

CONFIDENTIAL

**CONFIDENTIAL MINUTES
OF THE MEETING OF THE BAROSSA COUNCIL
held pursuant to the provisions of Section 90(2) of the Local Government
Act 1999 on
Tuesday 18 June 2019 commencing at 9.59am**

MEMBERS PRESENT

Deputy Mayor, Cr John Angas, Crs Tony Hurn, Don Barrett, Kathryn Schilling, Leonie Boothby, David de Vries, Richard Miller, Carla Wiese-Smith and David Haebich

OFFICERS PRESENT

Mrs Joanne Thomas, Acting Chief Executive Officer, Mr Steven Kaesler, Manager Engineering Services, Mr Gary Mavrinc Director Development and Environmental Services, Mrs Rebecca Tappert, Manager Community Projects, Mrs Heidi Helbig, Communication and Engagement Officer and Ms Lorraine Walsh, Executive Assistant

LEAVE OF ABSENCE

Cr Russell Johnstone

APOLOGIES

Mayor Bim Lange
Cr Cathy Troup

8.1.1**SANTOS TOUR DOWN UNDER 2020
B8989**

MOVED Cr de Vries that Council:

- (1) Accepts the offer from Events South Australia to host Stage 1 of the Santos Tour Down Under and bring a further report to Council once the Licence (Hosting) Agreement is received. The Stage loops through the townships of Tanunda, Angaston and Nuriootpa.
- (2) Approves the addition of \$15,000 ex GST to the 2019/2020 base budget for the additional hosting fee for a start and finish of \$35,000 ex GST.
- (3) Supports officers in liaising with township community representatives to host an associated community event and provides funding of \$13,000 ex GST (already in the 2019/2020 base budget) for this purpose.
- (4) Having considered this matter in confidence under Section 90(2) of the Local Government Act (the Act) pursuant to Section 90(3)(b)(i) and (ii) of the Act being information the disclosure of which 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, makes an order pursuant to Section 91(7) of the Local Government Act 1999, that the minutes, report

and attachments other than the minutes relating to the confidentiality order of the Confidential Council Meeting held on 18 June 2019 in relation to Confidential Item Number 8.1.1 and titled Santos Tour Down Under 2020, be kept confidential and not available for public inspection until such date as any embargo on the announcement regarding venues for the 2020 Santos Tour Down Under is lifted.

Seconded Cr Miller

CARRIED CO2018/22-10

CLOSURE OF CONFIDENTIAL MEETING

There being no further business the confidential meeting closed at 10.20am.

Confirmed at Council meeting Tuesday 16 July 2019

Date:

Mayor:

CONFIDENTIAL

**CONFIDENTIAL MINUTES
OF THE MEETING OF THE BAROSSA COUNCIL
held pursuant to the provisions of Section 90(2) of the Local Government
Act 1999 on
Tuesday 18 June 2019 commencing at 10.21am**

MEMBERS PRESENT

Deputy Mayor, Cr John Angas, Crs Tony Hurn, Don Barrett, Kathryn Schilling, Leonie Boothby, David de Vries, Richard Miller, Carla Wiese-Smith and David Haebich

OFFICERS PRESENT

Mrs Joanne Thomas, Acting Chief Executive Officer, Mr Steven Kaesler, Manager Engineering Services, Mrs Ruyiyya Martin, Governance Advisor and Ms Lorraine Walsh, Executive Assistant

LEAVE OF ABSENCE

Cr Russell Johnstone

APOLOGIES

Mayor Bim Lange
Cr Cathy Troup

8.2 CHIEF EXECUTIVE OFFICER**8.2.1****SECTION 270 LOCAL GOVERNMENT ACT - REVIEW OF COUNCIL DECISION****SHORT TERM SUSPENSION OF FORMAL MEETING PROCEDURE – 10.24AM**

With the leave of the meeting Deputy Mayor, Cr John Angas advised a short term suspension of formal meeting procedures for 15 minutes to allow informal discussion on the matter 8.2.1 – *Section 270 Local Government Act – Review of Council Decision*.

RESUMPTION OF FORMAL MEETING PROCEDURE – 10.39AM

Deputy Mayor, Cr John Angas advised that formal meeting procedure resume at 10.39am.

Cr Haebich left the meeting at 10.40am.

MOVED Cr Boothby

- (1) That Council receive the independent external party review report and attachments, provided to officers on 4 June 2019 by the external reviewer, Ms Kate Brandon of HWL Ebsworth Lawyers, as regards a decision made by Council officers not to withdraw Expiation Notice 10327 issued to the applicant, Mr Antonio Santamaria (the "Decision"), at Attachment 1.
- (2) That, as per the external reviewer's recommendations, Council take no further action in relation to the applicant's application of 18 February

2019, to review the Decision under section 270 of *Local Government Act* (the "Application"); or the Decision.

- (3) That, in accordance with the external reviewer's recommendations, the Chief Executive Officer inform the applicant that:
 - (a) the Application does not fall within the Council Internal Review of Council Decisions Policy;
 - (b) Council has, in the interests of demonstrating transparency, fairness and accountability, determined that it is appropriate to obtain an independent report in relation to the decision to be undertaken having regard to the matters contained in Council's Internal Review of Council Decisions Policy and Process;
 - (c) the independent report has, in accordance with Council's Internal Review of Council Decisions Policy and Process, considered all the information before the original decision maker at the time of the Decision and the additional information submitted by the application, and found that the Decision has been undertaken in a legally and procedurally correct manner, and that a different decision would not provide an improved outcome; and
 - (d) no further action will be taken in relation to the Application or the Decision.
- (4) Having considered this matter in confidence under Section 90(2) of the *Local Government Act 1999*, and pursuant to section 90(3)(a) and (f) of the Act, being information that must be considered in confidence in order to ensure that the Council does not disclose information that could reasonably be expected to involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead); and information the disclosure of which could reasonably be expected to prejudice the maintenance of law, including by affecting (or potentially affecting) the prevention, detection or investigation of a criminal offence, or the right to a fair trial, makes an order pursuant to Section 91(7), that the reports and attachments, and minutes other than the minutes relating to this confidentiality order of the Confidential Council Meeting held on 18 June 2019 in relation to item 8.2.1 Section 270 *Local Government Act* – Review of Council Decision be kept confidential and not available for public inspection until the applicant has exhausted all legal avenues in relation to matters for which he may elect to be prosecuted in relation to the contents of the Report, and authorise the Chief Executive Officer to review and revoke the order.

Seconded Cr Miller

CARRIED CO2018/22-11

CLOSURE OF CONFIDENTIAL MEETING

There being no further business the confidential meeting closed at 10.42am

Confirmed at Council meeting Tuesday 16 July 2019

Date:

Mayor: