Minutes of Special Council Meeting held on Tuesday 11 September 2018 commencing at 5.15pm in the Council Chambers, 43-51 Tanunda Road, Nuriootpa

1.1 WELCOME
Mayor Sloane declared the meeting open at 5.15pm.

1.2 MEMBERS PRESENT
Mayor Bob Sloane, Cr Michael (Bim) Lange, Deputy Mayor, Crs Mark Grossman, Richard Miller, Leonie Boothby, Christopher Harms, John Angas and Michael Seager

1.3 LEAVE OF ABSENCE
Cr Scotty Milne

1.4 APOLOGIES
Cr Margaret Harris
Cr David de Vries

ABSENT
Cr Tony Hurn

MOVED Cr Grossman that the apology received from Cr Harris and Cr de Vries be noted.
Seconded Cr Lange CARRIED 2014-18/1517

2. DEBATE AGENDA
Nil

3. CONFIDENTIAL MATTER – 5.16PM

3.1 CHIEF EXECUTIVE OFFICER – CONFIDENTIAL MATTER - 5.16PM

3.1.1 STRATEGIC LAND PURCHASE 2
The matter of the agenda item being the update on negotiations to undertake a strategic land purchase from a landowner could reasonably be expected to commercially disadvantage negotiations should it be made public and put at risk the ability to conclude a successful commercial and community outcome by Council. Therefore pursuant to Section 90(3)(b) of the Local Government Act 1999 (“the Act”) being information that 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.
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 would disclose the commercial pricing and offer position of Council and this would give an unfair advantage to a person with whom the Council proposes to do business or third parties also making offers to purchase the subject land in Nuriootpa.

On balance, the above reasons which support 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 Angas 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 and Community Services, Director Development and Environmental Services, Director Works and Engineering, and the Minute Secretary, in order to consider in confidence a report relating to Section 90(3)(b) of the Local Government Act 1999, relating to agenda item 3.1.1 Strategic Land Purchase 2 being information that must be considered in confidence in order to ensure that the Council does not disclose information that 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; and

(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 to ensure that disclosure of commercial pricing and the offer position of Council would not give rise to an unfair advantage to a person with whom Council proposes to do business.

**Seconded** Cr Miller **CARRIED 2014-18/1518**

**RESUMPTION OF OPEN COUNCIL MEETING – 5.29PM**

The open meeting of Council resumed at 5.29pm.

In the matter 3.1.1 – Strategic Land Purchase 2:

**MOVED** Cr Lange that Council, having reviewed the valuation analysis, budget assessment tool score, masterplan and options for the said land, and whole of life costing estimates, resolve to:

1. Confidential resolution
2. Confidential resolution
3. Confidential resolution
4. Confidential resolution
5. Confidential resolution

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6. Confidential resolution
7. Confidential resolution
8. Confidential resolution
9. Having considered this matter in confidence under Section 90(2) of the Local Government Act 1999 in accordance with Section 90(3)(b)(i) and (ii) of the Act, makes an order pursuant to Section 91(7) of the Act, that the report, attachments, analysis and minutes other than the minutes relating to this confidentiality order of the Confidential Council Meeting held on 11 September 2018 in relation to item 3.1.1 Strategic Land Purchase Proposal 2 be kept confidential and not available for public inspection (noting the Chief Executive Officer will release information on a confidential basis to relevant parties including the landowner, or his representative and legal and other support as necessary) until the recommendations contained herein are resolved and any resulting transactions are fully concluded and authorises the Chief Executive Officer to review and revoke the order subject to ensuring compliance with Section 91(8)(c) of the Local Government Act.

Seconded Cr Boothby CARRIED CO2014/18-83

4. NEXT MEETING
Tuesday 18 September 2018 at 9.00am

5. CLOSURE OF MEETING
Mayor Sloane declared the meeting closed at 5.29am.

Confirmed at Council Meeting – Tuesday 18 September 2018

Date:........................................... Mayor:......................................
CONFIDENTIAL MINUTES
OF THE SPECIAL MEETING OF THE BAROSSA COUNCIL
held pursuant to the provisions of Section 90(2) of the Local Government Act 1999 on
Tuesday 11 September 2018 commencing at 5.16pm

MEMBERS PRESENT
Mayor Bob Sloane, Deputy Mayor Michael (Bim) Lange, Leonie Boothby, John Angas, Mark Grossman, Christopher Harms, Richard Miller and Michael Seager

OFFICERS PRESENT
Mr Martin McCarthy, Chief Executive Officer, Mr Gary Mavrinac, Director Development and Environmental Services, Mrs Joanne Thomas, Director Corporate and Community Services and Ms Lorraine Walsh, Executive Assistant

LEAVE OF ABSENCE
Cr Scotty Milne

APOLOGIES
Cr Margaret Harris
Cr David de Vries

ABSENT
Cr Tony Hurn

3.1 CONFIDENTIAL AGENDA – CHIEF EXECUTIVE OFFICER

3.1.1 STRATEGIC LAND PURCHASE PROPOSAL 2
B7321

MOVED Cr Lange that Council, having reviewed the valuation analysis, budget assessment tool score, masterplan and options for the said land, and whole of life costing estimates, resolve to:

(1) Proceed to offer to the proprietor of 20 Prider Street, Nuriootpa being allotment 130 in the deposited plan 43207 in the Hundred of Moorooroo, certificate of title volume 5307 folio 771 $590,000 (excluding costs) to purchase the property in all things other than personal goods and possessions.

(2) Authorise the Chief Executive Officer should the initial offer be unsuccessful to continue to make offers to purchase the property up to an amount of $650,000 (excluding costs) as per the valuation analysis provided at the attachments 1 and 2 ensuring the Chief Executive Officer consults with the Mayor each and every time a revised offer is made.

(3) Authorise the Chief Executive Officer to act in all things in this matter including settlement timeframes and any other negotiation matters.
(4) Authorise, if negotiations are successful, the Chief Executive Officer to enter into a sales agreement consistent with negotiated terms, or if required, authorise the Mayor and Chief Executive Officer to enter into a sales agreement under the seal of The Barossa Council consistent with negotiated terms.

(5) Pursuant to Section 193 (4) of the Local Government Act exclude the land described in 1 above from Community Land status, should the land be successfully purchased, until further planning determines the final outcome/s of long term development of the site for economic, community, sporting and/or recreational purposes.

(6) Authorise a budget adjustment of $690,000 to the 2018-19 budget for the purposes of purchasing the land and costs associated with settlement.

(7) Authorise the Chief Executive Officer to seek an exemption from the Minister for Local Government pursuant to Section 91A of the Local Government (Elections) Act and clause 4.3.1 of Council’s Caretaker Policy on the grounds of the strategic and long term importance of entering into a contract for the purchase of the land to achieve the community outcomes identified within The Big Project as it relates to the future implementation of the Nuriootpa Centennial Park initiative.

(8) Authorises the Director, Corporate and Community Services to continue to progress the architectural detailed design of the facility to include consideration of the options for the additional allotment but to maintain that information in accordance with the confidentiality requirements of this resolution.

(9) Having considered this matter in confidence under Section 90(2) of the Local Government Act 1999 in accordance with Section 90(3)(b)(i) and (ii) of the Act, makes an order pursuant to Section 91(7) of the Act, that the report, attachments, analysis and minutes other than the minutes relating to this confidentiality order of the Confidential Council Meeting held on 11 September 2018 in relation to item 3.1.1 Strategic Land Purchase Proposal 2 be kept confidential and not available for public inspection (noting the Chief Executive Officer will release information on a confidential basis to relevant parties including the landowner, or his representative and legal and other support as necessary) until the recommendations contained herein are resolved and any resulting transactions are fully concluded and authorises the Chief Executive Officer to review and revoke the order subject to ensuring compliance with Section 91(8)(c) of the Local Government Act.

Seconded Cr Boothby

CARRIED CO2014/18-83

CLOSED OF CONFIDENTIAL MEETING
There being no further business the confidential meeting closed at 5.29pm.

Confirmed at Council meeting Tuesday 18 September 2018

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