MINUTES OF THE MEETING OF THE BAROSSA COUNCIL
held on Tuesday 23 January 2018 commencing at 9.00am in the
Council Chambers, 43-51 Tanunda Road, Nuriootpa

1.1 WELCOME
Mayor Sloane declared the meeting open at 9.00am.

1.2 MEMBERS PRESENT
Mayor Bob Sloane, Crs Michael (Bim) Lange (Deputy Mayor), Mark Grossman, John Angas, Tony Hurn, Scotty Milne, Dave de Vries, Michael Seager, Margaret Harris and Richard Miller

1.3 LEAVE OF ABSENCE
Cr Leonie Boothby
Cr Christopher Harms

1.4 APOLOGIES
Nil

1.5 MINUTES OF PREVIOUS COUNCIL MEETINGS

MOVED Cr de Vries that the Minutes of the Council meeting held on Tuesday 19 December 2017 at 9.00am, as circulated, be confirmed as a true and correct record of the proceedings of that meeting.
Seconded Cr Seager  CARRIED 2014-18/1285

MOVED Cr Miller that the Minutes of the Confidential Council meeting held on Tuesday 19 December 2017 at 10.41am, as circulated, be confirmed as a true and correct record of the proceedings of that meeting.
Seconded Cr Lange  CARRIED 2014-18/1286

MOVED Cr Grossman that the Minutes of the Confidential Council meeting held on Tuesday 19 December 2017 at 10.45am, as circulated, be confirmed as a true and correct record of the proceedings of that meeting.
Seconded Cr Harris  CARRIED 2014-18/1287

1.6 MATTERS ARISING FROM PREVIOUS COUNCIL MEETING
Nil

1.7 NOTICE OF MOTION
Nil
1.8 QUESTIONS ON NOTICE
Nil

2. MAYOR

2.1 MAYOR’S REPORT
A report on Mayor Sloane’s activities from 12 December 2017 to 15 January 2018 was included with the agenda for this meeting.

MOVED Cr de Vries that the Mayor’s report be received.
Seconded Cr Miller
CARRIED 2014-18/1288

3. COUNCILLOR REPORTS
Nil

4. CONSENSUS AGENDA

5. ADOPTION OF CONSENSUS AGENDA

5.1 ITEMS FOR EXCLUSION FROM THE CONSENSUS AGENDA
Cr Lange – 4.4.1.1 – Legatus Group – 2030 Regional Transport Plan – Final Report

5.1 DEBATE OF ITEMS EXCLUDED FROM THE CONSENSUS AGENDA

4.4.1 DIRECTOR WORKS AND ENGINEERING - CONSENSUS AGENDA

4.4.1.1 LEGATUS GROUP – 2030 REGIONAL TRANSPORT PLAN – FINAL REPORT
B7486

Author: Manager Engineering Services

MOVED Cr Lange that Council
(1) Seek the Chief Executive Officer to prepare a report on a proposal to develop a sub-regional transport and action plan highlighting the immediate, medium and long term requirements for future transport infrastructure investment including its validity in regards to the Local Government Transport Advisory Panel assessment for future grant funding from the road grants programs, black spot and other future economic or regional funding programs and bring this to Council by the March 2018 meeting.
(2) Receive and note the plan, and inform Legatus that Council will assess the plan further once the report from the Chief Executive Officer has been considered at the March 2018 meeting of Council.
Seconded Cr de Vries
CARRIED 2014-18/1289

The Legatus Group, through transport engineering consultants HDS Australia, has prepared a Final Report of the 2030 Regional Transport Plan for Council consideration. Refer attached 18/2607 and 18/2608.

The Legatus Group is the trading name of the Central Local Government Region which is a regional subsidiary established under the Local Government Act 1999 (SA).

The Barossa Council, along with the other member regional Council’s, were consulted in the preparation of the Plan, which included input from other external stakeholder groups such as the Regional Development Australia (RDA) Barossa.
The Plan identifies the regions significant road infrastructure vital for the region’s businesses and industries, and for the community’s ability to access jobs and services. Overall vehicle movements within the region are expected to significantly increase with projected population growth, as well as industry expansion and higher numbers of tourists visiting the area. Freight routes in the region are currently experiencing increasing numbers of vehicles along with increasing loads per vehicle. Road maintenance and improvement is a substantial component of the Legatus Group’ Councils’ operations and expenditure.

The 2030 Regional Transport Plan will help plan and prioritise road works on a regional scale and identify opportunities for efficiencies through cooperation, collaboration and partnerships, especially in terms of grant funding. The Plan will inform the regional priorities for Special Local Roads Program (SLRP) funding.

5.2 RECEIPT OF CONSENSUS AGENDA

**MOVED** Cr Seager that the information items contained in the Consensus Agenda with the exception of 4.4.1.1 – Legatus Group – 2030 Regional Transport Plan – Final Report, be received and that any recommendations contained therein be adopted.

**Seconded** Cr Miller  
**CARRIED 2014-18/1290**

6. VISITORS TO THE MEETING/ADJOURNMENT OF MEETING

6.1 VISITORS TO THE MEETING – 9.33AM
Mayor Sloane presented Youth Grant Certificates to Lauren Ball, Cody Bahnisch and Alex Griffiths and congratulated them on their achievements.

6.2 ADJOURNMENT OF COUNCIL MEETING
Nil

7. DEBATE AGENDA

7.1. MAYOR DEBATE
Nil

7.2 EXECUTIVE SERVICES – DEBATE
Nil

7.3 CORPORATE AND COMMUNITY SERVICES – DEBATE

7.3.1 ACTING DIRECTOR – CORPORATE AND COMMUNITY SERVICES – DEBATE

7.3.1.1 MINUTES OF AUDIT COMMITTEE MEETING AND APPOINTMENT OF INDEPENDENT MEMBER

**MOVED** Cr Milne that Council:

(1) Having reviewed the Minutes of the Audit Committee meeting held 13 December 2017 adopt the Resolution/s contained therein.

(2) In regard to the appointment of an Independent Member to the Audit Committee, approve the recommendation of the Audit Committee that Mr Ian Swan be appointed for a two year term from 28 January 2018 to 27 January 2020.

**Seconded** Cr Hurn  
**CARRIED 2014-18/1291**
PURPOSE
Council to consider:
- the Minutes of the Audit Committee meeting held 13 December 2017; and
- the recommendation from the Audit Committee regarding the appointment of an Independent Member to the Audit Committee.

REPORT
Introduction
As reported to the 21 November 2017 Council Committee Meeting, Mr Heuzenroeder’s term as Independent Member of the Audit Committee expires on 27 January 2018. Council advertised for Expressions of Interest in local newspapers and on Council’s website, with one submission being received.

Discussion
Clause 3.8 of the Audit Committee Terms of Reference states “All members of the Committee shall be appointed by Council on the recommendation of the Committee”.

The Manager Financial Services and Audit Committee Chair evaluated the Expression of Interest (EOI) received by Ian Swan. Crs Angas and Milne and the Chief Executive Officer reviewed the EOI and approved the aforesaid Manager and Committee Chair conducting the interview and forming the interview panel. An interview was held on 1 December 2017.

The interview panel was satisfied with the interviewee responses and understanding of the role required for this appointment. Reference checks provided assurance that the applicant has the required skillset and ability to undertake the role.

A report was provided to the Audit Committee meeting held 13 December 2017. (Refer Minutes – Attachment 1.)

Summary
The Audit Committee has considered the interview panel’s review and has made a recommendation to Council regarding the appointment.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES
Attachment 1: Minutes of Audit Committee meeting held 13 December 2017

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS
Community Plan
How We Work – Good Governance

Corporate Plan
6.2 Ensure that Council’s policies and process frameworks are based on principles of sound governance and meet legislative requirements.

6.4 Ensure that decisions regarding expenditure of Council’s budget are based on an assessment of whole of life costs, risks associated with the activity and advice contained within supporting plans.

Legislative Requirements
Local Government Act 1999

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS
Financial
Costs related to advertising for the Independent Member and the attendance of the Independent Chair on the interview panel are allowed for in the Budget.

Resource
Managed within existing officer resources.

Risk Management
Adherence to the Audit Committee Terms of Reference is a risk management tool.
COMMUNITY CONSULTATION
Not required under legislation or Council’s Public Consultation Policy. A public notice requesting Expressions of Interest was placed in The Leader and Bunyip newspapers on 1 November 2017.

7.3.2 FINANCE - DEBATE

7.3.2.1 MONTHLY FINANCE REPORT (AS AT 31 DECEMBER 2017)
B411
Author: Senior Accountant

MOVED Cr Grossman that the Monthly Finance Report as at 31 December 2017 be received and noted.
Seconded Cr Seager CARRIED 2014-18/1292

PURPOSE
The Uniform Presentation of Finances report provides information as to the financial position of Council, including notes on material financial trends and transactions.

REPORT
Discussion
The Monthly Finance Report (as at 31 December 2017) is attached. The report has been prepared comparing actuals to the Original adopted 2017/18 Budget and incorporating the adopted Revised Budget for September.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES
Attachment 1: Monthly Finance Report 31 December 2017

Policy
Budget & Business Plan and Review Policy

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS
Corporate Plan
How We Work – Good Governance

6.2 Ensure that Council’s policy and process frameworks are based on principles of sound governance and meet legislative requirements.
6.3 Align operational strategy to strategic objectives and measure organisational performance to demonstrate progress towards achieving our goals.
6.4 Ensure that decisions regarding expenditure of Council’s budget are based on an assessment of whole of life costs, risks associated with the activity and advice contained within supporting plans.
6.9 Provide access to Council’s plans, policies and processes and communicate with the community in plain English.
6.16 Provide contemporary internal administrative and business support services in accordance with mandated legislative standards and good practice principles.

Legislative Requirements
Local Government (Financial Management) Regulations 2011 - Reg 9(1)(b)
LGA Information paper no. 25 – Monitoring Council Budget Performance

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS
Financial
To enable Council to make effective and strategic financial decisions, a regular up to date high level financial report is provided.
COMMUNITY CONSULTATION

Community Consultation was part of the original budget adoption process in June 2017, as per legislation. This report is advising Council of the monthly finance position compared to that budget.

7.3.2.2
LONG TERM FINANCIAL PLAN 2018/19 to 2027/28 AND ANNUAL BUDGET & BUSINESS PLANNING TIMETABLE 2018/19

MOVED Cr de Vries that Council endorses the proposed timetable for the annual review, consideration and adoption of the Long Term Financial Plan 2018/19 to 2027/28 and the Annual Budget & Business Plan 2018/19.
Seconded Cr Harris
CARRIED 2014-18/1293

PURPOSE

A business planning timetable is required to ensure Council meets key milestones for the annual review and adoption of the Long Term Financial Plan (LTFP) 2018/19 to 2027/28 and the consideration and adoption of the Annual Budget & Business Plan (AB&BP) 2018/19.

REPORT

Discussion
The Local Government Association has produced a number of information papers to assist Councils to meet requirements of the Local Government Act 1999 and the Local Government (Financial Management) Regulations 2011.

The proposed timetable for the annual review/update of the Long Term Financial Plan and the consideration/adoption of the Annual Budget & Business Plan is outlined in the table below:

<table>
<thead>
<tr>
<th>Who</th>
<th>Activity</th>
<th>From</th>
<th>To</th>
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<tbody>
<tr>
<td>Council Meeting</td>
<td>Endorse AB&amp;BP and LTFP timetable</td>
<td>23/01/18</td>
<td></td>
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<tr>
<td>Finance/Elected</td>
<td>New Initiatives and Capital Works to be submitted via website link – email will be sent to Elected Members with link.</td>
<td>23/01/18</td>
<td>Due date for submissions 28/02/18</td>
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<tr>
<td>Members</td>
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<tr>
<td>Council Workshop</td>
<td>1st Review and discuss - EM’s to be given the opportunity to put forward suggestions for the budget; CMT to present budget process, advisory groups’ budget(s), priorities and pressures; consider adopted long term indexing &amp; assumptions</td>
<td>07/02/18</td>
<td></td>
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<tr>
<td>Council Workshop</td>
<td>2nd - General priorities and pressures – Review &amp; Discuss Continue as/if required from the last workshop (at conclusion of normal Council meeting)</td>
<td></td>
<td>20/02/18</td>
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<tr>
<td>Council</td>
<td>Due date for submissions/New initiatives from Elected Members</td>
<td></td>
<td>28/02/18</td>
</tr>
<tr>
<td>Audit Committee (AC)</td>
<td>AB&amp;BP and LTFP review To review proposed indexing and assumptions</td>
<td>28/02/18</td>
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<tr>
<td>Advisory Groups</td>
<td>Due date for Advisory Groups’ Budget submissions</td>
<td>28/02/18</td>
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<td>Council Workshop</td>
<td>3rd - AB&amp;BP and LTFP Prepare Rates report including: Rating Analysis of other Councils and consider other Council Rating Strategies to fund New Initiatives</td>
<td>07/03/18</td>
<td></td>
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<tr>
<td>Council Management &amp; Staff</td>
<td>During February to April, budget preparation including rating and valuation modelling is undertaken</td>
<td>Feb 2018 - April 2018</td>
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<tr>
<td>Audit Committee</td>
<td>AB&amp;BP and LTFP review and endorse for consultation</td>
<td>TBA - May 2018</td>
<td></td>
</tr>
<tr>
<td>Council Meeting</td>
<td>Endorse Nuriootpa Centennial Park Authority Budget Endorse draft AB&amp;BP and LTFP for public consultation</td>
<td>15/05/18</td>
<td></td>
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<tr>
<td>Public Notices in local papers and Council internet provision for web submissions</td>
<td>23/05/18</td>
<td></td>
<td></td>
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<tr>
<td>Public Submissions period AB&amp;BP and LTFP</td>
<td>23/05/18 - 13/06/18</td>
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<tr>
<td>Special Council Meeting</td>
<td>1 hour period to be provided at a Special Council Meeting (coinciding with the Council workshop) - as per Local Government Act 1999, Sec 123 (4)(a)(i)(B) – “where members of the public may ask questions, and make submissions, in relation to the matter”</td>
<td>6/06/18</td>
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<tr>
<td>Council Meeting</td>
<td>AB&amp;BP and LTFP Consideration of public submissions</td>
<td>19/06/18</td>
<td></td>
</tr>
<tr>
<td>Special Council Meeting</td>
<td>Adopt AB&amp;BP and LTFP, Valuation and Rating</td>
<td>27/06/18</td>
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**ATTACHMENTS OR OTHER SUPPORTING REFERENCES**

Policy
Budget & Business Plan and Review Policy

**COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS**

Corporate Plan

- **How We Work – Good Governance**

  6.2 Ensure that Council’s policy and process frameworks are based on principles of sound governance and meet legislative requirements.
  
  6.3 Align operational strategy to strategic objectives and measure organisational performance to demonstrate progress towards achieving our goals.
  
  6.4 Ensure that decisions regarding expenditure of Council’s budget are based on an assessment of whole of life costs, risks associated with the activity and advice contained within supporting plans.
  
  6.9 Provide access to Council’s plans, policies and processes and communicate with the community in plain English.
  
  6.16 Provide contemporary internal administrative and business support services in accordance with mandated legislative standards and good practice principles.
FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

Financial
The Budget Timetable is an integral part of financial planning to ensure an organised and thorough process is undertaken.

COMMUNITY CONSULTATION
Included as part of the draft 2018/19 Budget & Business Plan consultation and adoption process.

7.4.1 DIRECTOR WORKS AND ENGINEERING SERVICES - DEBATE

7.4.1.1 REMEDIAL CIVIL WORKS – COLLINS STREET – ANGASTON
960/374/2012
Author: Manager Engineering Services

MOVED Cr de Vries that Council approves additional expenditure of $114,400 from 2018-2019 financial year discretionary spend for the purpose of remedial civil works associated with access to 4 Collins Street, Angaston and 29 Dean Street, Angaston.
Seconded Cr Miller CARRIED 2014-18/1294

PURPOSE
Additional budget funding is required for remedial civil works in Collins Street, Angaston, to reinstate property access following street upgrade works in 2015.

REPORT
Background
In March 2015 Council initiated road upgrade works in Collins Street, Angaston, to rectify drainage issues associated with road stormwater runoff sheeting into properties on the western side of the street. At the time, no engineering or design was completed for the broader project resulting in adversely affected vehicle access at two locations

Introduction
The civil works performed included the construction of kerb and gutter both sides of Collins Street from Evans Street to Dean Street, with higher road formation levels on the western side and stormwater side entry pits at the intersection of Collins Street and Dean Street to manage longitudinal stormwater flows.

Whilst the works have greatly improved the stormwater management, and level of service, in Collins Street, the higher western road edge levels has adversely affected the capacity for convenient vehicle/pedestrian access to 4 Collins Street and 29 Dean Street (corner Collins and Dean Streets). Finished surface levels of electricity and communications access pits to 4 Collins Street have also been affected.

Discussion
Council staff have subsequently performed engineering survey at the affected locations and determined the scope of remedial works required to reinstate appropriate functional property access and service pit access as follows:

4 Collins Street
- Construction of retaining wall along part of the northern property side boundary and adjacent existing dwelling - tapering from 0 metres height to maximum 2.5 metres and back to 0 metres.
- Construction of fence on northern side boundary retaining wall
- Construction of concrete personal access steps to front path levels for access to dwelling front door
- Construction of compacted rubble driveway infill
- Raising of the South Australian Power Network (SAPN) electricity supply access pot to finished surface level
- Raising of the Telstra communications service access pit top to finished surface level

Refer attachment 1 - Civil works design documents.

The property owner has already constructed some retaining wall works on the front boundary to alleviate the increased level difference directly in front of the existing dwelling. Some extension of this is required to complete the works, including compensation for some materials already used by the property owner.

The budget estimate for these proposed rectification works includes:
- Retaining wall and associated concrete civil works, including driveway construction - $52,000. (Note - latent construction risks include the possibility of encountering rock at retaining wall pier locations.)
- Fence on retaining wall - $3,900
- Raising electrical service point to finished surface level - $13,000
- Raising of the communications service pit to finished surface level - $13,000
- Existing material reimbursement to property owner - $6,500

29 Dean Street (corner of Collins and Dean Streets)
- Reconstruction of the verge levels to reinstate the pre-existing acute angled access to the property from Collins Street
- Reconstruction of the stormwater Side Entry Pit (SEP) 10 metres up Collins Street and conversion of the existing SEP to a trafficable Junction Box (JB) flush with the proposed finished crossover levels

The budget estimate for these proposed rectification works includes:
- Civil works to verge, including adjustments to concrete kerb and water table and invert - $13,000
- Adjustments to stormwater drainage infrastructure - $13,000

Refer attachment 2 civil works design documents.

The total budget cost estimate to construct the proposed works to reinstate driveway access at the two locations is $114,400.

Processes and programme improvements have been made to avoid future reoccurrences with capital works.

Summary and Conclusion
Reinstatement of vehicular and pedestrian property access to what existed prior to Council’s 2015 upgrade works is deemed to be the responsibility of Council.
In-principle agreement has been reached from the property owners for the proposed works to commence at Council’s earliest convenience.

As a result of the urgency to restore appropriate safe access to the allotments, a budget adjustment is proposed within the 2017/2018 financial year budget.
The additional $114,400 will be funded from the 2018-2019 discretionary spend, Council approval for the additional expenditure will affect Council’s end of year results and cash position.

Unknown latent construction risks include the possibility of encountering rock at retaining wall pier locations, which would be an additional cost.

COMMUNITY CONSULTATION
The relevant property owners have been informed of the proposed works to restore pre-existing access conditions to their properties with in principle approval provided by each.

7.5.1. DEVELOPMENT AND ENVIRONMENTAL SERVICES - DEBATE

7.5.1.1
JOINT PLANNING ARRANGEMENTS PILOT PROJECT – NEXT STEPS
B6622

MOVED Cr de Vries that Council;
(1) Note and receive the report.
(2) Have the Chief Executive Officer formally write to the Director Development and Environmental Services of The Barossa Council as lead representative for the region advising Council’s support for continuation in the Planning Arrangements Pilot Project, and accepting the funding arrangement as proposed by the Project Working Advisory Group.
Seconded Cr Miller  CARRIED 2014-18/1295

PURPOSE
To provide an update with respect to work occurring on Joint Planning Arrangements as a part of the implementation of and transition to the new planning system under the Planning, Development and Infrastructure Act 2016, and seek Council commitment to continue involvement in the Pilot Program through to 30 June 2018.

REPORT
Background
A regional Expression of Interest from The Barossa Council, Adelaide Plains Council, Town of Gawler and Light Regional Council was one of eight received by the Department of Planning, Transport and Infrastructure (DPTI), which collectively represented 42 councils. The eight regions are:

1. Eyre Peninsula LGA (11 Councils)
2. Limestone Coast LGA (7 Councils)
3. Murraylands Councils (5 Councils)
4. Riverland Councils (3 Councils)
5. Spencer Gulf Cities Inc (3 Councils)
6. Yorke Peninsula Alliance (3 Councils)
7. Eastern Metropolitan Regional Alliance (6 Councils)
8. Adelaide Plains, Barossa, Gawler, Light Regional (4 Councils)

This strong level of interest led the DPTI to change its approach, appointing consultants Jeff Tate (Jeff Tate Consulting P/L) and Stephanie Hensgen (Planning Futures P/L) to progress a revised Joint Planning Arrangements Pilot Project (Pilot Project) as a collaborative process with a Local Government Association representative and representatives of each of the eight council consortiums, which form a Project Working Advisory Group (PWAG).

The Adelaide Plains/Barossa/Gawler/Light regional alliance is represented on the PWAG by Mr Gary Mavrinac, Director - Development and Environmental Services at The Barossa Council.

Introduction
The Pilot Project that the consultants have been tasked to deliver comprises:
Developing a Business Case and Business Plan template;

Preparing a Findings Paper;

Preparing a Tool Kit to assist other groups of councils to develop applications to the Minister for Planning for joint planning arrangements in the future.

The Pilot Project is a complex process to work through, as it involves developing a methodology to guide determination of a suitable Joint Planning Board model/structure for each diverse area, then defining that through an appropriate boundary and supporting it with the governance, administrative, professional and financial resources needed to ensure that its assigned functions can be completed effectively.

The Pilot Project is being advanced to ultimately deliver resources to assist councils that desire to come together to prepare proposals for a Joint Planning Board for consideration of the Minister for Planning and approval through a Planning Agreement. The model will be supported by decision/‘hold’ points for participating councils to evaluate their ongoing involvement on the basis of likely resourcing requirements and other considerations.

Discussion

Working with the eight regions, the Pilot Project has identified a number of potential planning arrangements that could be implemented. These have been identified as ‘Bands’ containing mandatory and discretionary components that a region can consider. The table below shows these bands. A region may commence at Band 1 and evolve over time to include discretionary components of bands 2 and 3, or it may choose to commence at bands 2 or 3 depending on the level of maturity to be an early adopter of these options.

The Pilot Project has also reached the point that a Business Case template has been developed, but needs to be tested. A copy of the template is provided in Attachment 1. Advice has also been sought from Norman Waterhouse in relation to reviewing the Business Case template and developing a draft model Planning Agreement template.

Staff from the partner councils will begin to populate the Business Case template for future consideration by their respective Councils.

The Pilot Project was initially meant to be completed within a six month timeframe (December 2017). However, due to its complexity, the Department has extended the timeframe an additional six months to June 2018.

A potential funding model for undertaking Business Cases was presented to the last workshop and supported in principle, subject to costings. The proposed model is set out under Financial Considerations.

DPTI has communicated with all eight groups regarding the next stage of the Project (Attachment 2), which includes development of business cases and the proposed funding arrangements.

Summary and Conclusion

The Adelaide Plains/Barossa/Gawler/Light regional alliance has participated in the Joint Planning Board Pilot Project.
The Pilot Project requires that each council commit to continue in the Project that includes completion of the Business Case template.

The Department has written to the representative of each Pilot region seeking confirmation as to whether each region would like to continue to the next phase.

**ATTACHMENTS OR OTHER SUPPORTING REFERENCES**
Attachment 1 – Draft Business Case.
Attachment 2 – Letter from Anita Allen, DPTI.

**COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS**

Community Plan

How We Work – Good Governance

Corporate Plan

6.7 Implement strategies for the community to be actively engaged in Council decision making through sound information and communication.

Legislative Requirements
Planning, Development and Infrastructure Act 2016

**FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS**

Financial Management
In submitting the Expression of Interest to participate in the Pilot Program, each of the four Councils had committed funds ($12,500) to the Program.

The Pilot Working Group had determined a funding arrangement to assist in the development of the Business Case template and Kit. To summarise, the funding model provides for financial assistance on a dollar for dollar basis for:

- The costs of a regional workshop with all councils in the group (DPTI contribution of 50% capped at $1,500)
- Engagement of a staff member or consultant to draft the Business Case (DPTI contribution of 50% capped at $5,000)
- A place for the staff member or consultant at a workshop in Adelaide on using the Business Case template, to be facilitated by Jeff Tate of Jeff Tate Consulting and Stephanie Hensgen of Planning Futures
- Legal advice from Norman Waterhouse on matters relevant to all groups developing Business Cases through the Business Case template (note that 50% of the cost will be shared between those groups – limits on expenditure will be discussed with the groups)
- Legal advice from Norman Waterhouse on matters specific to an individual group in developing the Business Case (limits on expenditure will be discussed with the groups)
- Financial management advice from Peter Fairlie-Jones on matters relevant to all groups developing Business Cases through the Business Case template (note that 50% of the cost will be shared between those groups – limits on expenditure will be discussed with the groups)
- Support in preparing a Business Case from Jeff Tate and Stephanie Hensgen (limits on expenditure will be discussed with the groups)
- Review of the Business Case by Jeff Tate and Stephanie Hensgen (limits on expenditure will be discussed with the groups).

Risk Management
The establishment of a Joint Planning Board to share responsibility for the development of a Regional Plan augers well for the four councils (Adelaide Plain, Barossa, Gawler and Light Regional) who have demonstrated a high level of collaboration on a number of planning initiatives (i.e. Regional Public Health Plan, Regional Disability Access and Inclusion Plan, Regional Open Space and Public Realm Strategy).
A key issue for the Murraylands Councils, Eastern Metropolitan Regional Alliance and Adelaide Plains, Barossa, Gawler, Light region is that either all or part of the region is located within Greater Adelaide. Greater Adelaide is defined as a region within the PDI Act, subsequently The 30 Year Plan for Greater Adelaide is the Regional Plan for this region. The anomaly of being a ‘sub-region’, and whether a Regional or Sub-Regional Plan is prepared will require resolving before the regional planning arrangement progress.

Should one or two councils within the region opt not to continue with the Pilot Project, there is still an opportunity for the remaining councils to progress, provided that they remain contiguous. However, there may be less benefits in establishing a Joint Planning Board that is not inclusive of all four councils.

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<tr>
<th>COMMUNITY CONSULTATION</th>
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<td>Nil</td>
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<table>
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<tr>
<th>VISITOR TO THE MEETING – 9.45AM</th>
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<tr>
<td>Mayor Sloane presented a Youth Grant Certificate to Amity Hansen and congratulated her on her achievement.</td>
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7.5.1.2 WASTE MANAGEMENT SERVICES PARTNERSHIP – MID MURRAY COUNCIL

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**MOVED** Cr de Vries that Council:
(1) Agree to work with the Mid Murray Council’s Waste Management Advisory Committee to explore opportunities to provide waste management services and solutions across the boundaries of the two council areas.
(2) Nominate the Director, Development and Environmental Services to represent Council in the partnership.

**Seconded** Cr Lange

**CARRIED 2014-18/1296**

<table>
<thead>
<tr>
<th>PURPOSE</th>
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<tr>
<td>To provide Council with Expression of Interest received from Mid Murray Council to explore partnership opportunities between the two councils to provide waste management services and solutions across the council boundaries.</td>
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<tr>
<th>REPORT</th>
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| **Background**

The Nuriootpa landfill located at Pine Drive, Nuriootpa operated by Cleanaway serviced the Barossa Valley until its closure on 1 July 2017.

The Waste Management Advisory Committee of the Mid Murray Council has had discussion on the closure of the Nuriootpa Landfill, and of the potential impact this has had on waste facilities operated by Mid Murray Council.

The Mid Murray Council has noted a significant increase in activity at the three Transfer Stations located closest to The Barossa Council region (Truro, Tungkillo and Cambrai).

**Introduction**

The Director, Development and Environmental Service was invited to attend the last meeting of the Waste Management Advisory Committee on 7 December 2017 to address the current state of play in regard to the waste management opportunities within The Barossa Council.
The outcome of this meeting was for Mid Murray Council to write to The Barossa Council to explore partnership opportunities between the two councils in the provision of waste services (Attachment 1).

**Discussion**
Following briefings to Council on the closure of the Nuriootpa landfill, the Director, Development and Environmental Services sought to identify all available services in proximity to The Barossa Council for a range of waste streams. Those identified have been provided to ratepayers when making enquiries with customer services, this includes the facilities within Mid Murray Council.

The increased activity within Mid Murray Council has meant that they have had to dedicate more time and resources to these facilities.

The discussions at the Waste Management Advisory Committee on 7 December 2017 included consideration of non-resident use of the facilities, and the opportunity to introduce a non-resident fee structure, similar to what The Barossa Council has for the Springton Transfer Station.

Given the current position of Council not favouring a kerbside hard waste collection service, there is a need to explore alternate disposal services for hard waste and E-waste.

The Community Consultation undertaken last year as part of the new waste services highlighted a desire by ratepayers to have a services for hard waste and E-waste. A Letter to the Editor on 4 October 2017 in the Leader newspaper (refer to Waste Management Coordinator report in Attachment 1) suggested that The Barossa Council operate an E-waste Depot or a mechanism to take E-waste recycling to Cambrai.

The Mid Murray Council is not restricted as to the source of E-waste materials, and disposal at a Transfer Station is acceptable under the guidelines of the Product Stewardship. E-waste is banned from direct disposal to landfill and must not be placed in any household bin.

The Mid Murray Council is keen to explore opportunities to work with The Barossa Council to identify solution that benefit both the Mid Murray Council and The Barossa Council ratepayers.

Should Council see benefit in the partnership, formal discussions will commence early 2018 upon notifying the Mid Murray Council of our willingness to participate.

**Summary and Conclusion**
The Mid Murray Council has held discussion on the impacts the closure of the Nuriootpa landfill is having on its facilities.

The Mid Murray Council has written to The Barossa Council seeking opportunity to work in partnership to assist Council to provide waste management services to ratepayers.

**ATTACHMENTS OR OTHER SUPPORTING REFERENCES**
Attachment 1 – Letter from Director, Infrastructure Services Mid Murray Council

**COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS**

**Community Plan**
- Health and Wellbeing
- Business and Employment

**Corporate Plan**

4.9 Provide residents kerbside waste collection and recycling services that reduce waste disposed to landfill.
Facilitate access to hard and green waste facilities and associated recycling opportunities that reduce waste disposed to landfill and support the environment.

Implement purchasing initiatives that generate savings or reduce expenditure growth and grow the capacity of local suppliers to obtain Council contracts.

Legislative Requirements
Local Government Act 1999
Environment Protection Act 1993
Green Industries SA Act 2004

**FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS**

Financial Management
No immediate impact on Council’s financial position in considering the recommendations in the report. Council may need to factor expenditure associated with the options that are explored through the partnership.

Risk Management
Failure to provide services for hard waste and E-waste may increase the level of illegal dumping within the Council area.

**COMMUNITY CONSULTATION**
Nil

8. **CONFIDENTIAL MATTER – 9.53AM**

8.1 **WORKS AND ENGINEERING SERVICES - CONFIDENTIAL**

8.1.1 **TENDER – SPRINGTON ROADS UPGRADE CIVIL WORKS CONSTRUCTION – TENDER NUMBER – T0050-2017**

The matter of the agenda item being a tender to carry out works pursuant to Section 90(3)(k) of the Local Government Act 1999 (“the Act”) being information that must be considered in confidence in order to ensure that commercial in confidence information is not divulged and Council does not disclose information which may prejudice the outcome of the tender or future tenders.

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 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 contract to the public interest are that:-

- The disclosure would unreasonably expose commercial in confidence information provided by tenderers through the tender process and the Council report, attachments, and associated document; and
- The disclosure would give an unfair advantage to a person with whom Council proposes to do business.

On balance, the above reasons which support the need for confidentiality pursuant to Section 90(2) of the Act outweigh 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 an order be made that the public be excluded from the meeting with the exception of the Chief Executive Officer, Director Community Projects, Director Development and Environmental Services, Director Works and Engineering Services, Acting Director Corporate and Community Services and the Minute Secretary, in order to consider in confidence a report relating to Section 90(3)(k) of the Local Government Act 1999 relating to the receiving, reviewing and assessing of tenders for Springton Roads Upgrade Civil Works construction being information that must be considered in confidence in order to ensure that Council does not disclose information relating to tenders for the supply of goods, the provision of services or the carrying out of works; 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 prevent the unreasonable exposure of commercial in confidence information provided by tenderers through the tender process and the Council report, attachments and associated documents and to prevent an unfair advantage to a person with whom Council proposes to do business.

Seconded Cr Miller  

CARRIED 2014-18/1297

RESUMPTION OF OPEN COUNCIL MEETING – 9.57AM

The open meeting of Council resumed at 9.57am.

In the matter 8.1.1 Tender – Springton Roads Upgrade Civil Works Construction – Tender Number – T0050-2017;

MOVED Cr Lange that Council:

(1) Confidential resolution

(2) Confidential resolution

(3) Having considered this matter in confidence under Section 90(2) of the Local Government Act (the Act) pursuant to Section 90(3)(k) of the Act being information related to the assessment of tenders for the supply of works and it not being in the public interest to release commercial information concerning pricing and company information so as to maintain competitive procurement practices, makes an order pursuant to Section 91(7) of the Local Government Act 1999, that the report, attachments and associated documents in relation to Confidential Item 8.1.1 of the Council Meeting held 23 January and titled Tender – Springton Roads Upgrade Civil Works Construction be kept confidential and not available for public inspection and that the Chief Executive Officer be delegated the power to review and revoke this order.

(4) Having considered this matter in confidence under Section 90(2) of the Local Government Act (the Act) pursuant to Section 90(3)(k) of the Act being information related to the assessment of tenders for the supply of works and it not being in the public interest to release commercial information concerning pricing and company information so as to maintain competitive procurement practices, makes an order pursuant to Section 91(7) of the Local Government Act 1999, that the minutes in relation to Confidential Item 8.1.1 of the Council Meeting held 23 January and titled Tender – Springton Roads Upgrade Civil Works Construction be
kept confidential and not available for public inspection until the execution of contract and that the Chief Executive Officer be delegated the power to review and revoke this order.

Seconded Cr Hurn  

**CARRIED CO2014/18-71**

**9. REPRESENTATIVES ON COUNCIL COMMITTEES - REPORTS**

Nil

**10. OTHER BUSINESS**

**10.1 LEAVE OF ABSENCE – CR DE VRIES**

MOVED Cr Milne that Cr de Vries be granted Leave of Absence from Tuesday 30 January 2018 to Saturday 17 February 2018.

Seconded Cr Hurn  

**CARRIED 2014-18/1298**

**11. NEXT MEETING**

Tuesday 20 February 2018 at 9.00am

**12. CLOSURE OF MEETING**

Mayor Sloane declared the meeting closed at 9.58am.

Confirmed at Council Meeting – Tuesday 20 February 2018

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 23 January 2018 commencing at 9.53am

MEMBERS PRESENT
Mayor Sloane, Crs Michael (Bim) Lange, Deputy Mayor, Dave de Vries, Mark Grossman, Margaret Harris, John Angas, Scotty Milne, Richard Miller, Tony Hurn and Michael Seager

OFFICERS PRESENT
Mr Martin McCarthy, Chief Executive Officer, Mr Matt Elding, Director Works and Engineering Services, Mr Gary Mavrinac, Director Development and Environmental Services, Mr Mark Lague, Acting Director Corporate and Community Services and Ms Lorraine Walsh, Executive Assistant

LEAVE OF ABSENCE
Cr Leonie Boothby
Cr Christopher Harms

APOLOGIES
Nil

8.1 DIRECTOR WORKS AND ENGINEERING SERVICES - CONFIDENTIAL

8.1.1 TENDER – SPRINGTON ROADS UPGRADE CIVIL WORKS CONSTRUCTION B6443

Author: Manager Engineering Services

MOVED Cr Lange that Council:

(1) Approves the awarding of the tender for the civil works construction associated with the Springton Roads Upgrade Project to Blu-Built Constructions up to $802,140 (inclusive of 10% contingency) and authorises the Director Works and Engineering Services to execute the contract.

(2) Approves an internal budget adjustment of $330,967 for the civil works construction budget shortfall from other transport capital budget savings.

(3) Having considered this matter in confidence under Section 90(2) of the Local Government Act (the Act) pursuant to Section 90(3)(k) of the Act being information related to the assessment of tenders for the supply of works and it not being in the public interest to release commercial information concerning pricing and company information so as to maintain competitive procurement practices, makes an order pursuant to Section 91(7) of the Local Government Act 1999, that the report,
attachments and associated documents in relation to Confidential Item 8.1.1 of the Council Meeting held 23 January and titled Tender – Springton Roads Upgrade Civil Works Construction be kept confidential and not available for public inspection and that the Chief Executive Officer be delegated the power to review and revoke this order.

(4) Having considered this matter in confidence under Section 90(2) of the Local Government Act (the Act) pursuant to Section 90(3)(k) of the Act being information related to the assessment of tenders for the supply of works and it not being in the public interest to release commercial information concerning pricing and company information so as to maintain competitive procurement practices, makes an order pursuant to Section 91(7) of the Local Government Act 1999, that the minutes in relation to Confidential Item 8.1.1 of the Council Meeting held 23 January and titled Tender – Springton Roads Upgrade Civil Works Construction be kept confidential and not available for public inspection until the execution of contract and that the Chief Executive Officer be delegated the power to review and revoke this order.

Seconded Cr Hurn

CARRIED CO2014/18-71

CLOSURE OF CONFIDENTIAL MEETING
There being no further business the confidential meeting closed at 9.57am.

Confirmed at Council meeting Tuesday 20 February 2018

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