The Barossa Council

MINUTES OF THE MEETING OF THE BAROSSA COUNCIL
held on Tuesday 15 May 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 Mark Grossman, Scotty Milne, John Angas, Tony Hurn, Richard
Miller, Leonie Boothby, Christopher Harms, Dave de Vries, and Michael Seager

1.3 LEAVE OF ABSENCE
Cr Margaret Harris

1.4 APOLOGIES
Cr Michael (Bim) Lange

MOVED Cr Milne that the apology received from Cr Lange be noted.
Seconded Cr de Vries  CARRIED 2014-18/1380

1.5 MINUTES OF PREVIOUS COUNCIL MEETINGS

MOVED Cr Grossman that the Minutes of the Council meeting held on Tuesday 17 April
2018 at 9.00am, as circulated, be confirmed as a true and correct record of the
proceedings of that meeting.
Seconded Cr Milne  CARRIED 2014-18/1381

MOVED Cr Harms that the Minutes of the Confidential Council meeting held on Tuesday
17 April at 9.44am, as circulated, be confirmed as a true and correct record of the
proceedings of that meeting.
Seconded Cr Seager  CARRIED 2014-18/1382

MOVED Cr de Vries that the Minutes of the Special Council meeting held on Thursday 26
April 2018 at 5.30pm, as circulated, be confirmed as a true and correct record of the
proceedings of that meeting.
Seconded Cr Miller  CARRIED 2014-18/1383

1.6 MATTERS ARISING FROM PREVIOUS COUNCIL MEETING
Nil

1.7 NOTICE OF MOTION
Nil

The Barossa Council 18/28488  Minutes of Council Meeting held on Tuesday 15 May 2018
1. QUESTIONS ON NOTICE
Nil

2. MAYOR

2.1 MAYOR’S REPORT

MOVED Cr de Vries that the Mayor’s report be received.
Seconded Cr Milne
CARRIED 2014-18/1384

3. COUNCILLOR REPORTS
Nil

4. CONSENSUS AGENDA

5. ADOPTION OF CONSENSUS AGENDA

5.1 ITEMS FOR EXCLUSION FROM THE CONSENSUS AGENDA
Nil

5.2 RECEIPT OF CONSENSUS AGENDA

MOVED Cr Milne that the information items contained in the Consensus Agenda be
received and that any recommendations contained therein be adopted.
Seconded Cr Hurn
CARRIED 2014-18/1385

5.3 DEBATE OF ITEMS EXCLUDED FROM THE CONSENSUS AGENDA
Nil

6. VISITORS TO THE MEETING/ADJOURNMENT OF MEETING

6.1 VISITORS TO THE MEETING
Nil

6.2 ADJOURNMENT OF COUNCIL MEETING
Nil

7. DEBATE AGENDA

7.1 MAYOR - DEBATE
Nil

7.2 EXECUTIVE SERVICES – DEBATE

7.2.1 CHIEF EXECUTIVE OFFICER - DEBATE

7.2.1.1 ANNUAL REVIEW OF DELEGATIONS
B7510
Author: Governance Advisor

MOVED Cr de Vries
(1) That Council has reviewed its delegations for the time being in force in accordance
with Section 44(6) of the Local Government Act 1999 and has confirmed that no
amendments are required to its Delegations Register at this time.
(2) That the Instruments of Delegation which make up Council’s Delegations
Register, as set out at Attachment 1 of this Report are confirmed and remain in
force in accordance with this resolution.
Seconded Cr Milne
CARRIED 2014-18/1386
PURPOSE
Council is asked to undertake an annual review of the Delegations Register in accordance with section 44(6) of the Local Government Act 1999.

REPORT
Background
Council may only exercise those powers and functions which are conferred on it by legislation. The ways in which Council may exercise its powers and functions are:

- when the Elected Body itself exercises the power/function at a formally constituted meeting; and
- where the legislation enables it, a power or function may be delegated by an Instrument of Delegation and exercised in the name of a delegate.

Delegations assists Council by enabling the Elected Body to progress with the strategic element of local government and leave the daily operations and administration to the Council staff who have the relevant expertise and experience to deal with such matters - thus improving effectiveness and efficiency.

It is essential to good governance that the Elected Body considers the delegations it proposes to make and demonstrates it has turned its mind to each power and function contained in its Delegations Register.

Introduction
The Barossa Council’s Delegations Register (“the Register”) is reviewed:

(1) once each financial year in accordance with Section 44(6) of the Local Government Act 1999, and
(2) quarterly by way of best practice, and amended if the Local Government Association’s Quarterly Reviews or urgent updates recommend that amended Instruments of Delegation be immediately adopted.

The review before Council today is the annual review of all Instruments of Delegation which comprise the current Delegations Register.

Discussion
Currently, no further changes are legislatively required nor are they administratively recommended by Council officers. Accordingly, it is recommended that the Elected Body confirm the existing delegations as remaining in force.

As an aside to this current annual review, Elected Members should note that the requirement to annually review the Delegations Register has been referred to the State Local Government Red Tape Reduction Taskforce as a top ten “high priority”. The taskforce is comprised of senior representatives of Local and State Government who are briefed to identify opportunities and progress reforms to address outdated regulatory barriers and reduction of red tape. There is a strong argument among governance practitioners that an annual review is somewhat burdensome and unnecessary as changes to various Instruments of Delegation are already considered by Members on a quarterly basis, if not more, depending on the frequency and urgency with which overarching legislation changes. Conversely, where the overarching legislation has not changed for many years, there will be no changes to the delegations from that legislation and therefore, it is argued, that there is no need for Members to annually review them – perhaps such broad review could occur instead once in a Council term. Councils will be given an opportunity to provide formal feedback to the taskforce during the year.

Summary and Conclusion
Council is now asked to review the Delegations Register as attached.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES
Attachment 1: Instruments of Delegation which compile the Delegations Register

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS

How We Work – Good Governance

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.

**Legislation** – Local Government Act 1999: Section 44(6)

**FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS**

Failure to conduct an annual review will result in non-compliance with legislation, as an annual review per each financial year is required under Section 44(6) of the Local Government Act 1999.

The risk of having ineffective or invalid delegations is minimised as the delegations being considered have been recommended by Norman Waterhouse Lawyers (which prepared the Instruments for the LGA) and Wallmans Lawyers which prepared the Residential Parks Act 2007 Instrument. It is imperative that delegations are validly made as consequences of ineffective or invalid delegations include:

- the exercise of power may fail – ie the decision made may be liable to being overturned by a court;
- the cost of a successful challenge to a decision made without lawful delegation will likely be borne by the Council; and
- where the unlawful exercise of the power has caused loss or damage the Council may be liable for such loss or damage.

**COMMUNITY CONSULTATION**

There is no legislative requirement to consult the community in this situation, nor, in officers’ opinions, do the particular circumstances require it as the delegations themselves are based on lawyer prepared LGA templates where there is no option for amendment through community feedback.

For transparency purposes, the community has access to the Delegations Register on Council’s website so is made aware of the powers of the CEO as delegated by the Council, and also the powers of officers as sub-delegated by the CEO.

7.2.1.2 **LEGATUS (FORMERLY CENTRAL LOCAL GOVERNMENT REGION) – BUSINESS PLAN AND BUDGET FOR 2018-19**

B7322 18/27680

**MOVED** Cr Boothby that Council having reviewed the Legatus Group draft Budget and Business Plan for 2018-19 makes the following comments, given times of potentially constrained revenue generation:

(1) That Legatus reduce its increasing cash reserve by allocating unallocated cash to specific projects that support regional outcomes to be determined during the financial year, or, reimburse member Councils funds that are unallocated allowing a small cash balance to ensure adequate working capital and maintenance of a stable financial position;

(2) That Legatus reduce its operating surplus ratio to less than 3% on an annual basis and set membership fees accordingly; and

endorses the Budget and Business Plan noting the specific actions and focus areas for the financial year.

**Seconded** Cr de Vries

Cr Miller left the meeting at 9.06am.

The motion was put and **CARRIED 2014-18/1387**

**PURPOSE**

To provide Council the draft Budget and Business Plan for the 2018-19 financial year, which includes the prior budget of Legatus, seek any comment and endorse the document.
REPORT

Council has received correspondence from the Chief Executive Officer of Legatus providing the draft budget and business plan for the 2018-19 financial year.

The budget and business plan has addressed long term financial settings so as to ensure long term viability as sought. However, the forward estimates now show significant cash and operating surpluses that are building, it is recommended that these surpluses, especially cash are allocated or returned as the cash is ultimately being eroded in its purchasing power as time rolls on.

The plan is consistent with the 2017-18 plan and its 2018-19 highlights and significant changes are outlined by Legatus as:

- LGA Outreach funding of $50,000 is no longer allocated and final confirmation on the regional capacity grant of $40,000 has yet to occur.
- Rubble Royalties may be removed given recommendations by LGA to have them scrapped but this is not likely to occur in the 2018/2019 financial year.
- An allocation of $100,000 per annum or 1/3 of the recent annual income of approximately $300,000 received from LGA has been used in the calculations following consultation with the Audit and Risk Advisory Committee.
- LGA R&D funding has yet to be applied for re proposed 2018/2019 projects.
- RDAYMN and NYNRM have yet to confirm climate change contribution.
- CWMS funding confirmed $50,000 over 2 years.
- Australian Government confirmed $16,000 for the leadership program.
- There would be no contracts entered for project officer roles or commencement of projects until funding secured.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Draft Budget and Business Plan 2018-19

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS

Corporate Plan

How We Work – Good Governance

6.17 Advocate for The Barossa Council and its community, our region or local government in South Australia through direct action, representation or collaboration with local, regional or State bodies.

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

Current allowance in the budget for Legatus Group fees is $11,013 with the estimated charge in the draft budget being $11,067 or $54 over budget.

COMMUNITY CONSULTATION

No consultation is required or necessary for this matter.

7.2.1.3 TALUNGA PARK AND OLD TALUNGA PARK MASTER PLAN – COST ESTIMATE

B6036

Author: Director, Community Projects

MOVED Cr Seager that Council receives and notes the cost estimate Ref: 18/24189 for the Talunga Park and Old Talunga Park Master Plan for inclusion in The Big Project Feasibility and Business Plan.

Seconded Cr Milne

CARRIED 2014-18/1388

PURPOSE

To present the cost estimate for the Talunga Park and Old Talunga Park masterplan further to item (3) of the resolution of the Council ref 2014-18/1365 on 17 April 2018.
REPORT

Background
At its meeting on the 17 April 2018 Council resolved that:

**MOVED** Cr Lange that Council


2. Endorses the Draft Master Plan for Talunga Park and Old Talunga Park (ref: 18/23571) with the addition of reference to drainage requirements being added to Priority #3 for Old Talunga Park and noting that it may be subject to future amendment and budget consideration as required.

3. Requires Officers to work with the Working Group and Architects to prioritise, phase and cost the Master Plan to provide data for The Big Project Feasibility Report and provide a future report to Council.

4. Requires Officers to provide an update on the outcome of the consultation to people who provided written, formal feedback and where contact information has been provided.

**Seconded** Cr Miller

**CARRIED 2014-18/1365**

Introduction
The cost estimate has been completed (accelerated to support the Regional Growth Fund application) and is included as Attachment 1.

The cost estimate has been provided to the Working Group/Mount Pleasant Progress Association Incorporated for reference and will be the subject of further discussion and development as a future detailed design process and phasing assessment is undertaken.

Discussion
The cost estimate will be incorporated into the overall Feasibility Report and Business Case for The Big Project and used to inform future funding priorities. The figures have also been used during the recent project prioritisation process for the Regional Growth Fund Expression of Interest.

The costs include estimates for: Preliminary costs (10%); Builder’s Margins (4%); Locality Loading (1.5%); Design Development and Construction contingencies (5%), Professional Fees (10%) and statutory charges (0.4%).

A  TALUNGA PARK

<table>
<thead>
<tr>
<th>No.</th>
<th>Description</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>A1</td>
<td>Caravan Park Facilities</td>
<td>1,966,912</td>
</tr>
<tr>
<td>A2</td>
<td>Repairs to Sheep Pavilion</td>
<td>521,562</td>
</tr>
<tr>
<td>A3</td>
<td>Environmental and Site Infrastructure Improvements</td>
<td>1,834,057</td>
</tr>
<tr>
<td>A4</td>
<td>Equestrian Infrastructure</td>
<td>306,329</td>
</tr>
<tr>
<td>A5</td>
<td>Oval Infrastructure</td>
<td>106,006</td>
</tr>
<tr>
<td>A6</td>
<td>Add Amenity to the Playspace</td>
<td>404,218</td>
</tr>
<tr>
<td>A7</td>
<td>Create a New Address and Main Entry including New Carpark</td>
<td>441,048</td>
</tr>
<tr>
<td>A8</td>
<td>New Shared Use Administration and Catering Facility</td>
<td>445,415</td>
</tr>
<tr>
<td>A9</td>
<td>New Signage, Planting and Furniture</td>
<td>353,341</td>
</tr>
<tr>
<td>A10</td>
<td>New Artworks and Mural</td>
<td>42,402</td>
</tr>
</tbody>
</table>

**A - TALUNGA PARK** $6,421,290

B  OLD TALUNGA PARK

<table>
<thead>
<tr>
<th>No.</th>
<th>Description</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>B1</td>
<td>Improve Tennis Courts</td>
<td>384,050</td>
</tr>
<tr>
<td>B2</td>
<td>New Tennis Club Building</td>
<td>530,007</td>
</tr>
<tr>
<td>B3</td>
<td>Improve Amenity and Infrastructure throughout the Park</td>
<td>760,382</td>
</tr>
<tr>
<td>B4</td>
<td>Entrance/Improve Accessibility</td>
<td>134,271</td>
</tr>
<tr>
<td>B5</td>
<td>Formalise Car Parking (Council to Fund)</td>
<td>Excl.</td>
</tr>
</tbody>
</table>

**B - OLD TALUNGA PARK** $1,808,710

ESTIMATED TOTAL COST $8,230,000
During the master plan development and consultation processes, the caravan park improvements at Talunga Park were identified as the highest priority and this was reinforced as part of the Regional Growth Fund Expression of Interest (EOI) submitted in April 2018.

**Summary and Conclusion**
A high level cost estimate of up to $6.4 million for Talunga Park and $1.8 million for Old Talunga Park including costs and contingency but excluding GST has been obtained to deliver the adopted Master Plan.

This will be incorporated into the priorities for the overall “The Big Project” Feasibility Report modelling to be carried out on completion of the remaining master planning processes.

The figures have been used to inform the recent Regional Growth Fund Expression of Interest process that includes the caravan park and equestrian elements of the plan.

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<tr>
<td>Natural Environment and Built Heritage</td>
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<tr>
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<tr>
<td>Business and Employment</td>
</tr>
<tr>
<td>How We Work – Good Governance</td>
</tr>
<tr>
<td><strong>Corporate Plan</strong></td>
</tr>
<tr>
<td>1.2 work toward developing township, streetscapes, entrances and open spaces that are attractive, welcoming and maintained to an agreed level of service.</td>
</tr>
<tr>
<td>2.6 Provide, promote and support community arts and cultural events, programs, attractions and services.</td>
</tr>
<tr>
<td>3.1 provide regional and local walking and cycling connections between open spaces. 3.2 ensure Council’s parks, gardens and playgrounds are accessible, relevant and safe and maintained to an agreed level of service.</td>
</tr>
<tr>
<td>3.3 Ensure Council’s sporting, recreational and leisure grounds and playing areas and associated programs meet the current need of the community to an agreed level of service.</td>
</tr>
<tr>
<td>3.9 Ensure Council facilities and assets are accessible, safe and maintained to an agreed level of service.</td>
</tr>
<tr>
<td>3.11 advocate for the allocation of State and Federal funding to maintain and invest in infrastructure within our region.</td>
</tr>
<tr>
<td>6.4 Ensure that decisions regarding expenditure of Council’s budget are based on an assessment of whole of life cost, risks associated with the activity and advice contained within supporting plans.</td>
</tr>
</tbody>
</table>

**Legislative Requirements**
Local Government Act 1999
Development Act 1993
**FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS**

**Financial**
Some remediation work on the sheep pavilion is being addressed from the 2017/18 Budget. No other budget allocations currently in place. The Regional Growth fund EOI figures are incorporated into the 2018/19 draft Budget and Business Plan. Council has also supported a contribution of $40,000 towards the resurfacing of tennis courts at Old Talunga Park in the 2018/19 draft budget subject to grant funding outcomes.

**Resource**
The project management falls within the scope of “The Big Project” with dedicated input from Director, Community Projects and support from other Officers as required.

**Risk Management**
Effective cost assessment and control is a key requirement of managing financial and reputational risk to Council. There is no provision for escalation of the quoted costs.

**COMMUNITY CONSULTATION**
The adopted Talunga Park and Old Talunga Park Masterplan is the outcome of the approved consultation process with community groups and the broader community through the development of the proposal.

The community is updated with progress on the plan and The Big Project in general via Council’s website and media communications. Stakeholders that have provided feedback on specific projects with email contact information are also provided with periodic updates on those projects at key milestones.

### 7.2.1.4 MURRAY RECREATION PARK MASTER PLAN – COST ESTIMATE

**B6310**

Author: Director, Community Projects

Cr Miller returned to the meeting at 9.09am.

**MOVED** Cr Seager that Council receives and notes the cost estimate Ref: 18/29625 for the Murray Recreation Park Master Plan for inclusion in The Big Project Feasibility and Business Plan.

**Seconded** Cr de Vries  

CARRIED 2014-18/1389

**PURPOSE**
To present the cost estimate for the Murray Recreation Park masterplan further to item (3) of the resolution of the Council ref 2014-18/1366 on the 17 April 2018

**REPORT**

**Background**
At its meeting on the 17 April 2018 Council resolved that:

**MOVED** Cr de Vries that Council:

2. Endorses the Draft Master Plan for Murray Recreation Park (ref: 18/9936) noting that it may be subject to future amendment and budget consideration as required.
3. Requires Officers to work with the Working Group and Architects to prioritise, phase and cost the Master Plan to provide data for The Big Project Feasibility Report and provide a future report to Council.
4. Requires Officers to provide an update on the outcome of the consultation to People who provided written, formal feedback and where contact information has been provided.

**Seconded** Cr Harms  

CARRIED 2014-18/1366
Introduction
The cost estimate has been completed (accelerated to support the Regional Growth Fund application) and is included as Attachment 1.

The cost estimate has been provided to the Working Group for reference and will be the subject of further discussion and development as a future detailed design process and phasing assessment is undertaken.

Discussion
The cost estimate will be incorporated into the overall Feasibility Report and Business Case for The Big Project and used to inform future funding priorities. The figures have also been used during the recent project prioritisation process for the Regional Growth Fund Expression of Interest.

The costs include estimates for: Preliminary costs (10%); Builder’s Margins (4%); Locality Loading (1.5%); Design Development and Construction contingencies (5%), Professional Fees (10%) and statutory charges (0.4%).

Summary and Conclusion
A high level cost estimate of up to $1.41 million for Murray Recreation Park including costs and contingency but excluding GST has been obtained to deliver the adopted Master Plan.

This will be incorporated into the priorities for the overall “The Big Project” Feasibility Report modelling to be carried out on completion of the remaining master planning processes.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS
Community Plan
- Natural Environment and Built Heritage
- Community and Culture
- Infrastructure
- Health and Wellbeing
- Business and Employment
- How We Work – Good Governance
Corporate Plan
1.2 work toward developing township, streetscapes, entrances and open spaces that are attractive, welcoming and maintained to an agreed level of service.

2.6 Provide, promote and support community arts and cultural events, programs, attractions and services.

3.1 provide regional and local walking and cycling connections between open spaces.

3.2 ensure Council’s parks, gardens and playgrounds are accessible, relevant and safe and maintained to an agreed level of service.

3.3 Ensure Council’s sporting, recreational and leisure grounds and playing areas and associated programs meet the current need of the community to an agreed level of service.

3.9 Ensure Council facilities and assets are accessible, safe and maintained to an agreed level of service.

3.11 advocate for the allocation of State and Federal funding to maintain and invest in infrastructure within our region.

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

Legislative Requirements
Local Government Act 1999
Development Act 1993

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

Financial
No budget allocations currently in place.

Resource
The project management falls within the scope of “The Big Project” with dedicated input from Director, Community Projects and support from other Officers as required.

Risk Management
Effective cost assessment and control is a key requirement of managing financial and reputational risk to Council. There is no provision for escalation of the quoted costs.

COMMUNITY CONSULTATION

The adopted Murray Recreation Park Masterplan is the outcome of the approved consultation process with community groups and the broader community through the development of the proposal.

The community is updated with progress on the plan and The Big Project in general via Council’s website and media communications. Stakeholders that have provided feedback on specific projects with email contact information are also provided with periodic updates on those projects at key milestones.

7.2.1.5
THE BIG PROJECT (GENERATIONAL COMMUNITY INFRASTRUCTURE PROJECT) – QUARTERLY UPDATE REPORT – QUARTER 6 – FEBRUARY TO APRIL 2018
B5601

Author: Director, Community Projects

MOVED Cr de Vries that Council receive and note the Quarter 6 Report: February to April 2018 inclusive in respect of progress on “The Big Project” – Generational Community Infrastructure Project (the Project) and incorporating summary of work completed Ref: 18/29165.

Seconded Cr Milne

CARRIED 2014-18/1390
**PURPOSE**

To provide a progress update to Council following completion of quarter 6 (February to April 2018) of the implementation of “The Big Project” – Generational Community Infrastructure Project.

**REPORT**

**Background**

At its Meeting on the 20 February 2018, Council resolved that:

**MOVED** Cr de Vries that Council receives and notes the Quarter 5 Report: November 2017 to January 2018 inclusive in respect of progress on “The Big Project” – Generational Community Infrastructure Project (the Project) and incorporating summary of work completed HP Content Manager Ref: 18/7398.

**Seconded** Cr Harms  

CARRIED 2014-18/1305

**Introduction**

As part of the governance arrangements for The Big Project (as referenced in item 2.4 of the February 2017 Council resolution), a quarterly update to report on progress to Council is required.

**Discussion**

A report on the progress items actioned during the quarter 5 report period is provided as Attachment 1.

**Summary and Conclusion**

- Master planning work has continued during the quarter with adoption of plans for Nuriootpa Centennial Park and Coulthard Reserve, Talunga Park and Old Talunga Park, Mount Pleasant and Murray Recreation Park, Eden Valley.
- Planning for the Tanunda Recreation Park acceleration progressed but has been impacted by the prioritisation of the Expression of Interest (EOI) process for the Regional Growth Fund, Commonwealth Funding round and associated Prudential Management Report development.
- Council was awarded $1,119,250 (ex GST) funding from the Open Space Planning and Development Fund (State Government). Project implementation has commenced with a deadline for delivery of 31 August 2019. There has been some impact on progress as a result of the prioritisation of resources to the Regional Growth Fund, EOI application.
- The EOI Application for the Regional Growth Fund was approved by Council at a Special Council Meeting on the 26 April 2018 and submitted on the 27 April 2018. The application for the Barossa Global Wine and Food Project (BGWFP) is a partnership application with Chateau Tanunda. Council’s public use / community infrastructure priorities are costed at an estimated total of $34.7M ($17.35M from Council and other partnership contributions with $17.35M grant funding). Chateau Tanunda will provide private, commercial tourism and education facilities at an estimated cost of $29.3M and is seeking $15M grant funding towards that total. Refer to Council Minute Ref: 2014-18/1378.
- To inform Council’s decision making in respect of the EOI and to comply with the requirements of the Local Government Act 1999 section 48, a Prudential Management Report has been instructed from an external, independent firm of Chartered Accountants – UHY Haines Norton. An interim report was presented at the Special Council Meeting on the 26 April 2018. Reference 18/27467.
- If the EOI application is successful a full Business Case for the BGWFP will be required within a further 3 month period. Planning work to position for a full Business Case will continue during this interim EOI assessment phase. This development work will be required for all future funding submissions.
- The draft master plan for the Barossa Regional Culture Hub was approved by Council for community consultation at the Special Meeting on the 26 April 2018. Community consultation will conclude on the 21 May 2018.

**ATTACHMENTS OR OTHER SUPPORTING REFERENCES**

Attachment 1 The Big Project – Quarterly Update Report – Q6 (February to April 2018) Ref: 18/29165
COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS

Community Plan

- Natural Environment and Built Heritage
- Community and Culture
- Infrastructure
- Health and Wellbeing
- Business and Employment
- How We Work – Good Governance

Corporate Plan

3.3 Ensure Councils sporting, recreational and leisure grounds and playing arena and associated programs meet the current need of the community to an agreed level of service.

3.9 Ensure Council facilities and assets are accessible, safe and maintained to an agreed level of service.

Legislative Requirements

Local Government Act 1999

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

Financial

The award of Open Space Funding for the Angaston Railway Station Precinct Project and associated financial impacts were reported as part of the 20 March 2018 Council Agenda and adopted by Council and the related budget adjustments have been included in the 3rd quarter Budget Review data.

Resource

The Project has dedicated resource through the Director, Community Projects (DCP) with input from other officers as required. The DCP returns to the substantive role of Director, Corporate and Community Services effective 1 July 2018. Council briefings and reports will continue to be provided to update regarding the resourcing of the ongoing phases of Big Project work.

Risk Management

Ongoing risk assessments continue to be prepared / updated as Officers work through phases of The Big Project development and implementation. Most recently for the purposes of the Regional Growth Fund EOI application Prudential Management Report. This will be considered in detail as UHY Haines Norton move from the initial to the full report.

COMMUNITY CONSULTATION

A Communication plan and Community Consultation plan for the Project have been documented and are reviewed periodically with Communication and Marketing Officers; the Chief Executive Officer and periodically with The Big Project Working Party.

A consultation plan for each individual component project is also developed and reviewed for approval as part of the Agenda reporting process to Council.

Regular updates are provided to the community via press releases, d’Vine adverts and newsletters, radio interviews, website and social media content.

Consultation on the Talunga Park and Old Talunga Park and Murray Recreation Park Masterplans has taken place during the reporting period.

In the forthcoming quarter consultation on the Barossa Regional Culture Hub and Stockwell Recreation Park master plans will occur.
MOVED Cr de Vries

(1) That in accordance with Council’s Internal Review of Council Decision Policy and Process, Council approves the appointment of Ms Felice D’Agostino of Norman Waterhouse Lawyers to act as the external party to conduct the review of the Council decision made at its Special Meeting on 26 April 2018 as regards Debate Agenda Item 2.1.1 “Approval to Proceed with Final Consideration of Revocation of Community Land Classification – Basedow Road, Tanunda”.

(2) That Ms D’Agostino’s estimate of costs for this review in the amount of $4,000 ex GST be approved as a budget adjustment.

(3) That the Chief Executive Officer and Governance Advisor be delegated authority to liaise with Ms D’Agostino as necessary to the review and that following Ms D’Agostino’s investigation, to provide her recommendation to the Elected Body for consideration at the next available Council meeting.

Seconded Cr Hurn  CARRIED 2014-18/1391

PURPOSE

Council’s Internal Review Contact Officer has received a request to conduct an internal review of Council’s decision of 26 April 2018 to revoke community land classification over Allotments 11 and 12 Basedow Road, Tanunda.

REPORT

Background

The Barossa Council, which includes its Elected Body, committees, officers and contractors, makes decisions which impact on members of the community – so it is imperative that these decisions are fair, objective and subject to review.

Council is committed to open, responsive and accountable government in accordance with section 270 of the Local Government Act and so has in place the Internal Review of Council Decision Policy and supporting Process by which those who believe they have been adversely affected by a Council decision can have their complaint considered.

Introduction

Following Ministerial approval received on 19 April 2018 to consider and determine the question over the revocation of community land classification at Allotments 11 and 12 Basedow Road, Tanunda, at the Special Meeting on Thursday 26 April 2018, Council resolved the following:

MOVED Cr Lange

(1) That pursuant to Section 194(3)(b) of the Local Government Act 1999, Council revokes the Community Land classification over Allotment 11 Basedow Road, Tanunda described in Certificate of Title Volume 5133 Folio 408, and Allotment 12 Basedow Road, Tanunda described in Certificate of Title Volume 5902 Folio 824.

(2) That the Chief Executive Officer excludes Allotments 11 and 12 Basedow Road, Tanunda from the Council’s Community Land Register.

(3) That the Chief Executive Officer advises adjacent landowners of the Council’s decision from the Special Council meeting held 26 April 2018.

(4) That the Chief Executive Officer proceeds with negotiating the commercial arrangements for the proposed land exchange in accordance with the Council resolution of 19 September 2017 (2014-18/1168).

(5) That the Chief Executive Officer facilitates the cancellation of the existing Indenture.
Deed with the trustees of the Elma Keil Trust, dated 28 June 1996 and replaces it with a new Indenture Deed to reflect the same restrictions with respect to the incoming land from Chateau Tanunda.
Seconded Cr de Vries CARRIED 2014-18/1376

On 30 April 2018, Council administration received a request from the applicants, Mr Robbert Sennef and Ms Shelley James, to conduct an internal review of this decision, exercising their right to do so under Council’s Internal Review of Council Decision process (“the process”). The letter of request is attachment 1.

As Elected Members would recall, Mr Sennef and Ms James are adjacent landowners to Chateau Tanunda and provided written feedback during Council’s revocation consultation process which was submitted to the December Council meeting for consideration and further presented at that meeting by way of a deputation to discuss their concerns with Members about the anticipated development at the Chateau and the impact of this on their amenity, should a community land revocation, then subsequent land exchange occur with the Chateau.

Discussion
Once the request to review the decision of 26 April, 2018 (“the decision”) was received, in accordance with Council’s process the Chief Executive Officer and the Internal Review Contact Officer (who is the Governance Advisor) discussed and determined who is best placed to conduct the review, taking into account all the circumstances surrounding the decision.

It was decided that a review by an external party would be most appropriate to maintain community trust in Council’s process - as the decision was one made by the Elected Body and there has been significant public and media interest in its outcome. Accordingly, the Elected Body should not be reviewing its own decision in these circumstances.

In carrying out the review, the external party will consider the merits of the materials and information that were before the Elected Body at the time the decision was made and any additional relevant information or material provided by the applicant or which has become available during the course of the review.

The reviewer will consider whether the decision is legally and procedurally correct having regard to the following, that the:

- Elected Body:
  - had the power to make the decision
  - considered all the matters which were relevant to the making of the decision and did not take into account matters which were not relevant
  - did not act for improper purpose or under the influence of another
  - had no conflict of interest, bias or perceived bias
  - ensured that the findings of fact were based on evidence
  - considered relevant legislations, policies or processes

and that the decision was reasonable.

To trigger the review by an external party, Council’s process requires that the Elected Body formally resolve that an expert party external to Council should be appointed and that their estimated costs can be approved to conduct a review of the Council decision.

Relevant officers are then able to brief the external party to conduct the review, and then, at the conclusion of the external party’s investigation, will then provide the external party’s recommendation to the Elected Body as to whether the decision should be confirmed, varied or revoked. It is important to note that an external party cannot vary or revoke a decision made by or on behalf of Council – but only make a recommendation for consideration by the Council.

It is recommended that Mr Chris Morey of Kelley Jones Lawyers be appointed as the external party to review the decision of Council as he has assisted Mr Michael Kelly with the independent assessment of Council’s revocation consultation process which was submitted to the Minister in December 2018, and so is seen as a more cost-effective and efficient appointment due to his prior knowledge of the overall land exchange proposal and Council’s processes.

Additionally, Mr Morey has further knowledge of this review matter as a result of his recent briefing by the CEO to conduct a preliminary investigation into the matter, as would be the task of the
Internal Contact Officer. On 3 May 2018, as per Council’s process, the CEO confirmed in writing to the applicants the receipt of the request for review and provided the applicants with an approximate timeframe for the process. However, he considered that it was more appropriate that the task usually undertaken by the Internal Review Contact Officer – i.e., to conduct a preliminary investigation as to how the matter might be resolved – should be outsourced due to any potential perceived bias should it be otherwise be undertaken by internal staff. Accordingly, the CEO agreed to brief Mr Morey to undertake these preliminary discussions with the applicants, outside of any formal external party review (which would need the approval of the Elected Body).

Mr Morey’s quote to conduct this review is $6,300 ex GST.

Summary and Conclusion
That Council consider the approval of an external party to conduct this review in accordance with Council’s process, appoint Mr Chris Morey and approve the expenditure of Mr Morey’s fees for this purpose.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES
Attachment 1: Request for Internal Review of Council Decision from Mr Sennef and Ms James, dated 27 April and received at Council on 30 April 2018.

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS

Corporate Plan
6.1 Ensure that the community has access to information regarding the discussions held and decisions made by Elected Members.
6.2 Ensure that Council’s policy and process frameworks are based on principles of sound governance and meet legislative requirements.
6.7 Implement strategies for the community to be actively engaged in Council decision-making through sound information and communication.

Legislation – Local Government Act 1999: Section 270

Policy
Internal Review of Council Decisions Policy
Internal Review of Council Decisions Process

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

A budget adjustment of $6300 plus GST is required to cover the anticipated costs of a review as facilitated by Chris Morey of Kelledy Jones Lawyers.

COMMUNITY CONSULTATION

There is no community consultation required under legislation for this matter.

The community will be made aware of the recommendation of the review as it will be referred back to the next available Council meeting for consideration by the Elected Body as to whether they should confirm, revoke or vary the relevant decision.

7.2.1.7

THE BAROSSA COUNCIL QUARTER 3 – 2017/18 PERFORMANCE & ACTIVITY REPORT

18/29598

Author: Manager Strategic Projects


Seconded Cr Miller

CARRIED 2014-18/1392

PURPOSE

REPORT

Background
Since November 2016, Council has been presented with Quarterly Performance Reports on measures adopted within the Corporate Plan.

Introduction
The Barossa Council Quarter 3 – 2017/18 Performance & Activity Report provides performance results against Corporate Plan measures as at 31 March 2018. The report also includes a suite of activity measures, providing a snapshot of activity undertaken over the quarter in the delivery of key internal and external Council services under each Community Plan Theme.

Discussion
During the third quarter, operational use of Council’s holistic enterprise level strategic planning and reporting software (Magiq) has continued. The solution has allowed better access to a broader range of data and improved the efficiency and effectiveness of data analysis in preparing reports during 2017/18.

With the ongoing implementation of Magiq Software, officers are continuing to refine counting rules and formulas for the extraction and analysis of data, which may result in the revision of previously reported results where the data has been refined or cleansed. Where this is the case, the report will include a disclaimer regarding the nature of any changes implemented and its impact on the data.

Additionally, where justification exists, performance targets may be amended to reflect a more realistic figure. As above, where this is the case, the report will include an explanation of the nature of and justification for any changes implemented and its impact on the data.

Overall, it is anticipated that comparison data reported will become more longitudinal as the reporting system grows and allow the representation of trends over time. It is anticipated that this will facilitate an increase in evidence based strategic policy decision making by Council and the executive team.

Summary and Conclusion
The Barossa Council Quarter 3 – 2017/18 Performance & Activity Report is presented for Council consideration

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS

Community Plan

How We Work – Good Governance

Corporate Plan

A6.3 Align operational strategy to strategic objectives and measure organisational performance to demonstrate progress towards achieving our goals.

Legislative Requirements
Nil

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS
Current resources are sufficient to provide ongoing quarterly reporting.

COMMUNITY CONSULTATION
Community consultation is not required under the Act or Council’s Public Consultation Policy.

7.3 CORPORATE AND COMMUNITY SERVICES - DEBATE

7.3.1 ACTING DIRECTOR CORPORATE AND COMMUNITY SERVICES - DEBATE

The Barossa Council 18/28488 Minutes of Council Meeting held on Tuesday 15 May 2018
7.3.1.1
**ANGASTON COMMUNITY AND BUSINESS ALLIANCE – RELEASE OF RESERVE FUNDS**
18/29703

Pursuant to S75 of the Local Government Act 1999 Cr Boothby disclosed a conflict of interest in the matter 7.3.1.1 – Angaston Community and Business Alliance – Release of Reserve Funds as her partner is a committee member of the Angaston Community and Business Alliance.

Cr Boothby advised the Council of the conflict of interest and left the meeting at 9.20am.

**MOVED** Cr Miller that Council approve the release of the balance of the Angaston Management Group Reserve Fund, $24,640 ex GST, to the Angaston Community and Business Alliance for the purpose of engaging a part time coordinator to support the development of ACBA’s financial sustainability to enable community outcomes.

**Seconded** Cr Grossman

**CARRIED 2014-18/1393**

**PURPOSE**
To request approval to release the final balance of the Angaston Management Group Reserve Fund to the Angaston Community and Business Alliance.

**REPORT**

**Background and Introduction**
The Angaston Community and Business Alliance (ACBA) were formed in 2015 as a result of Council’s Redefining Community Committees project, from the Angaston Management Group.

**Discussion**
ACBA have been successful in hosting various community events such as the Angaston Christmas Parade and Long Table Lunchees. They manage the website angaston.org.au and support various other community organisations such as the Angaston and Penrice Historical Society and the Angaston Machinery Preservation Society.

ACBA recently held a strategic planning session and identified the next series of priorities for the group.

1. ACBA resolved to engage a part time Coordinator to establish a membership/sponsorship based financial model. The aim is to maintain existing sources of income and initiate new business sponsorships. The position will be funded in the initial stages by reserve funds and new membership income to continue on with a self-funding sustainable budget.
2. Building individual membership and corporate sponsorship.
3. Building broad communications and collaboration with town business.
4. Building support and volunteer involvement in the Railway Station project.
5. Ongoing collaboration with Council to improve Salters Gully entrance to Angaston.
6. Establishing financial sustainability of ACBA beyond S41 reserve funds.

In order to achieve these and continue to sustain their organisation, ACBA would like to utilise their reserve balance of $24,640 ex GST by investing some of the funds and using to leverage other opportunities through partnerships and grants.

Current funds are earmarked to develop a feasibility study for improvements to Salters Gully and an interpretive signage project for the town.

Should Council support the release of reserve funds, there is $30,512 in the 2017/18 budget as a provision for new initiatives from reserve funds that has not yet been used this year. This allocation could be used to release to ACBA, and in turn exhaust the Angaston Management Group Reserve.

**Summary and Conclusion**
To support the Angaston Community and Business Alliance with their 2018/19 priorities, including a focus on making the organisation sustainable beyond the availability of the reserve funds. It is officers’ view that the use of reserve funds for this purpose is acceptable.
ATTACHMENTS OR OTHER SUPPORTING REFERENCES
Attachment 1 New Initiative – Reserve Fund Transfer
Attachment 2 Due Diligence Report - Reserve Fund Transfer

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS

Community Plan

- Community and Culture - 2.6
- Infrastructure - 3.6
- Health and Wellbeing - 4.6, 4.9

Legislative Requirements
Local Government Act 1999

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

Financial Management Considerations
Current operating funds of $30,512 exist in Cost Centre: 199 – Community Programs and Development. Use of these unexpended operating funds for this purpose will exhaust the Angaston Management Group reserve fund which is consistent with Council’s intent for the reserve funds over time.

Resource Considerations
None

Risk Management Considerations
None. Angaston Community and Business Alliance now have proven track record of appropriately managing funds to deliver community outcomes.

COMMUNITY CONSULTATION

Community consultation is not required by legislation or Council’s Public Consultation Policy.

Cr Boothby returned to the meeting at 9.21am.

7.3.2 FINANCE - DEBATE

7.3.2.1 MONTHLY FINANCE REPORT (AS AT 30 APRIL 2018)
B411

Author: Senior Accountant

MOVED Cr de Vries that the Monthly Finance Report as at 30 April 2018 be received and noted.
Seconded Cr Milne
CARRIED 2014-18/1394

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 30 April 2018) is attached. The report has been prepared comparing actuals to the Original adopted 2017/18 Budget and incorporating the adopted Revised Budgets for September and December.
ATTACHMENTS OR OTHER SUPPORTING REFERENCES
Attachment 1: Monthly Finance Report 30 April 2018
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
BUDGET AND BUSINESS PLAN AND REVIEW POLICY
18/28363

Author: Manager Financial Services

MOVED Cr de Vries that Council receives, considers and approves the updated Budget and Business Plan and Review Policy as presented to the 15 May 2018 Council Meeting – Ref: 14/36056[v4]
Seconded Cr Harms

CARRIED 2014-18/1395

PURPOSE

Council is asked to receive, consider and approve the updated Budget and Business Plan and Review Policy attached to this report.

REPORT

Background
Section 123 of the Local Government Act, 1999 sets out the requirements for Council in developing and adopting an annual budget and business plan.
Council’s current Budget and Business Plan and Review Policy was approved on 10 September 2014.

**Discussion**

The review of this Policy has been in consultation with both the Organisational Management Group, the Corporate Management Team and members of the Finance team. Any changes or comments proposed from this consultation is included in the document *attached*.

The proposed Policy updates include terminology alignment with the Prudential Management Policy.

**Summary and Conclusion**

Council is asked to approve the updated Budget and Business Plan and Review Policy.

**ATTACHMENTS OR OTHER SUPPORTING REFERENCES**

Attachment 1: Draft Budget and Business Plan and Review Policy

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

How We Work – Good Governance

Corporate Plan

6.2 Ensure that Council’s policy 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**

Risk is reduced by the transparency and accountability provisions provided in the Local Government Act 1999 and this Policy.

**COMMUNITY CONSULTATION**

No community consultation is required for this Policy as the content is mandated by legislation and facilitated according to internal processes.

7.3.2.3 **PRUDENTIAL MANAGEMENT POLICY**

18/28340

Author: Manager Financial Services

MOVED Cr de Vries that Council receives, considers and approves the updated Prudential Management Policy as presented to the 15 May 2018 Council Meeting – Ref: 14/29402[v3]

Seconded Cr Hurn

CARRIED 2014-18/1396

**PURPOSE**

Council is asked to receive, consider and approve the updated Prudential Management Policy attached to this report.

**REPORT**

*Background*

Section 48(aa1) of the Local Government Act, 1999 requires Council to develop and maintain prudential management policies, practices and procedures for the assessment of projects.
Council’s current Prudential Management Policy was approved on 15 July 2014.

**Discussion**
The review of this Policy has been in consultation with both the Organisational Management Group, the Corporate Management Team and members of the Finance team. Any changes or comments proposed from this consultation is included in the document attached.

The proposed Policy updates also include:
- Terminology alignment with the Budget and Business Plan and Review Policy
- The Decision Matrix Risk Consequences and Likelihood table has also been reviewed.

**Summary and Conclusion**
Council is asked to approve the updated Prudential Management Policy.

**ATTACHMENTS OR OTHER SUPPORTING REFERENCES**
Attachment 1: Draft Prudential Management Policy

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

- How We Work – Good Governance

**Corporate Plan**
6.2 Ensure that Council’s policy 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**
Risk is reduced by the transparency and accountability provisions provided in the Local Government Act 1999 and this Policy.

**COMMUNITY CONSULTATION**
No community consultation is required for this Policy as the content is mandated by legislation and facilitated according to internal processes.

**7.3.2.4 BUDGET UPDATE (AS AT 31 MARCH 2018)**

**B4968**

Author: Senior Accountant

**MOVED** Cr Milne that the Budget Update for 2017/18 (as at 31 March 2018) be received and the budget variations including reserve transfers contained therein be adopted.

**Seconded** Cr de Vries

**CARRIED 2014-18/1397**

**PURPOSE**
The Budget Update for 2017/18 (as at 31 March 2018) is attached for Council consideration and adoption of budget variations.

**REPORT**
**Discussion**
The report provides information as to 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.
The proposed variances between the original budget and this budget update are listed on the operating and capital budget adjustment pages. The report also includes details of new initiatives and capital expenditure adjustments.

**ATTACHMENTS OR OTHER SUPPORTING REFERENCES**

Attachment 1: Budget Update (as at 31 March 2018)

Policy
Budget & Business Plan and Review Policy

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

**Corporate Plan**

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 Act 1999 Sect 123 (13)
Local Government (Financial Management) Regulations 2011 Regulation 9(1)(b)

**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. This report contains budget adjustments for decisions Council has made since the last review and other adjustments to meet financial changes in capital and/or operational areas. The document contains comments and implications for the Long Term Financial Plan as a result of this review.

**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 financial position as at 31 March 2018 compared to that budget.

**7.3.2.5**

**2018/19 LOAN BORROWINGS FOR THE STATE LOCAL GOVERNMENT INFRASTRUCTURE PARTNERSHIP 2017**

**B6577**

**MOVED** Cr Boothby that:

(a) Council borrow the sum of $1,750,000 from the Local Government Finance Authority of SA by means of the issue of a Debenture on the security of the general revenue, in accordance with Part 2 of the Local Government Act 1999. The purpose of the loan is towards financing the State Local Government Infrastructure Partnership 2017 (SLGIP) grant funded accelerated roads and footpath program.

(b) The loan will be for a term of 10 years with the interest rate fixed for the full 10 years.
(c) The loan is to be repaid by twenty equal half-yearly instalments of both principal and interest.

(d) With a settlement date to be negotiated in the 2018 calendar year with the Local Government Finance Authority of SA.

(e) The Mayor and Chief Executive Officer be authorised to sign and affix the Common Seal on the Debenture Loan document to be prepared by the Local Government Finance Authority of SA.

Seconded Cr Harms

CARRIED 2014-18/1398

PURPOSE
To draw down loan funds from the Local Government Finance Authority of SA (LGFA) required towards the funding of the State Local Government Infrastructure Partnership 2017 (SLGIP) grant funded accelerated roads and footpath program.

REPORT

Discussion
The 2018/19 budget did not provide loan funding for capital works programs but with additional costs to construct the SLGIP projects and other capital projects added during the year, a loan of $1,750,000 will be required to provide cash funding to ensure Council has sufficient funds to provide services and its capital works program in the 2018/19 financial year.

Original Budget Funding
The adopted budget for 2017/18 and its long term financial plan (LTFP) for the 2018/19 year included a total amount of $3.2m for SLGIP works construction program over the two years, funded by State Government grant funding of $640,000 and the balance funded from forward year capital works budget allocations in the adopted LTFP. The SLGIP program is an accelerated works program for transport assets; therefore both roads and footpath forward year budgets had been reduced by the $3.2m brought forward amount.

Revised Estimates
Due to rising contractor costs the SLGIP road construction and sealing program requires a further $1.345m to complete the Springton roads (a reduction to the road reseal and other budget works have provided part funding towards these additional costs). Higher than expected construction costs for the SLGIP footpath program requires an extra $558k along with unexpected kerb and watertable works to be installed before selected footpaths can be constructed, adding costs to this SLGIP program for footpath work of $486k.

The additional construction costs has been approved by Council during the 2017/18 financial year as part of the September Budget Update and the December Mid-year Budget Review. The balance of the additional construction costs are to be approved by Council with this agenda in the Budget Update March 2018 and the balance in the 2018/19 draft budget as presented during the 2018-19 draft budget capital expenditure program presented during the Council Budget workshops.

Total additional funding required for the SLGIP program is $2.4m.

Loan Balance and Funding
During the 2017/18 Financial Year, Council accessed two loans which are both Community self-funded, for $80,000 and $180,000.

The LGFA is providing the SLGIP loans at a reduced interest rate and is around 0.5%-0.7% lower than our equivalent normal rate, fixed for 10 years. The SLGIP loan needs a settlement date during this calendar year; Council officers suggested timing is July-August 2018, but must be settled in 2018.

It is unknown if the interest rates will change in the near future; the Reserve Bank has not changed the rate for quite some time.

Table 1 is a summary of the projected opening balance using existing budget loans and repayments and draft budget loan proposals. The draft budget includes a loan of $1,750,000 in 2018/19 for the SLGIP projects and other future loans will be required for “The Big Project” works.
over the next three years - 2019/20 to 2021/22 - a total of $13m (if the Federal grant funding is approved), as follows:

Table 1

<table>
<thead>
<tr>
<th>Year</th>
<th>2018/19</th>
<th>2019/20</th>
<th>2020/21</th>
<th>2021/22</th>
<th>2022/23</th>
</tr>
</thead>
<tbody>
<tr>
<td>Opening Loan Balance</td>
<td>12,590,360</td>
<td>12,496,973</td>
<td>14,849,650</td>
<td>19,176,824</td>
<td>19,879,502</td>
</tr>
<tr>
<td>New Loans</td>
<td>1,750,000</td>
<td>4,273,898</td>
<td>6,277,402</td>
<td>2,448,701</td>
<td>-</td>
</tr>
<tr>
<td>Principal repaid</td>
<td>-1,843,386</td>
<td>-1,921,221</td>
<td>-1,950,228</td>
<td>-1,746,022</td>
<td>-1,241,437</td>
</tr>
<tr>
<td>Loan Balance EOFY</td>
<td>12,496,974</td>
<td>14,849,650</td>
<td>19,176,824</td>
<td>19,879,503</td>
<td>18,638,065</td>
</tr>
</tbody>
</table>

The balances in this table include Council’s subsidiary, Nuriootpa Centennial Park Authority loan balances and last year’s budgeted principal repayments.

Summary

As the actual costs for the SLGIP are greater than the budgeted costs, along with the significant capital works program, loan funding is required to support cash requirements for 2018/19. Although the 10 year fixed loan period is shorter than the service life of the assets constructed, it does align to the accelerated period of transport assets brought forward in the LTFP.

The loan has been made available by the LGFA at a reduced fixed rate only for a 10 year repayment period.

The draft Budget and annual LTFP financial statements show the loan repayment instalments are achievable and it is recommended that Council approve the SLGIP loan funding for $1,750,000.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES
Policy
Treasury Management 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 Act 1999 Sect 123 (13)
Local Government (Financial Management) Regulations 2011 Regulation 9(1)(b)

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS
Financial
The SLGIP loan is required to ensure Council has the necessary finances to meet the construction costs for the grant funded accelerated transport program.

Noting the comments within the report of a possible draw down in August, indicative rates for 10 years is currently at 3.75% with the SLGIP partnership agreement; normally this would be around 4.5%.

The draft budget 2018/19 includes this loan and the repayment of one instalment based on an external borrowing rate of 4.7% with annual repayments (two instalments per year) $221,346 pa.
COMMUNITY CONSULTATION

Community Consultation was part of the original budget adoption process which included the SLGIP funded projects in June 2017, as per legislation.

7.4.1 WORKS AND ENGINEERING SERVICES - DEBATE AGENDA

7.4.1.1 REVIEW OF FOOTPATH REINSTATEMENT – SCHILLING STREET AND PENRICE ROAD - ANGSTON

B5166 18/26947

Author: Manager Operations

**MOVED** Cr Boothby that the full verge reinstatement works at Schilling Street, Angaston and Penrice Road, Penrice similar to that undertaken along Murray Street, Tanunda are not undertaken.

Repair of the 40m scour washout zone on Penrice Road from Rodda Drive to the start of 104a Penrice Road using 4% cement treated 20mm quarry rubble will be undertaken as soon as possible using existing operational funds.

**Seconded** Cr de Vries

**CARRIED 2014-18/1399**

PURPOSE

At the 17 April 2018 Council meeting the following resolution was made:-

"**MOVED** Cr Hurn that Council having reviewed the current verge reinstatement works recently undertaken adjacent footpaths along Schilling Street and Penrice Road, Angaston, and the resulting visual appearance instruct officers to bring a report to the May meeting outlining methodology, cost and timing with a view to implement full verge reinstatement or cover affected areas with “scalps” on Schilling Street and Penrice Road similar to that undertaken along Murray Street, Tanunda.

**Seconded** Cr de Vries."

REPORT

Background

As part of the approved 2016-17 Footpath Upgrade program, the footpath on Schilling Street (West) from Murray Street to Short Row and the footpath on Penrice Road (East) from Salem Road to Breakneck Hill Road were upgraded to provide a new asphalt surface.

To maximise the number of footpath upgrades possible with the program funds available, the Footpath Upgrade program scope assumed limited verge upgrade works with the exception of the Murray Street Tanunda, from Bridge Street to Sobels Street, which had extensive verge degradation from extensive NBN works and multiple tree failures.

The 2016-17 Footpath Upgrade contract with CAMCO (SA) Pty Ltd reflected the scope outlined above, with limited verge works undertaken on Schilling Street and Penrice Road footpath upgrades.

The full verge box out (50mm depth) and reinstatement with 5mm Blue Dolomite Paving Sand on Murray Street Tanunda from Bridge Street to Sobels Street (390m length) cost $26,842 ex GST to construct.

Discussion

The price for 5mm Blue Dolomite Paving Sand used on Murray Street Tanunda is $21.50 ex GST per tonne.

Quarry Scalps are a lower grade quarry product and thus the price for 20mm Quarry Scalps is only $6.75 ex GST per tonne, which increases to $16.50 ex GST per tonne for 10mm Quarry Scalps.

In verge areas prone to stormwater damage and scour, a 4% cement treated 20mm quarry rubble reinstatement is required but as this product is expensive at $30.00 ex GST per tonne, it is not recommended as a generic verge reinstatement treatment particularly where the road reserve has little slope or gradient.
In high volume pedestrian areas (or areas prone to stormwater damage), a fully paved verge treatment such as spray seal, asphalt or concrete pavers can be used but this treatment is very expensive and requires a quarry rubble base below the paved surface treatment.

The estimated cost to undertake full verge box out (50mm depth) and reinstatement using 20mm Quarry Scalsps (including 4% cement treated 20mm quarry rubble in the 40m scour washout zone from Rodda Drive to the start of 104a) on Penrice Road footpath (480m length) is $40,000.

The estimated cost to undertake full verge box out (50mm depth) and reinstatement using 20mm Quarry Scalsps on Schilling Street footpath (520m length) is $40,000.

The above works are currently unfunded and a footpath upgrade project currently in the draft 18-19 Capital Works Budget (i.e. Washington Street, Angaston) would need be deferred and the budget allocation transferred to enable the requested footpath verge reinstatement works outlined above to be undertaken in 2018-19.

Our CRM system does not have any recorded complaints regarding the verge reinstatement works on Penrice Road or Schilling Street

**Summary and Conclusion**
The full verge reinstatement works at Penrice Road, Penrice and Schilling Street, Angaston similar to that undertaken on Murray Street, Tanunda are not recommended.

The repair of the 40m scour washout zone on Penrice Road from Rodda Drive to the start of 104a Penrice Road using 4% cement treated 20mm quarry rubble will be undertaken as soon as possible using operational funds.

**ATTACHMENTS OR OTHER SUPPORTING REFERENCES**
Nil

**COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS**
Community Plan
Identify Theme/s (utilising the icons)

- Infrastructure

3.1 Develop and implement sound asset management which delivers sustainable services.

**FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS**
Nil impact

**COMMUNITY CONSULTATION**
Nil

**FINANCIAL CONTRIBUTION TO COUNCIL CAR PARK – IN LIEU OF ONSITE CAR PARKING PROVISION**
B3375 18/30632

Author: Manager Engineering Services

**MOVED** Cr Milne that:

(1) Council agree to receive a financial contribution towards upgrade works to the Nuriootpa Soldiers Memorial Hall carpark, in lieu of the provision of on-site car parking required in Development Application No 960/759/2017 for medical centre additions at 6 Memorial Avenue, Nuriootpa.

(2) Council agree to receive a total amount of between $16,000 and $120,000 and delegate to the Chief Executive Officer the ability to settle the total amount payable and report the outcome to Council.

**Seconded** Cr de Vries

**CARRIED 2014-18/1400**
PURPOSE
Achieve agreement to proceed with a financial contribution to existing Council car parking area in lieu of providing on-site car parking spaces.

REPORT
Background
An existing medical centre development at 6 Memorial Avenue, Nuriootpa adjoins the Nuriootpa Soldiers Memorial Hall car park via a rear boundary access. Due to building additions associated with an application to expand the medical centre, there would be insufficient space within the site to accommodate the required number of car parking spaces pursuant to the Council’s Development Plan requirements.

The Nuriootpa Memorial Avenue medical centre has previously agreed to a contribution in lieu of car parking for a previous development planned for their site, however, the planning approval lapsed and the payment therefore not made.

Introduction
Development Plan requirements permit alternative car parking provision arrangements, and to satisfy planning application conditions, Council can accept a monetary contribution for the purpose of enhancing or augmenting existing parking facilities.

Before the planning application for the medical centre expansion can be finalised, prior agreement from Council is necessary (as Council is the land owner of the adjoining Nuriootpa Soldiers Memorial Hall car parking facility).

Discussion
Due to the proximity of the existing medical centre and the existing car park it is appropriate for Council to undertake consideration of this matter. It is also appropriate that such considerations only occur where there are practical limitations and benefits to the community.

The planned expansion of the medical centre at 6 Memorial Avenue covers a large percentage of the site area, resulting in very little usable space for on-site car parking. The option exists for the medical centre to practically utilise the existing adjacent Council car park behind the Nuriootpa Soldiers Memorial Hall.

While the Council Development Plan requirements specify that a medical centre requires a certain amount of on-site car parking spaces to comply; it also allows for shared and integrated car parking provision. A traffic consultant report was commissioned to review the required number of spaces and to ensure the capacity of the Nuriootpa Soldiers Memorial Hall car park facility was adequate to accommodate a shared / integrated use arrangement. Refer Attachment 1 for further information.

Development legislation also permits car parking funds to be established and a survey of the funding levy applied by other Council areas indicates a range of rates are utilised - refer Attachment 2 table. The table indicates similar town centre zone car park space fees at other Councils range from $2,000 to $15,000 per car parking space.

A planning assessment of the application for expansion of the medical centre indicates up to eight car parking spaces are necessary pursuant to the Council’s Development Plan requirements.

Summary and Conclusion
With consideration to the circumstances for expansion of the subject medical centre and the convenient location of Council’s existing community car parking it has been recommended that a financial contribution in lieu of the provision of on-site car parking is appropriate.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES
Attachment 1 – Consultant Traffic Report
Attachment 2 – Table – Other Council Car Parking Levies
COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS

Community Plan

Infrastructure

How We Work – Good Governance

3.1 Develop and implement sound asset management which delivers sustainable services.

Legislative Requirements
Development Act 1993
Local Government Act 1999

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS
The total proposed contribution of funds would be used for upgrade works associated with the Nuriootpa Soldiers Memorial Hall car park. These upgrade works are likely to comprise improved line marking delineation and resealing of the parking surface.

COMMUNITY CONSULTATION
The subject car parking monetary contribution in lieu of on-site car parking with respect to the Nuriootpa medical centre development has been discussed and approved in principle by the applicant.

7.5.2 ENVIRONMENTAL SERVICES - DEBATE

7.5.2.1 CONSIDERATION AND ADOPTION OF COMMITTEE RESOLUTIONS
B7500, 18/25852

Author: Director, Development and Environmental Services

MOVED Cr Seager that Council having reviewed the Minutes of Barossa Bushgardens S41 Committee Meeting held 11 April 2018, that the Minutes be received and noted.
Seconded Cr Grossman CARRIED 2014-18/1401

PURPOSE
The Minutes of Council Section 41 Committees are presented for consideration and adoption of Council.

REPORT
The consideration and adoption of recommendations of Council Committees to Council requires assessment by Council to ensure compliance with Council obligations under section 6(a) of the Local Government Act. The relevant Minutes received in the past month are hereby presented for Council adoption.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES
Attachment 1: Minutes - Barossa Bushgardens S41 Committee Meeting held 11 April 2018

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS

Community Plan

Natural Environment and Built Heritage
Corporate Plan
Natural Environment and Built Heritage
1.1 Collaborate with relevant authorities to ensure a regional and holistic approach in the management of natural resources.
1.2 Support native eco systems that support native flora and fauna.
1.3 Ensure environmental and agricultural sustainability and historic significance of the region is retained.

Legislative Requirements
Local Government Act and Regulations
Development Act and Regulations

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS
Identified within the body of the Minutes, and is included within the 2017-18 Budget.

COMMUNITY CONSULTATION
Not required by Council.

7.5.5. WASTE SERVICES - DEBATE

7.5.5.1 WASTE MANAGEMENT SERVICES – GARAGE SALE TRAIL

Author – Director, Development and Environmental Services

MOVED Cr de Vries that Council agree to participate in the Garage Sale Trail for the next two years by allocating the $2,250 per annum participation fee from the Recycling Collection Reserve.
Seconded Cr Milne

CARRIED 2014-18/1402

PURPOSE
To provide Council with details of a proposal to participate in the Garage Sale Trail.

REPORT

Background
Garage Sale Trail is run by Australian not for profit, Garage Sale Trail Foundation in partnership with the councils across Australia.

Their website states that Garage Sale Trail is:

“the fire-breathing godzilla of all garage sales. It’s a giant purpose-driven marketplace powered by 150 local councils and the amazing people of Australia. With over 10,000 garage sales and stalls happening around the country, it’s a great reason to declutter, fundraise or make a little pocket money, meet a few locals, find treasure and have a whole lotta fun!”

Garage Sale Trail is a grass roots idea that was born in Bondi Beach way back in 2010 as means to encourage reuse, celebrate creativity and bring local people together in a fun and social way.

To date, the following South Australian councils are partners in the program:

- City of Burnside
- City of Norwood Payneham and St Peters
- City of Tea Tree Gully
- District Council of Grant
- Naracoorte Lucindale Council

Garage Sale Trail were in Adelaide at the recent LGA Next Practice Conference to promote the program amongst SA councils.
**Introduction**

Nicki Bruce, National Council Manager met with the Mayor and Council’s Communications Officer in March to discuss the opportunity for The Barossa Council to participate in the 2018 event scheduled for 21-22 October.

A Register of Interest document and an overview of the program is provided in Attachment 1.

**Discussion**

As part of Council’s newly adopted Waste Management Service Policy, Council seeks to operate at the highest possible level of the Waste Management Hierarchy, with the intent to achieve optimal environmental outcomes.

The Garage Sale Trail seeks to promote the REUSE of unwanted household goods.

The Garage Sale Trail concept aligns with Council’s waste initiative and complements the current waste education strategy, by providing a connection between Council and Community, while also encouraging people to waste less and recycle more.

How does it work?

Council makes Garage Sale Trail happen locally and makes it FREE for residents to participate by facilitating the event. Residents register their garage sale on the website and receive promo materials and support to help. Garage Sale Trail provide everything from blogs and tips from some of Australia’s best thrift shoppers and sellers to ready-made posters and social media tools to get the shoppers flocking to the sale!

Shoppers, bargain hunters, and treasure seekers log onto the website and search for local sales.

Sellers and shoppers connect over one big weekend of garage sales in communities right across Australia. Pre-loved items find a new home, and funds are raised for great causes, charities, and households across Australia.

**Summary and Conclusion**

Garage Sale Trail has been operating since 2010 as a means of promoting the reuse of unwanted goods through a nationally coordinated garage sale event.

Council has been approached to participate in the 2018 event scheduled for 21-22 October.

**ATTACHMENTS OR OTHER SUPPORTING REFERENCES**


**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.
4.10 Facilitate access to hard and green waste facilities and associated recycling opportunities that reduce waste disposed to landfill and support the environment.
5.6 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
As a partner council, Council will invest $2,250 per annum, which allows residents to access the program for free. The investment provides access to the promotional material, and in turn helps to ensure that unwanted household goods are diverted from landfill as hard waste items.

It is proposed that $2,250 be allocated from the Recycling Collection Reserve. The current balance is $158,431 as at 30 June 2017.

It has been recommended to Council to sign up for a minimum of two years as it takes the community more than one event to embrace the project.

Risk Management
Council has opted not to provide a kerbside collection service for hard waste. Garage sales are an informal way to sell unwanted goods by private individuals. The Garage Sale Trail provides an alternative mechanism to help promote garage sales, thereby increasing the opportunity for reuse of the unwanted goods.

The Trail also provides an additional alternative to the hard waste and e-waste solutions that Council is currently exploring.

COMMUNITY CONSULTATION

Garage Sale Trail provide all the necessary promotion and support for the community to participate in the program.

Council’s Communication and Engagement Officers have the capacity to promote the Garage Sale Trail to the community through a range of traditional and online communication methods using all of the promotion collateral supplied by Garage Sale trail.

In addition, Garage Sale Trail provide qualitative data on the Council event (e.g. number of participants, diversion of waste to landfill measurement, funds raised for participants/community groups). This data could then be shared with the community to close the loop and highlight how their participation and event engagement helped achieve waste targets.

8. CONFIDENTIAL MATTER
Nil

9. REPRESENTATIVES ON COUNCIL COMMITTEES - REPORTS
Nil

10. OTHER BUSINESS

MOVED Cr Milne that Cr Boothby be granted Leave of Absence from 21 May to 7 June 2018.
Seconded Cr Hurn CARRIED 2014-18/1403

MOVED Cr Hurn that Cr Angas be granted Leave of Absence from 4 June 2018 to 8 June 2018 inclusive.
Seconded Cr Miller CARRIED 2014-18/1404
MOVED Cr Milne that Mayor Sloane be granted Leave of Absence for the Council meeting to be held on Tuesday 19 June 2018.
Seconded Cr Seager
CARRIED 2014-18/1405

Cr de Vries asked that the Director Works and Engineering Services and the team responsible for the removal and replacement of street trees along Murray Street at the northern entrance to Tanunda be thanked for the manner in which the work was carried out.

11. NEXT MEETINGS
Special meeting Wednesday 6 June 2018 at 5.00pm
Tuesday 19 June 2018 at 9.00am

12. CLOSURE OF MEETING
Mayor Sloane declared the meeting closed at 9.43am.
Confimed at Council Meeting – Tuesday 19 June 2018

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