budget in cash terms to achieve 92% of the budget) there remains sufficient cash available. Due to timing of expenditure to date in the year, financial assistance grants being paid in early July, arrangements made with the State to manage cash flow for the Lyndoch development and general program and treasury management, borrowings are lower at this time of the financial year than anticipated and this has resulted in a further reduction in interest charges estimated at $141,749 for this financial year.

Summary and Conclusion
The review has been completed and is ready for Council consideration and endorsement.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Attachment 1 Quarter 1 Budget Update 2024-2025 as at 30 September 2024
Attachment 2 November 2024 Update to Long Term Financial Plan - 2024-25 to 2033-34

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

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
Section 122 of the Local Government Act 1999
Section 123 of the Local Government Act 1999
Regulation 9 of the Local Government (Financial Management) Regulations 2011

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

The reports provide the best up to date estimates of financial and resource estimates to achieve the annual business plan and strategies set by Council and the stability of Council's long term financial position and operations.

COMMUNITY ENGAGEMENT

Community consultation was part of the original 2024-25 budget adoption process in June 2024, as per legislation and reviews are not required to undertake further engagement processes nor are they recommended.

7.3 Infrastructure and Environmental Services

7.3.1 ROAD NAMING - VINTAGE ESTATE STAGE 4
24/107192

MOVED Cr Evans

That Council names the new road within the Chardonnay Drive Stage 4 land division "Tawny Court".

SECONDED Cr Greatwich **CARRIED 2022-26/575**

PURPOSE

The developer of the Chardonnay Drive land division, Nuriootpa, has requested the naming of one road within Stage 4 of the development (refer *attached* developer's plan).

REPORT

Introduction
Council staff have received formal application from White Holdings Group, to name a new street created within the land division at allotment 808 Centenary Avenue, Nuriootpa.

Discussion
New street names approved by Council in the adjacent land division stages in recent years include "Vintage Crescent" and "Oak Court". These connect to Centenary Avenue and other streets named after grape varietal types, including Chardonnay, Pinot, Cabernet, Traminer, Hermitage, Riesling and Merlot.
Consistent with the connecting street names of "Vintage" and "Oak", a continuation of the fortified wine theme appears logical. As such, the developer has suggested it is appropriate that the last additional short street in the land division be named "Tawny Court".

Other names suggested by the developer include Semillon Close, Aprea Court and Touriga Close.

In accordance with Council's Property Identification Policy, the name "Tawny" is warranted in terms of the adjacent thematic names, related to wine varietal types. Section 4.2 of the Policy "Sources for Road Names" states:

4.2.1 Sources for road names may include,
- Aboriginal names taken from the local aboriginal language;
- Early explorers, pioneers and settlers;
- Elected Members with a term of service greater than 10 years;
- Local identities of significant achievement in their field;
- Local history;
- Thematic names such as flora, fauna etc;
- War / casualty lists;
- Commemorative names.

The name "Tawny" does not duplicate any other street name in The Barossa Council area and is the developers preferred name.

Summary and Conclusion
Public road names are selected in accordance with The Barossa Council "Property Identification Policy" and the associated "Selection of Road and Public Place Names Process".

The name "Tawny" is consistent with Council's Property Identification Policy, in terms of thematic names, related to wine varietal types.

The street to be named is a short cul-de-sac side road at the edge of the developer residential land in this precinct.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Attachment 1 Chardonnay Stage 4 - New Street Name - site plan

Supporting references
Nil

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS

Community Plan

Infrastructure

Goal
8 To have a connected and safe transport network that meets the needs of our community

Strategies
8.2 Ensure a high quality road, shared paths and footpath network throughout the Barossa in partnership with all levels of government.

Legislative Requirements
Nil

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

All costs associated with the naming and sign posting of new roads within land developments are borne by the developer, in this case White Holdings Group

The development approval process requires that the developer be responsible for all costs associated with implementing the name of the road.

COMMUNITY ENGAGEMENT

No formal community consultation has been engaged; however, reference has been made to The Barossa Council "Selection of Road and Public Place Names Process".

7.3.2 INFRASTRUCTURE ASSET MANAGMENT PLAN - ADOPTION
24/107443

MOVED Cr Schilling

That Council adopts the Infrastructure and Asset Management Plan 2024-2034 as per Attachment 1.

SECONDED Cr Barrett **CARRIED 2022-26/576**

PURPOSE

To formally adopt the Infrastructure and Asset Management Plan 2024-2034.

REPORT

Discussion
Under the Local Government Act, Council is required to have a number of Strategic Management Plans, of which the Infrastructure Asset Management Plan (IAMP) is one.

The IAMP needs to be reviewed by Council within 2 years following a Council election.

As a key strategic document of Council and a legislated requirement, to maximise the opportunity for the community to provide feedback, a three-week public consultation period for the IAMP was approved at the 17 September 2024 meeting of Council and the document was available for public consultation between 25 September 2024 and 16 October 2024.

Summary and Conclusion
No submissions were received during the period of public consultation and it is recommended that the IAMP be adopted.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Attachment 1 Infrastructure Asset Management Plan 2024 - 2034

Supporting references
Nil

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS

Community Plan

Infrastructure

Goal

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

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

Strategies

6.2 Continue to ensure that infrastructure considers place-making is inclusive and accessible for all.

7.1 Build on sound asset management practices to deliver sustainable services to ensure that infrastructure is adequate to support the community.

7.2 Ensure both current and future infrastructure needs are met in a proactive rather than reactive way.

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

Section 122 Local Government Act 1999
Section 50 Local Government Act 1999

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

The review of the IAMP may identify priority work that will require funding as part of Council's annual budget process.

COMMUNITY ENGAGEMENT

Public Consultation has been completed as endorsed by Council at the meeting held 17 September 2024, there were no submissions received.

7.4 Development and Community Services

7.4.1 EARLY CHILDHOOD STRATEGY ENDORSEMENT
24/91574

MOVED Cr Greatwich

That Council approves The Barossa Council Early Childhood Strategy as per Attachment 1 and that it be reviewed annually against performance targets and that the scope shall not expand as Council is not an education provider or funder.

SECONDED Cr de Vries **CARRIED 2022-26/577**

PURPOSE

To seek Council endorsement of The Barossa Council Early Childhood Strategy.

REPORT

Background
At the Ordinary Council Meeting on 21 May 2024, Elected Members endorsed a proposal to develop an Early Childhood Strategy for The Barossa Council. That Strategy has since been presented at an Elected Members Workshop, endorsed as suitable for public consultation, and undergone a 21 day public consultation.

The Strategy demonstrates the value The Barossa Council places on the early years and early childhood development, and its commitment to supporting young children and their families. The Strategy identifies four strategic priorities and a suite of actions to be delivered collaboratively across Council teams, with external stakeholders and service providers, and with neighbouring Councils. It also clearly defines The Barossa Council's role in supporting early childhood development, and what is out of scope.

Introduction
The draft Early Childhood Strategy was shared with the community via social media, posters in Library buildings and emails directly to key stakeholders. Members of the public were invited to provide feedback via the YourSay platform or email to Manager, Library Services during the 21 days the consultation was open.

Discussion
Written feedback on the Strategy was received from nine members of the community during the consultation (Table 1).

Feedback was mainly positive and expressed gratitude to Council for focussing on early childhood in this way. Suggestions for the Strategy included requesting a more focussed approach to promoting breastfeeding, supporting fathers and young parents, and providing parenting workshops to support parents to improve the emotional maturity and mental health of their children. Responses to each comment are included in Table 1. No changes have been made to the Strategy following the consultation period.

Table 1: Public feedback on the Early Childhood Strategy and response from Manager, Library Services

	Feedback	Response
1	Method of feeding and access to lactation support is an important consideration to children's development, health, wellbeing, attachment connections, parental responsiveness, emotional and social development, education opportunities and intelligence. I believe that breastfeeding statistics could be included and strategies to support increasing breastfeeding rates to protect and promote children's wellbeing should be included within the strategy (to also align with the COAG Health Council Australian National Breastfeeding Strategy: 2019 and Beyond- Australian National	Council acknowledges the importance of breastfeeding but notes that providing support to increase breastfeeding rates falls into providing allied health services which is out of scope for the strategy. However, breastfeeding rates may be indirectly supported by Action 10 (advocating for community spaces for childhood development checks).

	Breastfeeding Strategy: 2019 and beyond | Australian Government Department of Health and Aged Care	
2	The Draft Early Childhood Strategy policy looks excellent, and I'm both very happy and grateful that the Barossa Council is providing the support and recognition into this area for the greater good of the community. I have no further suggestions to make as it looks very comprehensive.	Noted
3	Firstly I congratulate the Council on producing a comprehensive and well researched Draft Early Childhood Strategy and in so doing provide Community Leadership in helping all our 0-5yo community members get the best start possible in the early years as they grow and develop within a wide range of family circumstances in our community . The Strategy also shows a strong focus on data collection and a Collaborative approach to improve measurable outcomes in an areas of concern for our 5yo here in the Barossa Region children . The results of the AEDC Survey of 5yo students gives us with a challenge to help improve outcomes for the Barossa Region 5yo in the survey and research data and help reduce some possibly predicted poor adult outcomes as described. Families are reported to be under increasing stress and this impacts on the young children . I strongly support Council adopting this Early Childhood Strategy which promotes a spirit of Collaboration to help improve Community Wellbeing for our youngest community members . I would like to especially thank Melissa from the Library for her work in preparing this draft and her work through the Library in developing programs to promote early Language and Literacy skills for children is really appreciated Bob Modra ....Retired Community Child and Adolescent	Noted

	Mental Health Nurse Over 40 years service to Barossa Families and supporting services collaboration . The Sunflower Man 2023 Barossa Council Citizen of The Year	
4	The AEDC data, emphasize this is publicly available Barossa data. I challenge that mental health issues only 3%?? It's more like 1 in 7 or 13.9%. There is work to do to help inform parents of their options to help and improve their health literacy. Service providers can be found on the 0-12 roadmap to wellbeing support. Opportunities exist for parenting workshops. Talk more about managing difficult emotions and co-regulation. We are missing an opportunity to talk about meltdowns, naming a feeling and think before you act. Christine Morgan's work on mental health of children is worth looking at. Reducing childhood trauma, abuse Environmental and familial/genetic factors, physical and psychological Support for parents to enable their children reach their full potential ADHD and autism Bill Gransbury	The figure of 3% of children aged 0-14yrs with mental health conditions is from the Australian Bureau of Statistics. It is possible that the figure underestimates the true prevalence due to under reporting and diagnosis. Providing professional allied health services is beyond the scope of the Strategy. However, Actions 3 to 8 and 10 provide opportunities to engage with and support parents and guide child skills in managing big emotions.
5	Overall the Strategy is well balanced and is responding to the needs of the Community's young families and children. The value and role of young, new and expectant fathers and the inclusion of services and strategies to support them do not seem to have been have been incorporated into the strategy. Taking an wholistic "wrap around" approach to providing services and supports for young families and children that includes both parents and their engagement with their children from birth would provide a positive early intervention and integrated model of care for the whole family.	
6	A great strategy. Would like to see it implemented with more family-centric sites. The libraries in the Barossa are really great, but they need to be bigger and better equipped to meet the demands of a growing population. Would like to see	Noted and this feedback will be included when reviewing Council's community spaces.

	community spaces imbedded in these places that are family focused. Too many of our buildings are outdated and not suitable for children.	
7	Yes	n/a
8	I fully agree with needing to consult the community regarding the playground planning - at times the playground equipment is too 'advanced'/ large for smaller children. -playgrounds being fully fenced would make the experience a lot less stressful for caregivers and therefore more enjoyable and safer for children. -we need a 'push to exit' button on the Nuriootpa Library front doors or an enclosed space for the children's sessions. The doors open to the carpark and toddlers who tend to be 'runners' are not safely contained. When caregivers have more than one child or are U able to run, it is very difficult to attend the sessions. I agree, there is limited available space for health professionals to complete checks or collaborate within the community. -For example, the Child and Family Health building behind St Petri church is now no longer big enough to support all clients in a timely manner and waiting lists are exorbitant for the Nuriootpa and Evanston clinic. Thankyou!	Playground and health professional spaces feedback noted. The suggestion about having a 'push to exit' button on the front door is noted and will be considered as part of Council's WHS Committee.
9	All the Early Years learning programs run at Nuriootpa Library are fantastic, always well thought out.	Noted

Summary and Conclusion
It is recommended that Elected Members endorse the Early Childhood Strategy (Attachment 1) for implementation, lead by Manager, Library Services, and where applicable, subject to future budget allocation and grant funding.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Attachment 1 Barossa Council Early Childhood Strategy - November 2024

Supporting references
Nil.

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS

Legislative Requirements
Libraries Act 1982

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

Nil

COMMUNITY ENGAGEMENT

Consultation has been described above. The final Strategy will be made available on The Barossa Council website.

7.4.2 REVIEW OF THE ENVIRONMENT PROTECTION (WASTE TO RESOURCES) POLICY 2010 24/105931

MOVED Cr Hurn

That Council endorse the responses as prepared in attachment one, the EPA Detailed Feedback Form, for submission to epawastepolicy@sa.gov.au before 20 December 2024.

SECONDED Cr Greatwich **CARRIED 2022-26/578**

PURPOSE

The Environment Protection Authority (EPA) is reviewing the Environment Protection (Waste to Resources) Policy 2010 (W2R EPP) to modernise South Australia's approach to the regulation of resources and waste. The discussion paper has been considered and draft responses prepared to relevant questions in the EPA's Feedback Form. Consultation closes 20 December 2024. Seeking Elected Member endorsement of the response to the discussion paper.

REPORT

Background
The Environment Protection (Waste to Resources) Policy 2010 (W2R EPP) provides the framework for South Australia's waste management objectives, such as those outlined in the SA Waste Strategy. This policy has not been varied since 2010 and this review has been initiated to explore policy that will contribute to the South Australian Government's commitments to a circular economy and achieving zero net emissions by 2050.

This Policy influences the organisation of kerbside waste and recycling collections, including public place bins, that Council delivers for community. Kerbside collection and disposal for financial year 2023 – 2024 were valued at approximately $2.7 million.

Discussion

Responses have been prepared for some, but not all the questions presented in the detailed EPA Feedback Form. All questions are included in attachment one. Focus has been put on responding to the areas that have greater relevance to The Barossa Council and its community. These are highlighted in yellow in attachment one.

The general sentiment of the responses indicate that reform and modernisation is welcomed and acknowledges local government's crucial role in helping the state achieve its goals, but also cautions against increasing direct or indirect costs to councils without adequate funding support.

Support for adding circular economy and climate change mitigation to policy objectives and expanding the waste management hierarchy has been noted. Adding circular economy will assist with elevating focus on retaining resource value and improving product design to avoid waste creation, which in time, should reduce community reliance on the Council's kerbside red waste bin service. Connecting climate change mitigation to policy objectives will support optimal decision making that considers whole of life-cycle for materials. The expanded waste hierarchy also will give greater attention to waste prevention activities, distinguish more clearly between activities, and provide more guidance about practical application.

Other sections and questions that have been responded to include:

- 7.3.1 Managing resources to preserve value, which includes discussion about advising caution about implementing levies on green waste.
- 7.7.2 Modification of outer regional and rural area systems, barriers and opportunities for recycling and organics recovery.
- 7.7.4 Standardising kerbside bin lid colours.
- 7.8.2 Source separation and collections of food waste, including consideration for extending mandatory requirements on businesses that generate food.
- 7.8.5 and 7.8.7 Public place recycling and organic waste bins.
- 7.8.6 Event and venues recycling and organic waste bins.
- 7.8.8 Requirement for treatment of waste prior to disposal to landfill.
- 7.9 Circular procurement.
- 7.10.9 Materials prohibited to landfill.
- 7.17.1 Reporting by local government.
- 7.18 Waste levy disclosures.
- Additional questions. Final comments.

Summary and Conclusion

The Environment Protection (Waste to Resources) Policy that provides the framework for South Australia's waste management objectives is reviewed periodically, but not frequently.

Council is directly accountable for some of the organisation and costs that arise from the goals and requirements of this policy document. As a result, it is appropriate that Council would contribute to providing feedback as part of the formal engagement process initiated by State Government.

With Councils endorsement, responses prepared will be submitted through the authorised channels before the consultation closes on 20 December 2024.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Attachment 1 EPA detailed feedback form - The Barossa Council Response - Beyond recycling moving SA towards a circular economy

Supporting references
Review of the Environment Protection (Waste to Resources) Policy 2010 | YourSAy
Environment Protection (Waste to Resources) Policy 2010

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS

Community Plan

Natural Environment and Built Heritage

Goal

3 We take a proactive approach in responding to key environmental challenges such as climate change, water security and waste management.

Strategies

3.2 Collaborate with partners and our community to support innovative approaches to waste minimisation, and increase reuse and recycling opportunities.

Legislative Requirements
Nil

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

No financial, resource and risk management concerns identified related to responding to this this State Government discussion paper.

COMMUNITY ENGAGEMENT

No community engagement requirements apply to responding to this State Government discussion paper.

7.4.3 LYNDOCH CHRISTMAS STREET PARTY - REQUEST TO LAND HELICOPTER ON VILLAGE GREEN

24/107418

MOVED Cr Evans

That Council approve the request from Barossa Helicopters to land a Helicopter on the Lyndoch Village Green on Friday 13 December 2024, as part of the Lyndoch Christmas Street Party.

SECONDED Cr Lane **CARRIED 2022-26/579**

PURPOSE

Council has received a request from Barossa Helicopters to 'deliver' Father Christmas via Helicopter, landing at the Lyndoch Village Green as part of the Lyndoch Christmas Street Party to be held on Friday 13 December 2024.

REPORT

Background

The Lyndoch Christmas Street Party is planned for Friday 13 December 2024 and will feature family-friendly entertainment, local foods and live music and entertainment for all ages.

To ensure safety, it is proposed that Lyndoch's main street will be closed to traffic from 5pm to 10:30pm.

Introduction

Barossa Helicopters have requested to utilise the Lyndoch Village Green for a short period, to 'deliver' Father Christmas to the Street Party. The Helicopter will not shut down and will depart as soon as all persons are at a safe distance, and it is expected to take approximately five minutes.

Barossa Helicopters have been operating for nearly 40 years and the Crew are well trained in the operation of landing a Helicopter at large Events.

Discussion

As the land is Local Government Land and use of the land is controlled by Council By-Law 4. The By-Law stipulates under Part 4, that "*a person must not, without permission, on local government land….subject to the Civil Aviation Act 1988, land or take off any aircraft on or from the land*"

The power to grant the required permission has not been delegated to any Council Officer, and as such, a decision needs to be made by resolution of Council.

In support of their request, Barossa Helicopters have provided Council with the following documentation:

- Air Operating Certificate (covering CASA requirements);
- Public Liability Certificate of Currency;
- Risk Assessment; and
- Off-site Emergency Response Plan

It is considered that, on balance, all reasonable steps have been taken to mitigate the risk involved with landing the helicopter on Council land.

Summary and Conclusion

Barossa Helicopter have submitted a request to land a Helicopter at the Lyndoch Village Green on Friday 13 December 2024, as part of the Lyndoch Christmas Street Party.

Barossa Helicopters have provided the following documentation, which is included at Attachment 1:

Air Operating Certificate which covers CASA Regulations
Public Liability Certificate of Currency
Risk Assessment

Off-site Emergency Response Plan (noting that the Event will have CFS and Police in attendance).

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Attachment 1 Barossa Helicopters Documentation - Request to utilise Lyndoch Village Green for Helicopter Landing

Supporting references
Nil

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS

Legislative Requirements
Local Government Act 1999
Civil Aviation Act 1988
Council By-Law 4.

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

Barossa Helicopters Ground Crew will be on the ground at the Lyndoch Village Green prior to the landing to ensure there are no people or other obstacles (and be in contact with the Pilot via radio to advise when it is safe to land). The Helicopter will not be shutting down and will depart as soon as the Crew and Father Christmas are at a safe distance.

The Main Street will be closed to traffic from 5-10:30pm, and CFS and Police will be in attendance.

COMMUNITY ENGAGEMENT

Not required.

8. CONFIDENTIAL REPORTS

8.1 Office of the Mayor and CEO

8.1.1 CONCORDIA - PLANNING
24/107507

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 Inclusion of information that has been provided in confidence by State Government and for which Council and its officers are subject to a Non-Disclosure Deed with the State.

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, Strategy and Innovation, Director Development and Community Services, Director Infrastructure and Environmental Service, Senior Strategy Advisor 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)(j) of the *Local Government Act 1999:*

information the disclosure of which-
(i) would divulge information provided on a confidential basis by or to a Minister of the Crown, or another public authority or official (not being an employee of the council, or a person engaged by 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 Inclusion of information that has been provided in confidence by State Government and for which Council and its officers are subject to a Non-Disclosure Deed with the State.

SECONDED Cr Hurn **CARRIED 2022-26/580**

The meeting moved into confidence at 6.08pm

MOVED Cr de Vries

That Council:

(1) Council Resolution

(2) Having considered this matter in confidence under Sections 90(2) and 90(3)(j) 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 November 2024 in relation to item 8.1.1 Concordia - Planning be kept confidential and not available for public inspection until 12 months and authorise the Chief Executive Officer to review and revoke the order.

SECONDED Cr Preece **CARRIED CO 2022-26/581**

Resumption of open council meeting at 6.14pm

8.2 Corporate Services, Strategy and Innovation

8.2.1 BAROSSA PARK DEVELOPMENT STATE AND COUNCIL PROJECT AGREEMENT 24/108489

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 Matter relates to an agreement between the Premier of South Australia and The Barossa Council which is subject to confidentiality provisions.

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 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)(j) of the *Local Government Act 1999:*

information the disclosure of which-

(i) would divulge information provided on a confidential basis by or to a Minister of the Crown, or another public authority or official (not being an employee of the council, or a person engaged by 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 Matter relates to an agreement between the Premier of South Australia and The Barossa Council which is subject to confidentiality provisions.

SECONDED Cr Greatwich **CARRIED 2022-26/582**

The meeting moved into confidence at 6.14pm

MOVED Cr Barrett

That Council:

(1) Council Resolution

(2) Council Resolution

(3) Having considered this matter in confidence under Sections 90(2) and 90(3)(j) 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 19 November 2024 in relation to item 8.2.1 Barossa Park Development State and Council Project Agreement be kept confidential and not available for public inspection and authorise the Chief Executive Officer to review and revoke the order.

SECONDED Cr Greatwich **CARRIED CO 2022-26/583**

Resumption of open council meeting at 6.16pm

8.3 Development and Community Services

8.3.1 WASTE MANAGEMENT SERVICES - CONTRACT EXTENSION PROPOSAL 24/40185

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 it contains detailed pricing information and commercial negotiations information related to the contract extension of the current tender with Council's waste supplier and would expose the negotiating position of Council.

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 Greatwich

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, Strategy and 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)(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 it contains detailed pricing information and commercial negotiations information related to the contract extension of the current tender with Council's waste supplier and would expose the negotiating position of Council.

SECONDED Cr Troup **CARRIED 2022-26/584**

The meeting moved into confidence at 6.16pm

MOVED Cr Greatwich

That Council:

(1) Council Resolution

(2) Council Resolution

(3) 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 19 November 2024 in relation to item 8.3.1 Waste Management Services - Contract Extension Proposal be kept confidential and not available for public inspection until to be kept confidential and not available for public inspection until the end of the Waste Management Services Contract and that the Chief Executive Officer be delegated the power to review and revoke the order.

SECONDED Cr Troup **CARRIED CO 2022-26/585**

Resumption of open council meeting at 6.17pm

9. URGENT OTHER BUSINESS

Nil

10. NEXT MEETING

Tuesday 17 December 2024 at 5.30pm

11. CLOSURE

Mayor Lange declared the meeting closed at 6.17pm.

Confirmed at Council Meeting on 17 December 2024

Date:…… Mayor:……