MINUTES OF THE MEETING OF THE BAROSSA COUNCIL
held on Tuesday 21 August 2018 commencing at 9.00am in the
Council Chambers, 43-51 Tanunda Road, Nuriootpa

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

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

1.3 LEAVE OF ABSENCE
Nil

1.4 APOLOGIES
Cr David de Vries

MOVED Cr Grossman that the apology received from Cr de Vries be noted.
Seconded Cr Miller CARRIED 2014-18/1482

1.5 MINUTES OF PREVIOUS COUNCIL MEETINGS

MOVED Cr Grossman that the Minutes of the Council meeting held on Tuesday 17 July 2018 at 9.00am, as circulated, be confirmed as a true and correct record of the proceedings of that meeting.
Seconded Cr Milne CARRIED 2014-18/1483

MOVED Cr Seager that the Minutes of the Confidential Council meeting held on Tuesday 17 July 2018 at 10.31am, as circulated, be confirmed as a true and correct record of the proceedings of that meeting.
Seconded Cr Lange CARRIED 2014-18/1484

MOVED Cr Harris that the Minutes of the Confidential Council meeting held on Tuesday 17 July 2018 at 11.13am, as circulated, be confirmed as a true and correct record of the proceedings of that meeting.
Seconded Cr Harms CARRIED 2014-18/1485

MOVED Cr Lange that the Minutes of the Confidential Council meeting held on Tuesday 17 July 2018 at 11.20am, as circulated, be confirmed as a true and correct record of the proceedings of that meeting.
Seconded Cr Harris CARRIED 2014-18/1486
MOVED Cr Milne that the Minutes of the Special Council meeting held on Wednesday 1 August 2018 at 5.15pm, as circulated, be confirmed as a true and correct record of the proceedings of that meeting.
Seconded Cr Grossman
CARRIED 2014-18/1487

1.6 MATTERS ARISING FROM PREVIOUS COUNCIL MEETING
Nil

1.7 NOTICE OF MOTION

NOTICE OF MOTION – COUNCIL MEETING TIMES
B7322

MOVED Cr Boothby that Council rescind the motion 2014-18 /6 of 18 November 2014 being:

“That:
(1) For the term of the Council ordinary meetings of The Barossa Council be held on the third Tuesday of the month with the exception of the January ordinary meeting which shall be held on the fourth Tuesday; and
(2) Ordinary Council meetings commence at 9am; and
(3) Ordinary Council meetings shall be held in The Barossa Council Chamber, 43-51 Tanunda Road, Nuriootpa.”
Seconded Cr Angas
LOST

Cr Boothby called for a division.

Mayor Sloane called the division and called for members voting for the motion to stand and those voting against the motion to remain seated:

For the motion, Crs Lange, Boothby, Harms and Angas

Mayor Sloane called for members voting against the motion to stand and those voting for the motion to remain seated:

Against the motion, Crs Hurn, Seager, Harris, Milne, Grossman and Miller

Mayor Sloane declared the motion LOST

PURPOSE
To debate a notice of motion put forward by Cr Boothby to rescind the original motion to set Council meeting times, days and location and replace it with an alternative meeting time on the same day of the month in the same location.

REPORT
Council has received a notice of motion providing the required 5 days clear notice and it is duly listed for debate. The notice is provided at the Attachment which articulates the rationale for the notice.

The relevant legislation requires the Council to set Council meeting dates, times and locations under Section 81 of the Local Government Act. The Act requires Council to set (except the very first meeting of the Council which is set by the Chief Executive Officer):

1. Time and place of ordinary meetings.
2. Meetings to be held at least monthly.
3. Cannot be held on Sundays or public holiday.
4. Municipal Councils must be held after 5pm unless resolved unanimously.
It is correctly stated that all municipal Councils hold their meetings after 5pm. In undertaking brief research of surrounding and a random sample of other like size regional and rural Councils the following table provides summarised information.

<table>
<thead>
<tr>
<th>Council</th>
<th>Meeting Time Commencement</th>
</tr>
</thead>
<tbody>
<tr>
<td>Gawler</td>
<td>Tuesdays – 7 pm</td>
</tr>
<tr>
<td>Light</td>
<td>Tuesdays – 5 pm</td>
</tr>
<tr>
<td>Adelaide Plains</td>
<td>Monday – 6.30 pm</td>
</tr>
<tr>
<td>Mid-Murray</td>
<td>Tuesday – 9.30 am</td>
</tr>
<tr>
<td>Wakefield</td>
<td>Wednesday – 6.30 pm</td>
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<tr>
<td>Mt Gambier</td>
<td>Tuesday – 6 pm</td>
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<tr>
<td>Yorke Peninsula</td>
<td>Wednesday – 7.30 pm</td>
</tr>
<tr>
<td>Copper Coast</td>
<td>Wednesday – 7 pm</td>
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<tr>
<td>Port Lincoln</td>
<td>Monday – 7.30 pm</td>
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<tr>
<td>Renmark Paringa</td>
<td>Tuesday – 7 pm</td>
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<tr>
<td>Wattle Range Council</td>
<td>Tuesday – 5 pm</td>
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<tr>
<td>Naracoorte Lucindale Council</td>
<td>Tuesday – 4.30 pm</td>
</tr>
<tr>
<td>Murray Bridge</td>
<td>Monday/Tuesday – 7pm</td>
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<tr>
<td>Alexandrina</td>
<td>Monday – 5 pm</td>
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<tr>
<td>Victor Harbour</td>
<td>Monday – 5.30 pm</td>
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<tr>
<td>Wudinna</td>
<td>Tuesday – 1 pm</td>
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<tr>
<td>Tatiara</td>
<td>Tuesday – 5 pm</td>
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<tr>
<td>Port Pirie</td>
<td>Wednesday – 7.30 pm</td>
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<tr>
<td>Port Augusta</td>
<td>Monday – 6 pm</td>
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<tr>
<td>District Council of Robe</td>
<td>Tuesday – 6 pm</td>
</tr>
<tr>
<td>Mt Barker</td>
<td>Monday – 7 pm</td>
</tr>
<tr>
<td>Adelaide Hills</td>
<td>Tuesday – 6.30 pm</td>
</tr>
</tbody>
</table>

**ATTACHMENTS OR OTHER SUPPORTING REFERENCES**
Notice of Motion

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

**Community Plan**

- Community and Culture
  
  2.8 Provide opportunities for the community to participate in local decision-making.

- How We Work – Good Governance
  
  6.1 Ensure that the community has access to information regarding the discussions held and decisions made by Elected Members.

Legislation
Section 81 Local Government Act 1999
Regulation 12 Local Government (Meetings and Procedures) Regulations

**FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS**

Nil impacts - Council officers normally in attendance are senior and are compensated within employment packages for overtime.

**COMMUNITY CONSULTATION**

There is no requirement to consult with the community under policy however notice of any change if so approved will be made through papers circulating in the area, on Facebook and our web site.

**1.8 QUESTIONS ON NOTICE**

Nil
2. MAYOR

2.1 MAYOR’S REPORT

MOVED Cr Milne that the Mayor’s report be received.
Seconded Cr Miller CARRIED 2014-18/1488

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 Hurn that the information items contained in the Consensus Agenda be received and that any recommendations contained therein be adopted.
Seconded Cr Seager CARRIED 2014-18/1489

5.3 DEBATE OF ITEMS EXCLUDED FROM THE CONSENSUS AGENDA

7. DEBATE AGENDA

7.1 MAYOR

Nil

7.2 EXECUTIVE SERVICES – DEBATE

7.2.1 CHIEF EXECUTIVE OFFICER – DEBATE

7.2.1.1 PETITION – TELECOMMUNICATIONS IN SPRINGTON B411

MOVED Cr Miller that Council note the petition and that the Chief Executive Officer inform the lead petitioner Mr Bowden that Council shall write to Telstra seeking formal response noting Telstra has indicated that it is currently establishing arrangements for a new base station in Springton and further details will be conformed once a formal response from Telstra has been received.
Seconded Cr Lange CARRIED 2014-18/1490

PURPOSE

To present a petition to Council on telecommunication services in Springton

REPORT

Discussion

A petition has been received on behalf of residents in the Springton area to improve mobile telecommunications.

Officers have made enquiries with Telstra and they have indicated that they have advanced plans for a new base station and are hopeful of resolving the matter by the end of the calendar year.
I have contacted the lead petition and informed him:

- That the petition, in full, will go to the August meeting of Council.
- Council is not responsible for telecommunication services but consistent with the Community Plan will advocate for improved services.
- Further response will be provided once Council has considered the petition.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Petition

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS

Community Plan

Infrastructure

3.2 Collaborate with private and public utilities providers to ensure infrastructure is adequate to support the community both now and into the future.

3.3 Advocate for telecommunication infrastructure to meet personal and commercial needs of residents and businesses.

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

Nil

COMMUNITY CONSULTATION

Response will be provided as per Council practice and policy to the lead petitioner. Any additional infrastructure is likely to require a development application and any community consultation required by the Development Act will be undertaken at the appropriate time.

7.2.1.2

REQUEST FOR INTERNAL REVIEW OF COUNCIL DECISION

B8388

Author: Governance Advisor

MOVED Cr Milne

(1) That in accordance with Council’s Internal Review of Council Decision Policy and Process and pursuant to section 58(1)(b) of the Local Government Act, 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 27 June 2018 as regards Debate Agenda Item 2.1.2 “Barossa Culture Hub – Outcome of Community Consultation Process”.

(2) That Ms D’Agostino’s estimate of costs for this review in the amount of $3,000 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 Ms D’Agostino’s recommendation to the Elected Body for consideration at the next available Council meeting.

Seconded Cr Miller

CARRIED 2014-18/1491

PURPOSE

Council’s Internal Review Contact Officer has received a request to conduct an internal review of Council’s decision of 27 June 2018 to receive the outcome of the community consultation regarding the Barossa Regional Culture Hub, and to proceed with the next stages of the project, as outlined in the Minutes of the meeting.

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 the community consultation from 30 April to 21 May 2018 (inclusive) regarding the draft Barossa Regional Culture Hub Master Plan (the Plan), at the Special Meeting on Wednesday 27 June 2018, Council resolved the following:

MOVED Cr Boothby that Council
(1) Receives and notes the report containing the outcome of community consultation on the Draft Master Plan for the Barossa Regional Culture Hub (the Hub) ref: 18/6574

(2) Endorses the Draft Master Plan (the plan) for the Hub noting that it may be subject to future amendment and budget considerations as required. In particular (but not limited to), the external façade of the building as represented in the Plan is noted as requiring complete review; parking and internal configuration to be subject to detailed design processes.

(3) Receives and notes the cost estimate report on the Hub Draft Master Plan produced by Rider Levett Bucknall dated 18/24423 for inclusion in the future The Big Project Feasibility Report and grant funding applications.

(4) Business case development to be ongoing as part of The Big Project Feasibility Report and grant funding applications.

(5) Requires Officer to work with the Working Group and Architects to develop detailed design and documentation of the Hub to support current and future grant funding applications.

(6) Requires Officers to provide an update on the outcome of consultation to people that provided written, formal feedback and where email contact information has been provided.

Seconded Cr Angas
CARRIED 2014-18/1440

On 12 July 2018, Council administration received a request from applicant, Ms Helen Szuty, 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 I.

Ms Szuty provided written feedback during Council’s community consultation process regarding the Draft Master Plan for the Hub, which was submitted to Council for consideration as part of the summary report detailing the outcome of the community consultation, at the Special Council meeting held on 27 June 2018 the December Council meeting for consideration.

Discussion
Once the request to review the decision of 27 June 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.

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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 at the time 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 provide the external party’s recommendation to the Elected Body for consideration 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.

Council’s Process requires that officers use their best efforts to finalise an internal review within 21 business days. In order to meet this requirement, pursuant to section 58(1)(b) of the Local Government Act, the CEO sought the advice of the Mayor to engage and instruct Ms Felice D’Agostino of Norman Waterhouse Lawyers to commence the review as soon as possible. With the Mayor’s advice the CEO appointed, to ensure the matter is at least commenced within the 21 day period, Ms D’Agostino who has accordingly commenced her review of the decision.

On 18 July 2018, as per Council’s Process, the CEO confirmed in writing to the applicant the receipt of the request for review. He considered that it was more appropriate that the task usually undertaken by the Internal Review Contact Officer – ie 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 notified the applicant of his intention to consult with the Mayor with respect to the appointment of Ms Felice D’Agostino to conduct the preliminary review, and accordingly, the external review.

It is recommended that Council now ratify the decision to appoint Ms Felice D’Agostino of Norman Waterhouse Lawyers as the external party to review the decision of Council as she is familiar with Council’s policies and processes, having been previously engaged to review a Council decision, and so is seen as a more cost-effective and efficient appointment.

Ms D’Agostino’s quote to conduct this review is $3,000 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 Ms Felice D’Agostino and approve the expenditure of Ms D’Agostino’s fees for this purpose.

**ATTACHMENTS OR OTHER SUPPORTING REFERENCES**

Attachment 1: Request for Internal Review of Council Decision from Ms Helen Szuty dated 12 July 2018 and received on the same date.

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

💬 **How We Work – Good Governance**

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 $3000 plus GST is required to cover the anticipated costs of a review as facilitated by Felice D’Agostino of Norman Waterhouse Lawyers.

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

Community consultation regarding the draft Barossa Regional Culture Hub Master Plan (the Plan), which was the subject matter of Council’s decision at the Special Council meeting on Wednesday 27 June 2018, was undertaken from 30 April to 21 May 2018 (inclusive).

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.

7.2.1.3 UPDATE TO INTERNAL REVIEW OF COUNCIL DECISION PROCESS
B1485

Author: Governance Advisor

MOVED Cr Harris that Council, having considered the report and process amendments, approves the updated Internal Review of Council Decision Process.
Seconded Cr Milne

CARRIED 2014-18/1492

PURPOSE
Council is asked to receive, consider and approve the updated Internal Review of Council Decision Process.

REPORT

Background
Section 270 (1) of the Local Government Act 1999 (the “Act”) states that Council must establish procedures for the review of decisions of Council, employees of Council and other persons acting on behalf of Council.

Council’s Internal Review of Council Decisions Policy and Process (the “Policy” and the “Process”) were last updated on 17 October 2017.

As a result of recent applications pursuant to section 270 of the Act made by members of the public to review Council decisions, procedural impracticalities in the Process which could lead to delays, have been identified. The updated Policy (with track changes), which addresses these procedural impracticalities is provided at attachment 1.

Introduction
Council’s Process allows for the review of decisions by:

(1) CEO, Director or Manager as reviewer, where the decision was made by an Employee of the Council (excluding the CEO):

(2) Elected Body as reviewer, where the decision:
  • Was made by the Council, Council committee or CEO
  • relates to civic and ceremonial matters and/or;
can potentially impact on a significant proportion of people and/or stated policy positions of Council and/or
would be assigned for internal review to an entity or person who would be otherwise conflicted and/or;
in other circumstances determined by the CEO or resolution of Council

(3) External party / panel as reviewer, where the decision:
• Is a decision of the Elected Body; and/or
• Has industry-wide policy impact; and/or
• Requires specialist knowledge but Employees with the specialist knowledge have identified conflict of interest in the matter; and/or
• Has significant political controversy

Discussion
In the event that it is most appropriate to engage an external party / panel to conduct the review, the Internal Review Contact Officer (the “IRCO”), who is the Governance Advisor is required to make a recommendation to the CEO and then to the Elected Body to refer the application to an external party / panel together with an estimate of costs. The Elected Body is required to 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 provide the external party’s recommendation to the Elected Body for consideration 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.

In practice, once an application is received and the CEO deems it appropriate for an external party to conduct the review, there is a delay from the time cost estimates are received to the approval of appointment by the Elected Body at the next Council meeting. As a result, the IRCO and reviewer may not be able to comply with clause 4.4.2 of the Process, which requires the IRCO and the reviewer to use their best efforts to finalise the internal review within 21 business days.

It is recommended that Council approve the amendment to the Process, allowing the CEO to decide, at his discretion to determine whether it is appropriate in the circumstances to appoint an external party / panel as reviewer, and approve the estimate of costs in accordance with Council’s procurement Policy and supporting processes. Once the CEO has provided this approval, the amendment to the Process will further allow the IRCO to brief the external party / panel to conduct the review.

Summary and Conclusion

ATTACHMENTS OR OTHER SUPPORTING REFERENCES
Attachment 1: Updated draft – Internal Review of Council Decision Process

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.

Legislation – Local Government Act 1999: Section 270(1)

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

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS
Except where an external reviewer is appointed, there is no financial or resource implications in finalising and implementing this policy and process as same will be absorbed as part of officers’
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existing duties. Risk is mitigated by ensuring that Council’s Procurement Policies and supporting processes are followed when appointing an external reviewer.

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

The community will be made aware of the recommendation of any review conducted by an external party 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.

The community will also be made aware of all internal review applications through the internal review annual report, which is considered by Council annually, as prescribed under section 270 (8) of the Act.

7.2.1.4
UPDATE TO DELEGATIONS REGISTER
B7510
Author: Governance Advisor

MOVED Cr Lange

(1) Revocation of Delegations
The Council hereby revokes delegations to the Chief Executive Officer of those powers and functions under the:
(a) Development Regulations 2008 at Regulation 32(5) and which is specified in an extract contained in Attachment 1 of this report; and
(b) Local Government Act 1999 at section 136D.2 and which is specified in an extract contained in Attachment 2 of this report.
(c) Dog and Cat Management Act at Local Government Act 1999 at 64(2)(c) and which is specified in an extract contained in Attachment 3 of this report.

(2) Delegations made under the Development Act 1993
(a) In exercise of the powers contained in Section 20 and 34(23) of the Development Act 1993, the Council hereby delegates to the person occupying the office of Chief Executive Officer of the Council the powers and functions contained in Development Regulations 2008 at Regulation 32(5) and which is specified in an extract contained in Attachment 1 of this report.
(b) Such powers and functions may be further delegated by the Chief Executive Officer as the Chief Executive Officer sees fit and in accordance with the relevant legislation.

(3) Delegations made under the Local Government Act 1999
(a) In exercise of the power contained in Section 44 of the Local Government Act 1999, the Council hereby delegates to the person occupying the office of Chief Executive Officer of the Council the powers and functions under the Local Government Act 1999 at section 136D.2 and which is specified in an extract contained in Attachment 2 of this report.
(b) Such powers and functions may be further delegated by the Chief Executive Officer in accordance with Sections 44 and 101 of the Local Government Act 1999 as the Chief Executive Officer sees fit and in accordance with the relevant legislation.

(4) Delegations made under the Dog and Cat Management Act 1995
In exercise of the powers contained in Section 44 of the Local Government Act 1999, the Council hereby delegates to the person occupying the office of Chief Executive Officer of the Council the powers and functions contained in the Dog and Cat Management Act 1995 at Section 64(2)(c) and which is specified in an extract contained in Attachment 3 of this report.

Such powers and functions may be further delegated by the Chief Executive Officer as the Chief Executive Officer sees fits and in accordance with the relevant legislation.

That the Instruments of Delegation under these Acts and Council’s Delegations Register be amended in accordance with this resolution.

Seconded Cr Angas

CARRIED 2014-18/1493

PURPOSE

Council is asked to delegate those amended powers to the Chief Executive Officer which are now available under the Development Regulations 2008, the Local Government Act 1999 and the Dog and Cat Management Act 1995.

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 or function at a formally constituted meeting; and
- when the legislation enables it, a power or function may be delegated pursuant to an Instrument of Delegation and exercised in the name of a delegate.

Used well, delegations greatly assist Council by enabling the Elected Body to progress with the strategic element of local government and leave the day-to-day operations and administration to the staff who have the relevant expertise and experience to deal with such matters - thus improving effectiveness and efficiency.

Introduction

Council utilises the Advent Delegations Module software to update its Instruments of Delegation and Delegations Register in accordance with Section 44 of the Local Government Act 1999. From time to time, Council is notified of various amendments to delegations that are as a result of typographical errors, or updates to the Local Government Association delegation templates, on which the Advent Delegations Module delegation templates are based.

Council has been made aware of three such updates to the Advent Delegations Module, namely to delegations pursuant to:

- the Development Regulations 2008
- the Local Government Act 1999
- the Dog and Cat Management Act 1995

Officers recommend that Council delegate all available powers to the Chief Executive officer as are described in these proposed Instruments.

Discussion

1. Development Regulations 2008

The proposed amendment to delegations pursuant to the Development Regulations 2008 corrects the reference to sub-section 32(5) referred to in the provision. The amendment has been brought for Council’s consideration upon notification of the same by the managers of the Advent Delegations Module. Amendments are provided by way of track-changes in attachment 1.

2. Local Government Act 1999

The proposed amendment to delegations pursuant to the Local Government Act 1999 deletes delegations pursuant to s136D.2, which was intentionally left blank. The amendment has been brought for Council’s consideration upon notification of the same by the managers of the Advent Delegations Module, and in order to ensure that it is in-line with the delegations templates prepared by the Local Government Association. Amendments are provided by way of track-changes in attachment 2.
3. Dog and Cat Management Act 1995

The proposed amendment to delegations pursuant to the Dog and Cat Management Act 1995 corrects a typographical error. The amended provision allows the delegate to nominate a facility at which cats may be detained (previously destroyed). The amendment has been brought for Council’s consideration upon notification of the same by the managers of the Advent Delegations Module. Amendments are provided by way of track-changes in attachment 3.

Summary and Conclusion
Council is now asked to approve the new and amended powers for delegation to the CEO.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES
Attachment 1: Proposed amendments to Instrument of Delegation under the Development Regulations 2008
Attachment 2: Proposed amendments to Instrument of Delegation under the Local Government Act 1999

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.

Legislation
Local Government Act 1999: Sections 44(6), 224, 225, 225A
Development Act 1993: Sections 20 and 34(23)
Development Regulations 2008
Dog and Cat Management Act 1995

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

Financial
There are no financial considerations.

Resource
Facilitation of these delegations to the CEO will be undertaken according to officer’s existing duties.

Risk
The risk of having ineffective or invalid delegations is minimised as the delegations being considered are in-line with the delegations templates produced by the Local Government Association, and have been recommended by Norman Waterhouse Lawyers (which prepared the Instruments for the LGA). 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
- 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 prescribed LGA templates where there is no option for amendment through community feedback.
For transparency, 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.

7.2.1.5
DRAFT MEDIA AND COMMUNICATIONS POLICY

B1485

Author: Communication and Engagement Officers

MOVED Cr Milne that Council receives, considers and approves the draft Media and Communications Policy which is provided as attachment 1, to this report.

Seconded Cr Hurn

CARRIED 2014-18/1494

PURPOSE

The Media and Communications Policy ensures interactions between Council and the media portray a consistent, accurate and positive image of Council in the community.

REPORT

Background
Guidelines for staff interactions with the media have previously been contained in memos from the Chief Executive Officer. The Media and Communications Policy formalises this approach.

Introduction
Council communicates and engages with our community and stakeholders using various digital and traditional channels. It is important to manage these to ensure Council’s messaging is consistent, accurate and appropriate to the target audience, and that our corporate brand principles are upheld.

The Policy pertains to employees of Council and also references the role of the Mayor as principal spokesperson for the Barossa Council.

Discussion
In order to mitigate reputational risk and ensure consistency of messaging, it is important that employees understand their roles and responsibilities in relation to interaction with the media. The Policy gives consideration to authorised and delegated spokespersons, how media relations are coordinated and professional standards that are expected when making comments to the media.

It also provides guidelines for personal statements made to the media to ensure Council’s processes, decisions, employees and elected members are respected.

Summary and Conclusion
Members are asked to review and approve the draft Policy to provide clarity and consistency for employees liaising with the media.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Attachment 1: Draft Media and Communications 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.

Legislative Requirements
Section 58 of the Local Government Act 1999

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

There are no new risk or resource considerations arising from implementation of this Policy.
COMMUNITY CONSULTATION
There is no legislative requirement to consult the community.

7.2.1.6
THE BAROSSA COUNCIL QUARTER 4 – 2017/18 PERFORMANCE & ACTIVITY REPORT
18/55594

Author: Manager Strategic Projects

Mr Martin McCarthy, Chief Executive Officer, advised that the report heading in the agenda supplied for this meeting should reflect Quarter 4, not Quarter 2.

MOVED Cr Milne that Council receives and notes The Barossa Council Quarter 4 – 2017/18 Performance & Activity Report.
Seconded Cr Seager
CARRIED 2014-18/1495

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 30 June 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 fourth 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 4 – 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.

7.2.2 FINANCE - DEBATE

7.2.2.1 MONTHLY FINANCE REPORT (AS AT 31 JULY 2018)
B411

Author: Senior Accountant

MOVED Cr Hurn that the Monthly Finance Report as at 31 July 2018 be received and noted.
Seconded Cr Grossman

CARRIED 2014-18/1496

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 July 2018) is attached. The report has been prepared comparing actuals to the Original adopted budget 2018/9.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES
Attachment 1: Monthly Finance Report 31 July 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 2018, as per legislation. This report is advising Council of the monthly finance position compared to that budget.

7.3.1 DIRECTOR CORPORATE AND COMMUNITY SERVICES - DEBATE

7.3.1.1 THE BIG PROJECT (GENERATIONAL COMMUNITY INFRASTRUCTURE PROJECT) – QUARTERLY UPDATE REPORT – QUARTER 7 – MAY TO JULY 2018

B5601

MOVED Cr Harris that Council receive and note the Quarter 7 Report: May to July 2018 inclusive in respect of progress on “The Big Project” – Generational Community Infrastructure Project (the Project) and incorporating summary of work completed Ref: 18/50553.
Seconded Cr Miller CARRIED 2014-18/1497

PURPOSE
To provide a progress update to Council following completion of Quarter 7 (May to July 2018) of the implementation of “The Big Project” – Generational Community Infrastructure Project.

REPORT
Background
At its Meeting on the 15 May 2018, Council resolved that:

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

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 7 report period is provided as Attachment 1.

Summary and Conclusion
Highlight items for the Quarter include:
- Master planning – Consultation on the Barossa Culture Hub and adoption of the master plan and costs has been concluded during the reporting period. Cost estimates for Talunga Park, Murray Recreation Park and Nuriootpa Centennial Park / Coulthard Reserve have been adopted. Master planning for Stockwell Recreation Park has continued and
will be presented during the next Quarter. Springton Recreation Park remains to be undertaken.

- Prudential management report. An interim report was produced for inclusion to evidence the Regional Growth Fund Expression of Interest (RGF EOI) submission. Since the interim report, UHY Haines Norton has continued to develop the full report. Further information has been provided by officers to finalise and clarify the development assessment processes that will be required to support the prioritised project elements and the management of these processes. Final financial models as adopted by Council in April have been provided; however, further work is proceeding on refining the models to take account of asset replacement values and impacts relating to the prioritised works. The current model assumes all assets are new when in fact some of the prioritised works will be replacements. This will improve the overall financial outcomes and will be reflected in the models for UHY Haines Norton to consider and to replace the preliminary figures in the interim report and EOI.

- Detailed design. To support the development of a detailed business case (and on the assumption that the EOI is supported by the Federal Government or alternative large scale funding is sought from other sources if the EOI is unsuccessful), officers have undertaken procurement processes for detailed design for all the prioritised 1 and 2 elements of the 8 projects as identified in the RGF related Council report on the 26 April 2018. As a result, Architects have been appointed to all projects with the exception of the Barossa Culture Hub where specification development for a request for quotation process is almost complete. The detailed designs will in turn enable any necessary development application processes to be commenced. These are all requirements of the continued work on a detailed business case being procured via grant consultants, Section 51. Working groups made up of representatives involved in the various master planning development work for each site, have been established and are meeting. Terms of Reference are provided in a separate agenda item to ensure a consistent approach with governance arrangements for other Big Project initiatives.

- Regional Growth Fund – Expression of Interest. Prior to the end of June 2018, Regional Development Australia advised that the indication from the Federal Government to them was that over 300 EOIs had been submitted and determination of EOIs would take place in the second half of the calendar year. No further communication has been received in connection with the timing of the grant application outcome.

- Angaston Railway Station Precinct. Refer to the attachment for detail but implementation is progressing in line with grant and project planning requirements.

- Regional cycle trail. A full update was provided in the consensus section of the 15 May 2018 Council Agenda. Project Planning to get the initiative investment ready continues, including detailed route planning across all sections. A branding, marketing and governance development workshop will take place during the next reporting period.

- Skate parks. Work has concluded on the pump track at Nuriootpa; work on Williamstown has commenced. Officers are preparing a strategy report for Council review during the next reporting period.

**ATTACHMENTS OR OTHER SUPPORTING REFERENCES**

Attachment 1: The Big Project – Quarterly Update Report – Q7 (May to August 2018) Ref: 18/50553

**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 Council’s 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
No financial impacts; all expenditure is within allocated budget.

Resource
The Director Community Projects returned to the substantive role of Director, Corporate and Community Services (DCCS) effective 1 July 2018. Big Project Work is now being resourced jointly between DCCS and Manager, Community Projects.

Risk Management
Ongoing risk assessments continue to be prepared / updated as Officers work as necessary through phases of The Big Project development and project specific implementation.

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 Barossa Regional Culture Hub Masterplan has taken place during the reporting period.

In the forthcoming quarter consultation on the Stockwell Recreation Park master plans will occur.

7.3.1.2
TERMS OF REFERENCE – DETAILED DESIGN WORKING GROUPS – THE BIG PROJECT AND FEDERAL REGIONAL GROWTH FUND PRIORITISED ELEMENTS
B8029 18/54621


Seconded Cr Miller

CARRIED 2014-18/1498
Seconded Cr Milne  CARRIED 2014-18/1499

Seconded Cr Seager  CARRIED 2014-18/1500

Seconded Cr Milne  CARRIED 2014-18/1501

Seconded Cr Harms  CARRIED 2014-18/1502

Seconded Cr Harris  CARRIED 2014-18/1503

MOVED Cr Seager that Council approves the Draft Terms of Reference for the Talunga Park – Detailed Design Working Group (Priority 1 Federal Regional Growth Fund) (HP Content Ref: 18/54823).
Seconded Cr Grossman  CARRIED 2014-18/1504

Seconded Cr Miller  CARRIED 2014-18/1505

PURPOSE
To provide Council with the draft Terms of Reference for Working Groups established to support detailed design work required for the prioritised elements of eight sub-projects of The Big Project comprising Council’s Federal Regional Growth Fund expression of interest.

REPORT
Background and Introduction
Council has been working on the Generational Community Infrastructure Project (The Big Project) since November 2016 to provide a strategic plan for sustainable development of community infrastructure assets across a 30 to 50 year intergenerational investment period.

The planning phase of that work is nearing a conclusion. An Expression of Interest (EOI) has been submitted to the Federal Government Regional Growth Fund (RGF), which may present the chance for funding major components of The Big Project to be implemented within the timeframe of the next 4 financial years.

If the EOI is successful, a detailed Business Case must be prepared within a 3 month timeframe. This will require detailed design processes to be completed to support the progression of development applications and further detailed costings. If the EOI is unsuccessful, the bid may either be parked and the Commonwealth may seek a detailed Business Case in due course (ie if
other projects do not proceed or drop out through the detailed Business Case phase), or the information will be required to support alternative, future funding applications at a detailed Business Case level.

**Discussion**  
The purpose of the Working Groups is to support Council and Council Officers with the development of detailed architectural design work associated with the prioritised components of the Federal RGF application (the priority 1 elements) and priority 2 elements (where applicable). Priority 2 elements are not included in the current RGF application as they do not deliver the RGF criteria but may be subject of alternative or future applications by Council or user groups. The design work will facilitate future development applications where necessary and the associated development of future Detailed Business Cases for existing and subsequent grant applications.

This approach and the adoption by Council of Terms of Reference, is consistent with the process completed for other Big Project initiatives ie: Angaston Railway Station Precinct; Tanunda Recreation Park Accelerated Works.

The Working Groups comprise:
- Representatives of user groups associated with the facility;
- Elected Member representation from Councillors involved in the previous master plan development stage where possible;
- External architects and their subcontractors engaged via a Request for Quotation process in accordance with Council’s procurement processes;
- Director Corporate and Community Services or Manager Community Projects and other officers as required.

Terms of Reference documents that define the role and responsibility of the following Working Groups are presented to Council for approval.


Associated Project activity updates are included in The Big Project quarterly update reports.

**Summary and Conclusion**  
The work undertaken by the Working Groups is necessary to support the current RGF application. Adoption of Terms of Reference is consistent with other Big Project working group governance processes.

**ATTACHMENTS OR OTHER SUPPORTING REFERENCES**

| Attachment 1 | Angas Recreation Park – Detailed Design Working Group (Priority 1 Federal Regional Growth Fund and Priority 2 Work) |

*The Barossa Council 18/56107 Minutes of Council Meeting held on Tuesday 21 August 2018*
Attachment 5: Lyndoch Recreation Park – Detailed Design Working Group (Priority 1 Federal Regional Growth Fund)
Attachment 6: Rugby at Tanunda Relocation – Detailed Design Working Group (Priority 1 Federal Regional Growth Fund)
Attachment 7: Talunaga Park – Detailed Design Working Group (Priority 1 Federal Regional Growth Fund)
Attachment 8: Barossa Regional Culture Hub – Detailed Design Working Group (Priority 1 Federal Regional Growth Fund)

Community Plan / Corporate Plan / Legislative Requirements

Community Plan

- Natural Environment and Built Heritage
- Community and Culture - 2.1, 2.3, 2.9.
- Infrastructure - 3.6
- Health and Wellbeing - 4.2, 4.6
- 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.
4.1 Deliver and promote health and wellbeing initiatives in line with the Public Health Plan
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 Management Considerations

The Working Groups will not have any financial delegation. All project delegations will be responsibility of officers.

Resource Considerations

Officers, Elected Members and community representatives assigned to the Working Groups as defined in the Terms of Reference for each group.
Risk Management Considerations
The governance provided by the Working Groups are a risk mitigation strategy for the success of project delivery on time and in budget.

COMMUNITY CONSULTATION
Community consultation was undertaken on the Masterplans during the development and adoption process completed by Council. There is community representation on the Working Groups.

Communication on the Big Project is reviewed on an ongoing basis.

7.3.2.1
CONSIDERATION AND ADOPTION OF COMMUNITY ASSISTANCE SCHEME COMMITTEE RESOLUTIONS
B7322

MOVED Cr Milne that Council, having reviewed the Minutes of the Community Assistance Scheme Committee Special Meeting held 1 August 2018, adopt the Resolutions contained therein.

Seconded Cr Hurn

CARRIED 2014-18/1506

PURPOSE
The Minutes of the Community Assistance Scheme Committee Special Meeting held 1 August 2018 are presented for the consideration and adoption of Council.

REPORT
The consideration and adoption of recommendations of Council committees requires assessment by Council to ensure compliance with Council obligations under section 6(a) of the Local Government Act.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES
Attachment: Minutes of the Community Assistance Scheme Committee Special Meeting held 1 August 2018

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS
Community Plan

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.

6.9 Provide access to Council’s plans, policies and processes and communicate with the community in plain English.

Legislative Requirements
Local Government Act 1999

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS
The consideration and adoption of recommendations of Council committees is a risk management tool.

COMMUNITY CONSULTATION
Not required under legislation or Council’s Public Consultation Policy.
7.3.2.2
DOG PARKS – OUTCOME OF COMMUNITY CONSULTATION
B7915

MOVED Cr Lange that Council:

(1) Receives and notes report 7.3.2.2 containing the outcome of community consultation on the benefits of Dog Parks in the Barossa Region.

(2) Based on the level of responses received in support of a Dog Park in comparison to those not in support, requires officers to further engage with the key community stakeholders to determine preferred location, size, design and associated infrastructure (including costings) and return a report to a future Council meeting.

(3) Requires Offices to develop a media release and email response to respondents where email addresses are provided outlining the outcome of the Dog Park Survey.

Seconded Cr Hurn

PURPOSE
To summarise feedback received from the community following Council’s resolution at the 20 February 2018 meeting regarding the petition received from Mr Stephan Knoll, Member for Schubert, calling on Council to “create dog parks across towns in the Barossa” and provide recommendations for action.

REPORT

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

MOVED Cr Lange that Council:

(1) Receive and note the petition requesting dog park infrastructure, and
(2) Agree to undertake a preliminary project to consider the need for dog parks in the community with the lead petitioner and other nominated parties and utilising the Dog and Cat Management Board guidelines potentially develop some concepts for consideration in future budgets and that the lead petitioner be informed of this recommendation seeking him to nominate the community representatives to work with Council on the assessment.

Seconded Cr Hurn

The community consultation process ran from 18 July 2018 to 8 August 2018 inclusive.

A Community Consultation Plan was prepared to guide the actions and timing for activity during the consultation period (Attachment 1). A mix of methods was adopted to spread the message as wide through the region as possible:

- Meeting with key community stakeholders
- Council website home page news items
- Our Better Barossa; consultation website - survey
- Facebook
- Media Release to highlight process undertaken and to be implemented, all local newspapers
- Advertisements in The Leader and Herald
- Feature in D’Vine Council newsletter
- Posters delivered around the region to community noticeboards
- 2 x pop up sessions; Coop Nuriootpa, Thursday 26 July (2pm – 4pm); Williamstown Colonist Corner, Saturday 21 July (2.30 – 4pm)
- Media Release to notify media of current activity post consultation close and next stage being report to Council
- Close the loop – we will deliver results to media and to email addresses provided after the Council meeting.
**Discussion**

All data and comments received are included in full within the following attachments with the exception of any personal addresses/contact details, which have been removed:

- Attachment 2 – Survey Responses full data
- Attachment 3 – Survey Responses Report
- Attachment 4 – Survey Responses Additional Comments
- Attachment 5 – Survey Responses No Comments

The data collected through the community consultation period on dog parks has resulted in the vast majority of those that completed the survey, indicating that they believe the Barossa community will benefit from dog park/s in our region. A total of 435 responses were received with 92.87% of responses indicating that they believe the Barossa community would benefit from a dog park and 7.13% of responses indicating that the community would not benefit. The results indicate that from those completing the survey, that they believe the benefits outweigh the costs.

The key themes discussed through comments are regarding safe environment for dogs, dog socialisation, meeting place for our community and increased sense of wellbeing, spaces for large dogs and small dogs, and ideas for locations. Of the comments regarding location, there is a good number of responses indicating support for a north and south park, and support to formalise Heinemann Park in Tanunda as this is a popular existing meeting place for people and dogs.

The top priorities for inclusions in a dog park include fencing, water availability, bins and doggie bags; shelter and seating to a lesser extent and multi-surfaces are important to only few.

Most people have indicated that a medium sized (around 3000m2) park is preferred with safe spaces for larger dogs, separate from smaller dogs.

From those who responded, most people indicate they will use a dog park 2–5 times a week.

Comments from those not in favour of dog parks discuss concerns around applied resources including funding to other priorities, that there is ample open space available to run dogs and concerns regarding dogs not under effective control and how that can lead to dog attacks and fights.

The following graphs outline the results from each of the survey questions asked:

**Q1 Do you think the Barossa community would benefit from a dog park?**

<table>
<thead>
<tr>
<th>ANSWER CHOICES</th>
<th>RESPONSES</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes</td>
<td>92.87%</td>
</tr>
<tr>
<td>No</td>
<td>7.13%</td>
</tr>
<tr>
<td>TOTAL</td>
<td></td>
</tr>
</tbody>
</table>
The following graph shows further analysis of the split of responses by township:

(NB: it is noted that 29 or 6.6% of submissions received supporting the benefits of Dog Parks were from respondents outside The Barossa Council area albeit that this does not materially affect the balance of responses).

Q3 If 'Yes', do you think the benefits outweigh the costs? As well as construction costs, ongoing costs will need to be funded from general rates as dog registration fees do not cover the existing costs of providing current services for animal management. Ongoing costs may include maintenance, renewal and replacement, cleaning, waste disposal and compliance.

Answered: 411 Skipped: 24

<table>
<thead>
<tr>
<th>ANSWER CHOICES</th>
<th>RESPONSES</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes</td>
<td>94.40%</td>
</tr>
<tr>
<td>No</td>
<td>5.60%</td>
</tr>
<tr>
<td>TOTAL</td>
<td></td>
</tr>
</tbody>
</table>
Q4 What would be your top five priorities in a dog park?

Answered: 412  Skipped: 23

<table>
<thead>
<tr>
<th>Priority</th>
<th>Percentage</th>
<th>Responses</th>
</tr>
</thead>
<tbody>
<tr>
<td>Doggie Bags</td>
<td>78.86%</td>
<td>325</td>
</tr>
<tr>
<td>Bins</td>
<td>90.05%</td>
<td>371</td>
</tr>
<tr>
<td>Water</td>
<td>90.78%</td>
<td>374</td>
</tr>
<tr>
<td>Shelter</td>
<td>55.56%</td>
<td>229</td>
</tr>
<tr>
<td>Seating</td>
<td>49.27%</td>
<td>203</td>
</tr>
<tr>
<td>Multi-surfaces</td>
<td>23.30%</td>
<td>96</td>
</tr>
<tr>
<td>Fencing</td>
<td>96.12%</td>
<td>396</td>
</tr>
</tbody>
</table>

Total Respondents: 412

Q5 What size dog park do you think the community needs? The size of existing dog parks throughout South Australia range from small (100m2), medium (average 3000m2) and the largest (17,000m2).

Answered: 410  Skipped: 25

<table>
<thead>
<tr>
<th>Size</th>
<th>Percentage</th>
<th>Responses</th>
</tr>
</thead>
<tbody>
<tr>
<td>Small</td>
<td>3.90%</td>
<td>16</td>
</tr>
<tr>
<td>Medium</td>
<td>70.73%</td>
<td>290</td>
</tr>
<tr>
<td>Large</td>
<td>25.37%</td>
<td>104</td>
</tr>
</tbody>
</table>

TOTAL | 410
Comment is provided on the main recurring themes from the feedback received as follows:

<table>
<thead>
<tr>
<th>categories of responses not in favour</th>
<th>categories of responses in favour</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total does not equal total responses or comments, only summarises issues raised.</td>
<td></td>
</tr>
<tr>
<td>Other open space available</td>
<td>Safe environment</td>
</tr>
<tr>
<td>9</td>
<td>32</td>
</tr>
<tr>
<td>Dog attacks and fights</td>
<td>Dog socialisation</td>
</tr>
<tr>
<td>6</td>
<td>32</td>
</tr>
<tr>
<td>Dog training and dogs under control</td>
<td>Community meeting place</td>
</tr>
<tr>
<td>9</td>
<td>28</td>
</tr>
<tr>
<td>Other priorities</td>
<td>Infrastructure - large dogs, small dogs</td>
</tr>
<tr>
<td>11</td>
<td>32</td>
</tr>
<tr>
<td>Cost</td>
<td>Infrastructure - fence</td>
</tr>
<tr>
<td>6</td>
<td>20</td>
</tr>
<tr>
<td>Dog poo</td>
<td>Infrastructure - lighting</td>
</tr>
<tr>
<td>2</td>
<td>1</td>
</tr>
<tr>
<td>Location</td>
<td>Infrastructure - water</td>
</tr>
<tr>
<td>1</td>
<td>4</td>
</tr>
<tr>
<td>Other</td>
<td>Infrastructure - bins</td>
</tr>
<tr>
<td>15</td>
<td>1</td>
</tr>
<tr>
<td></td>
<td>Infrastructure - seating</td>
</tr>
<tr>
<td></td>
<td>2</td>
</tr>
<tr>
<td></td>
<td>Infrastructure - shelter or trees</td>
</tr>
<tr>
<td></td>
<td>2</td>
</tr>
<tr>
<td></td>
<td>Infrastructure - equipment</td>
</tr>
<tr>
<td></td>
<td>1</td>
</tr>
<tr>
<td></td>
<td>Infrastructure - gates</td>
</tr>
<tr>
<td></td>
<td>2</td>
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<td></td>
<td>Location</td>
</tr>
<tr>
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<td>30</td>
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<tr>
<td></td>
<td>Tourism</td>
</tr>
<tr>
<td></td>
<td>13</td>
</tr>
<tr>
<td></td>
<td>Signage</td>
</tr>
<tr>
<td></td>
<td>5</td>
</tr>
<tr>
<td></td>
<td>Not at expense of other off-lead areas</td>
</tr>
<tr>
<td></td>
<td>2</td>
</tr>
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<td>Other</td>
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<td>37</td>
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</table>

The Barossa Council 18/56107  Minutes of Council Meeting held on Tuesday 21 August 2018
Conclusion
From the 435 responses from the Dog Park survey, 92.87% people believe that the Barossa Community will benefit from a dog park. The comments indicate that a simple fenced area with separation for large and small dogs, with water, bins and doggie bags would be well used, multiple times a week, by those that responded. There is support for two parks of around 3000m², one in our northern region, and one southern.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES
Attachment 1 – Community Consultation Plan - 18/55591
Attachment 2 – Survey Responses full data – 18/55182
Attachment 3 – Survey Responses Report – 18/55177
Attachment 4 – Survey Responses Additional Comments – 18/55179
Attachment 5 – Survey Responses No Comments - 18/55178

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS

Community Plan

- Community and Culture
- Infrastructure
- Health and Wellbeing
- How We Work – Good Governance

Legislative Requirements
Local Government Act 1999

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

Financial
Should Council support the installation of dog parks, a location and design will be formalised, the installation costs as well as whole of life cost will be assessed to include provision in future budgets for mowing, weed control, waste control, cleaning, renewal and replacement, and potential for increased complaint handling and compliance matters. A report will be bought back to Council in the future. As noted in the survey, the cost of current service levels in respect of Council’s Dog and Cat Management legislated activities is not fully funded from registration revenue and so provision and maintenance of additional services will necessitate unbudgeted upfront capital and ongoing operational expenditure.

Resource
Should Council support the installation of dog parks, officer resources required will include, Manager Community Projects, Manager Regulatory Services and Coordinator Operations and assessment of the impact on Depot teams and potentially mowing and waste contractors. To mow around fence lines and collect waste not directly on the roadside will add additional resource costs.

Risk Management
A detailed risk assessment will be completed as part of the future potential design process.

COMMUNITY CONSULTATION
Officers implemented in full the Community Consultation Plan (Attachment 1).

7.4.1 DIRECTOR WORKS AND ENGINEERING SERVICES - DEBATE

7.4.1.1 PROPOSED ROAD CLOSURE – 2018 TANUNDA CHRISTMAS PAGEANT
B7475
MOVED Cr Harris that the Commissioner of Police be advised that The Barossa Council endorses the closure of the following roads:

Murray Street, Tanunda from Theodor Street to the Northern Archway, and Bilyara Road, Tanunda from Elizabeth Street to Park Street, and Elizabeth Street, Tanunda for a distance of approximately 80 metres from Murray Street, and Basedow Road, Tanunda between Murray Street and McDonnell Street

between 5.00pm and 10.00pm on Friday 7 December 2018 to stage the 2018 Tanunda Christmas Pageant.

Seconded Cr Harms CARRIED 2014-18/1508

PURPOSE
To summarise feedback received from the community following Council’s resolution at the 20 February 2018 meeting regarding the petition received from Mr Stephan Knoll, Member for Schubert, calling on Council to “create dog parks across towns in the Barossa” and provide recommendations for action.

REPORT
Background
Council has supported township Christmas parades for many years by organising and implementing the required road closures for the events.

Introduction
The 2018 Tanunda Christmas Parade will require a street closure and diversion of traffic on the night and Council operations staff will be required to provide this support.

Organisers have requested an earlier commencement for the 2018 Parade, however, Officers maintain a 5.00pm start as in previous years is appropriate to allow all local traders maximum trading time on the day.

Summary and Conclusion
Council Operations staff has further assisted the local community to prepare and stage this event with assistance in the following areas:-

- Putting up the Christmas banners by mid-November (the banners owned and stored by the Council, and they go up on the frames which have been installed by the Council)
- Street sweeping - as close as possible to the event
- Emptying of bins – also as close as possible to the event

Attending to these items enables the Committee to successfully host the event each year as per the Community Plan.

Council Officers will also request SAPOL direct that persons taking part in the ‘Barossa Christmas Parade’ on the above roads be exempted from all Australian Road Rules relating to pedestrian behaviour on roads.

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS
Community Plan

- Community and Culture
- Health and Wellbeing
Business and Employment

2.1 Initiate and support activities which encourage participation and pride in the Barossa Council area.
2.6 Support a vibrant and growing arts, cultural, heritage and events sector.
4.2 Create opportunities for people of all ages and abilities to participate in the community.
5.13 Support economic development through events.

Legislative Requirements
Local Government Act 1999
Road Traffic Act 1961

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

Financial and Resources -
The in-kind cost and implementation of the road closure is to be met by Council via Council’s Road Closure – Support budget.

Risk management –
Council officers deem the closure necessary as a risk mitigation strategy to maintain the safety of participants and the general public. Council staff will closely monitor the road closure and reopen the road/s as soon as practical after the conclusion of the event.

COMMUNITY CONSULTATION

The community will be advised of the proposal by public advertisements to be placed in The Herald and Leader and also via placement of the SAPOL notice on Council’s website.

7.4.1.2 PROPOSED ROAD CLOSURE – 2018 BOTT ADELAIDE HILLS RALLY B7475

MOVED Cr Angas that the Commissioner of Police be advised that The Barossa Council endorses the closure of the following road:

Starkey Road, Mount Crawford between Cricks Mill Road and Glen Devon Road

between 7.00am and 2.00pm on Sunday 23 September 2018 to stage the 2018 BOTT Adelaide Hills Rally.

Seconded Cr Milne CARRIED 2014-18/1509

PURPOSE

Ultimate Motorsport Events has applied to The Barossa Council for support as they plan the 2018 Adelaide Hills Rally on Sunday 23 September 2018.

REPORT

Background
The dates for the 2018 BOTT Adelaide Hills Rally will be from 21 – 23 September based at the Mount Barker Showgrounds and traversing the greater Adelaide Hills Region.
The BOTT Adelaide Hills Rally will be the penultimate round of the 2018 CAMS Australian Rally Championship, and the finale of the South Australian Rally Championship.

Summary and Conclusion
The Rally will require a road closure and diversion of traffic on race day and organisers have engaged Workzone Traffic Control Pty Ltd to implement and monitor the closure.

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS

Community Plan
Community and Culture
Health and Wellbeing
Business and Employment

2.1 Initiate and support activities which encourage participation and pride in the Barossa Council area.
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5.13 Support economic development through events.

Legislative Requirements
Local Government Act 1999
Road Traffic Act 1961

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

Financial and Resources -
The cost and implementation of the road closure and associated advertising is to be met by the organisers.

Risk management –
Council officers deem the closure necessary as a risk mitigation strategy to maintain the safety of participants and the general public.

COMMUNITY CONSULTATION
The community will be advised of the proposal by public advertisements to be placed in The Herald and Leader and also via placement of the SAPOL notice on Council’s website.

7.4.1.3
2018 MOUNT PLEASANT CHRISTMAS STREET PARTY
B7475 18/50748

MOVED Cr Seager that the Commissioner of Police be advised that The Barossa Council endorses the closure of:-

Melrose Street, Mount Pleasant from McGormans Road to Saleyard Road between 5.00pm and 6.00pm, and

Melrose Street, Mount Pleasant from Saleyard Road to Phillis Street between 5.00pm and 10.00pm,
on Saturday 1 December 2018 to stage the 2018 Mount Pleasant Christmas Street Party.

Seconded Cr Hurn

CARRIED 2014-18/1510

PURPOSE
Mount Pleasant Christmas Street Party Committee has applied to The Barossa Council for support as they plan the 2018 Mount Pleasant Christmas Street Party on Saturday 1 December 2018.

REPORT
Discussion
Application has been received from the Mount Pleasant Progress Association requesting Council assistance and support for the 2018 Mount Pleasant Christmas Street Party.

Organisers have requested an earlier commencement time for the closures, however, Officers maintain a 5.00pm start is appropriate to allow local traders maximum trading time on the day.

Summary and Conclusion
Council has supported this event for many years by assisting the local community to prepare and stage this event and by organising and implementing the road closures for the event.

The proposed road closure is pursuant to Section 33 of the Road Traffic Act 1961.

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Council staff will closely monitor the road closure and reopen the road/s as soon as practical after the conclusion of the event.

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7.5 DEVELOPMENT AND ENVIRONMENTAL SERVICES - DEBATE

7.5.1 DEVELOPMENT SERVICES - DEBATE

7.5.1.1 NURIOOTPA (STURT HIGHWAY SERVICE CENTRE) DEVELOPMENT PLAN AMENDMENT – AUTHORISATION FOR CONSULTATION B6245

Author: Paul Mickan, Principal Planner

MOVED Cr Milne that:

(1) The draft Nuriootpa (Sturt Highway Service Centre Development Plan Amendment) be endorsed for public and agency consultation.

(2) Noting the provisions of Clause 4.4 of Council’s Caretaker Policy public and agency consultation be undertaken following induction of the new Council after the election to be held on 10 November 2018 and receipt of a briefing on the
The Chief Executive Officer be authorised to make any necessary minor amendments to the draft Development Plan Amendment prior to public consultation.  

Seconded Cr Angas  

CARRIED 2014-18/1511

**PURPOSE**

To receive and endorse the draft Nuriootpa (Sturt Highway Service Centre) Development Plan Amendment (DPA) and to authorise public and agency consultation to commence following the induction of the new Council and receipt of a briefing on the DPA.

**REPORT**

**Background**

At its meeting on 18 July 2017 Council agreed to initiate a developer funded Development Plan amendment process to facilitate a highway service centre and associated facilities at 7 Belvidere Road, Nuriootpa (corner Sturt Highway). Council also resolved that the draft DPA be presented to Council for endorsement prior to commencing consultation (Refer Agenda Item 7.5.2.1, Resolution 2014-18/1136). A subsequent update was provided to Council at its meeting on 20 March 2018 (Refer Consensus Agenda item 4.5.4.1).

Access Planning consultants have now prepared a draft DPA document in consultation with Council staff and have co-ordinated various supporting investigations (refer to draft DPA in Attachment 1). The draft DPA document is considered to be suitable for public and agency consultation subject to minor formatting and insertion of consultation dates.

**Consultation period**

Immediate commencement of consultation would see the consultation running concurrently with a portion of the forthcoming election period. Accordingly consideration needs to be given to how this should be dealt with under Council’s Caretaker Policy.

Endorsement of the DPA for consultation is not a ‘Designated Decision’; however it is considered to have the characteristics of a ‘significant decision’ which will significantly affect the community. Under the Caretaker Policy a ‘major policy’ decision such as conducting unplanned public consultation is considered to be a significant decision, and while Council would only be endorsing the DPA for consultation and not binding the incoming Council to the proposed policy changes, the community may perceive that commencement of public consultation is an indication of overall support for the project, bar finalisation of the specific development policies. This position has been discussed with the proponent who acknowledges and understands the situation.

It is therefore recommended that Council endorse the draft document and that the Chief Executive Officer sign off on the final consultation documents on the basis that consultation only commences after the new Council has been inducted and suitably briefed on the DPA and proposed policy changes.

Following consultation a subsequent report on any public submissions and agency comments will be presented to a future Strategic Planning and Development Policy Committee or Council meeting.

**ATTACHMENTS OR OTHER SUPPORTING REFERENCES**

Attachment 1: Draft Nuriootpa (Sturt Highway Service Centre) DPA

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

Community Plan

Natural Environment and Built Heritage
Corporate Plan
1.11 Provide transparent, efficient and effective development assessment processes and regulatory activities.

Legislative Requirements
Development Act 1993
Development Regulation 2008

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

Financial
A previously endorsed Deed of Agreement provides for a contribution from the developer to cover out of pocket expenses but also provides scope for additional resources to be recovered from the developer to cover any additional or unforeseen costs and tasks.

Resource
Refer above discussion.

Risk
The Deed of Agreement and various legislative provisions ensure that Council will control the DPA process including the right to decide not to proceed with the DPA at any stage. However given the current planning reforms the potential exists for the Minister for Planning to not approve a final DPA with an associated risk of wasted staff resources. Alternatively the project could be delayed significantly if any proposed policy approach is only able to be incorporated into the forthcoming Planning and Design Code via a new and unknown ‘designated instrument’ amendment process.

COMMUNITY CONSULTATION
Consultation will take place in accordance with legislative requirements, but in addition will include direct mail to all land owners in the vicinity of the land together with a non-statutory community information session.

7.5.2 ENVIRONMENTAL SERVICES - DEBATE
Nil

7.5.3 HEALTH SERVICES - DEBATE
Nil

7.5.4 REGULATORY SERVICES - DEBATE
Nil

7.5.5. WASTE SERVICES REPORT - DEBATE

7.5.5.1 REGIONAL WASTE MANAGEMENT STRATEGY
B7212

MOVED Cr Boothby that Council endorse the Regional Waste Management Strategy. CARRIED 2014-18/1512

PURPOSE
To provide Council with a draft Regional Waste Management Strategy prepared by the Waste Management Working Group.

REPORT

Background
In 2017, Council considered a number of reports regarding the future management of waste. After community consultation on the proposed collection service options, Council resolved to maintain services essentially the same.

Introduction

The Barossa Council 18/56107  Minutes of Council Meeting held on Tuesday 21 August 2018
In considering the options, Council resolved to have administration prepare a high level waste education strategy in support of the new waste management contract.

Following discussion with the partnering Councils (Adelaide Plains, Barossa, Gawler, Light Regional, and Mid Murray), it was agreed that a Regional Waste Management Strategy would be prepared that will address a range of waste streams (ie soft plastics, hard waste, E-waste).

Given the regional collaboration, it was felt that the initially proposed waste education strategy could be incorporated as a key element in the regional strategy.

Discussion
The Regional Waste Management Strategy seeks to promote the benefits of recycling as a means of reducing waste to land fill and reducing the financial cost of waste management for the community.

A copy of the draft Regional Waste Management Strategy is provided in Attachment 1.

Education is seen as a critical tool for changing behaviour, which aims to facilitate better usage of the services provided by the Councils.

It is acknowledge that education takes many forms, hence the strategy is not prescriptive in nature, noting that education needs to be tailored for the specific audiences being targeted (ie school children, parents, community groups).

The draft strategy delivers on an action in the Barossa, Light and Lower Northern Region Public Health and Wellbeing Plan, in particular the action under Commitment 8.3:

Implement a regional strategy for waste management and recycling.

The Barossa Regional Procurement Group is seeking to identify opportunities to work across the four councils that are a part of the new waste management contract, and the Town of Gawler (member council of the Northern Adelaide Waste Management Authority).

There are identified opportunities to collaborate on addressing other waste streams.

Summary and Conclusion
A draft Regional Waste Management Strategy has been prepared in support of the new waste management contract and management of other waste streams.

The Regional Waste Management Strategy is to be considered by all councils when initiating activities associated with waste management.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES
Attachment 1: Regional Waste Management Strategy

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
There are no immediate costs associated with the adoption of the regional strategy. The working group will seek to identify projects each year that may require a budget allocation for delivery.

Council has already provided funds to address e-waste and hard waste pilot projects. Depending on the success of these pilots, further budget allocation may be required.

Resources
Council had endorsed budget allocation for a part time Waste Management Officer to oversee management of waste programs. The officer will have responsibility for overseeing implementation of the actions within the strategy.

Risk Management
Council has set itself targets for waste and recycling – 46% of waste recycled greater that the state rural average, and 54% of waste disposal to landfill less than the state average.

To meet the targets, Council has opted to focus on community education to encourage the adoption of positive waste behaviours, in favour of altering the waste service levels provided as part of the kerbside collection.

During the life of the new waste management contract, reporting will be put in place to measure Council’s performance in meeting the stated targets, and whether the education strategy has been effective to deliver behaviour change.

COMMUNITY CONSULTATION
Nil

7.5.5.2
WASTE MANAGEMENT SERVICE POLICY – AMENDMENT
B6242

MOVED Cr Boothby that Council endorses the Waste Management Services Policy as amended.
Seconded Cr Seager

CARRIED 2014-18/1513

PURPOSE
To inform Council of the proposed amendment to the Waste Management Service Policy.

REPORT
Background
In May, Council considered and adopted the new Waste Management Service Policy.

Introduction
As outlined in the Policy, council’s collection service is divided into three categories, with each entitled to the services listed in the table below.

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<tr>
<th>Waste to Landfill</th>
<th>Recyclable</th>
<th>Green Organic</th>
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<tr>
<td>(Red Bin)</td>
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<td>Township</td>
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<td>Commercial</td>
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Discussion
Council opted for the Green Organic Service to remain a voluntary service. Consequently the service has been restricted to households located within townships, as there is a greater concentration of ratepayers to ensure a viable service.
Since commencement of the new contract, Council Administration has been approached by food and beverage premises inquiring into the green organic service.

As these premises are predominately located within townships, it is considered appropriate that they have access to the service. These operators may not benefit from paying for a private commercial waste service. By allowing them to access the kerbside collection service will improve the rate of waste diverted from landfill.

Following discussion with Members at the conclusion of last Council meeting, we are allowing these premises to access the service, but are now seeking to formally amend the policy.

The amendments are listed below.

Amendment 1
Clause 4.5.1: Amend table.

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<td>Commercial</td>
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Amendment 2
Clause 4.5.8: Add after last dot point.
- An option to opt into a fortnightly collection service for Green Organics Recycling (240L Green Bin) within the townships of Nuriootpa, Tanunda, Angaston, Lyndoch, Williamstown, Springton, and Mount Pleasant.

Summary and Conclusion
An amendment to the Waste Management Services Policy is proposed to allow commercial premises within the Designated Waste Collection Area to access the Green Organic Service.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES
Nil

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
Nil
Risk Management
Nil

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COMMUNITY CONSULTATION
Nil

8. CONFIDENTIAL MATTER – 10.10AM

8.1 CHIEF EXECUTIVE OFFICER – CONFIDENTIAL

8.1.1 STRATEGIC LAND PURCHASE UPDATE
The matter of the agenda item being the update on negotiations to undertake a strategic land purchase from a landowner could reasonably be expected to commercially disadvantage negotiations should it be made public and put at risk the ability to conclude a successful commercial and community outcome by Council. Therefore pursuant to Section 90(3)(b) of the Local Government Act 1999 (“the Act”) being information that disclosure of which:

i) could reasonably be expected to confer a commercial advantage on a person with whom the Council is conducting, or proposing to conduct, business, or to prejudice the commercial position of the Council; and

ii) would, on balance, be contrary to the public interest.

There is strong public interest in enabling members of the public to observe Council’s transparent and informed decision-making. This helps to ensure accountability, maintain transparency of public expenditure, facilitate public participation, assist public awareness and allow for the scrutiny of information. Attendance at a Council meeting is one means of satisfying this interest. The public will only be excluded from a Council meeting when the need for confidentiality pursuant to Section 90(2) of the Act outweighs the public interest of open decision-making.

In this matter, the reasons that receipt, consideration or discussion of the information or matter in a meeting open to the public would be contrary to the public interest are that it would disclose the commercial pricing and offer position of Council and this would give an unfair advantage to a person with whom the Council proposes to do business.

On balance, the above reasons which support the need for confidentiality pursuant to Section 90(2) of the Act outweighs the factors in favour of the public interest of open decision-making.

MOVED Cr Harris that Council:

(1) Under the provisions of Section 90(2) of the Local Government Act 1999, make an order that the public be excluded from the meeting with the exception of the Chief Executive Officer, Director Corporate and Community Services, Director Development and Environmental Services, Director Works and Engineering, and the Minute Secretary, in order to consider in confidence a report relating to Section 90(3)(b) of the Local Government Act 1999, relating to agenda item 8.1.1 Strategic Land Purchase being information that must be considered in confidence in order to ensure that the Council does not disclose information that i) could reasonably be expected to confer a commercial advantage on a person with whom the Council is conducting, or proposing to conduct, business, or to prejudice the commercial position of the Council; and ii) would, on balance, be contrary to the public interest; and

(2) Accordingly, on this basis, Council is satisfied that public interest in conducting meetings in a place open to the public has been outweighed by the need to keep the information and discussion confidential to ensure that disclosure of commercial pricing and the offer position of Council would not give rise to an unfair advantage to a person with whom Council proposes to do business.

Seconded Cr Hurn

CARRIED 2014-18/1514

RESUMPTION OF OPEN COUNCIL MEETING – 10.14AM
The open meeting of Council resumed at 10.14am.
In the matter 8.1.1 - Strategic Land Purchase Update:

MOVED Cr Lange that Council, having noted the update on the resolution of Council at its’ special meeting dated 17 October 2017 and reviewed this report, resolve as follows:

1. Confidential resolution.
2. Confidential resolution.
3. Confidential resolution.
4. Confidential resolution.
5. Confidential resolution.
6. Confidential resolution.
7. Confidential resolution.
8. Having considered this matter in confidence under Section 90(2) of the Local Government Act 1999 in accordance with Section 90(3)(b)(i) and (ii) of the Act, makes an order pursuant to Section 91(7) of the Act, that the report, attachments, analysis and minutes other than the minutes relating to this confidentiality order of the Confidential Council Meeting held on 21 August 2018 in relation to item 8.1.1 Strategic Land Purchase Proposal - Update be kept confidential and not available for public inspection (noting the Chief Executive Officer will release information on a confidential basis to relevant parties including the landowner and legal and other support as necessary) until the recommendations contained herein are resolved and any resulting transactions are fully concluded and authorises the Chief Executive Officer to review and revoke the order subject to ensuring compliance with Section 91(8)(c) of the Local Government Act.

Seconded Cr Harris

CARRIED CO2014/18-81

8.2 CORPORATE AND COMMUNITY SERVICES – CONFIDENTIAL MATTER – 10.14AM

8.2.1 MANAGER COMMUNITY PROJECTS – CONFIDENTIAL

8.2.1 BAROSSA AQUATIC AND FITNESS CENTRE AND NURIOOTPA WAR MEMORIAL SWIMMING POOL – TENDER FOR PROFESSIONAL MANAGEMENT SERVICES

The matter of the agenda item being a tender for the provision of services 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.
In accordance with S120(2) of the Local Government Act, Mrs Joanne Thomas, Director Corporate and Community Services disclosed a conflict of interest in the matter 8.2.1 Barossa Aquatic and Fitness Centre and Nuriootpa War Memorial Swimming Pool – Tender for Professional Management Services in accordance with S120(6)(g) as a relative is an employee of a party with an interest in the matter as per S120(5).

Mrs Thomas advised Council of the conflict of interest and left the meeting at 10.14am.

**MOVED** Cr Boothby 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 Development and Environmental Services, Director Works and Engineering Services, Manager Community Projects 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 Barossa Aquatic and Fitness Centre and Nuriootpa War Memorial Swimming Pool – Tender for Professional Management Services 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 Milne

CARRIED 2014-18/1515

Pursuant to S75 of the Local Government Act 1999 Cr Boothby disclosed a conflict of interest in the matter 8.2.1 Barossa Aquatic And Fitness Centre And Nuriootpa War Memorial Swimming Pool – Tender For Professional Management Services as she has been listed as a referee by a tenderer.

Cr Boothby advised Council of the conflict of interest and left the meeting at 10.15am.

**RESUMPTION OF OPEN COUNCIL MEETING – 10.17AM**

The open meeting of Council resumed at 10.17am.

In the matter 8.2.1 – Barossa Aquatic and Fitness Centre and Nuriootpa War memorial Swimming Pool – Tender for Professional Management Services:

**MOVED** Cr Milne that Council

(1) Approve the recommendation that the tender be approved and Belgravia Health and Leisure Group Pty Ltd be awarded the contract for the provision of Management Services at the Barossa Aquatic and Fitness Centre, and the Nuriootpa War Memorial Swimming Pool as they represent the best value for money for the services required.

(2) Authorise the CEO to enter into the contract with Belgravia Health and Leisure Group Pty Ltd for the provision of Management Services at the Barossa Aquatic and Fitness Centre, and the Nuriootpa War Memorial Swimming Pool for the value of $201,000 per annum indexed in accordance with the contract, for a term of 5 years plus a 5 year renewal.
(3) Confidential resolution.

(4) Having considered this matter in confidence under Section 90(2) of the Local Government Act 1999, makes an order pursuant to Section 91(7), that the minutes, agenda report and all attachments and associated documents in relation to Confidential Council meeting held on 21 August 2018 in relation to item 8.2.1 and titled “Barossa Aquatic and Fitness Centre and Nuriootpa War Memorial Swimming Pool – Tender for Professional Management Services”, other than the Minutes relating to this confidentiality order, be kept confidential and not available for public inspection for the duration of the contract and authorises the Chief Executive Officer to review and revoke the order;

(5) In accordance with Section 91(8)(b) and 91(8)(ba) of the Local Government Act the Chief Executive Officer is authorised to release the necessary information on the identity of the successful tenderer and the reason for the awarding of the contract.

Seconded Cr Lange  CARRIED CO2014/18-82

Cr Boothby and Mrs Thomas returned to the meeting at 10.17am.

9. REPRESENTATIVES ON COUNCIL COMMITTEES - REPORTS

Nil

10. OTHER BUSINESS

10.1 LEAVE OF ABSENCE REQUEST – CR MILNE

MOVED Cr Lange that Cr Milne be granted Leave of Absence from Friday 7 September 2018 to Monday 24 September 2018 inclusive.

Seconded Cr Grossman  CARRIED 2014-18/1516

11. NEXT MEETING

Tuesday 18 September 2018 at 9.00am

12. CLOSURE OF MEETING

Mayor Sloane declared the meeting closed at 10.22am.

Confirmed at Council Meeting – Tuesday 18 September 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 21 August 2018 commencing at 10.10am

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

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

LEAVE OF ABSENCE
Nil

APOLOGIES
Cr David de Vries

8.1. CONFIDENTIAL AGENDA – CHIEF EXECUTIVE OFFICER

8.1.1 STRATEGIC LAND PURCHASE PROPOSAL - UPDATE
B5431 and B3907

MOVED Cr Lange that Council, having noted the update on the resolution of
Council at its special meeting dated 17 October 2017 and reviewed this report,
resolve as follows:

(1) Instruct the Chief Executive Officer to continue to enter into negotiations
for the purchase of land being allotment 744 certificate of title 6101/50 in
deposited plan 89654 in the Hundred of Barossa.

(2) Approve the Chief Executive Officer to act in all things in this matter and
enter into an offer and sales document or other necessary document if
negotiations are successful seeking at least a three month settlement.

(3) Authorise the Chief Executive Officer to offer up to $500,000 for the
purchase of the land outlined in 1 above.

(4) Authorise the Chief Executive Officer, if the purchase of the land outlined
in 1 above is successful, to offer to the market a lease for a period of 1-3
years to operate the vineyard at no cost and no risk or return to Council
whereby the option is only excisable by Council.
(5) Pursuant to Section 193 (4) of the Local Government Act exclude the land being allotment 744 certificate of title 6101/50 in deposited plan 89654 in the Hundred of Barossa from Community Land status, should the land be successfully purchased.

(6) Authorise a budget adjustment of $525,000 to the 2018-19 budget for the purposes of purchasing the land and costs associated with settlement.

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

(8) Having considered this matter in confidence under Section 90(2) of the Local Government Act 1999 in accordance with Section 90(3)(b)(i) and (ii) of the Act, makes an order pursuant to Section 91(7) of the Act, that the report, attachments, analysis and minutes other than the minutes relating to this confidentiality order of the Confidential Council Meeting held on 21 August 2018 in relation to item 8.1.1 Strategic Land Purchase Proposal - Update be kept confidential and not available for public inspection (noting the Chief Executive Officer will release information on a confidential basis to relevant parties including the landowner and legal and other support as necessary) until the recommendations contained herein are resolved and any resulting transactions are fully concluded and authorises the Chief Executive Officer to review and revoke the order subject to ensuring compliance with Section 91(8)(c) of the Local Government Act.

Seconded Cr Harris

CARRIED CO2014/18-81

CLOSURE OF CONFIDENTIAL MEETING
There being no further business the confidential meeting closed at 10.14am.

Confirmed at Council meeting Tuesday 18 September 2018

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

CONFIDENTIAL MINUTES
OF THE SPECIAL MEETING OF THE BAROSSA COUNCIL
held pursuant to the provisions of Section 90(2) of the Local Government Act 1999 on
Tuesday 21 August 2018 commencing at 10.15am

MEMBERS PRESENT
Mayor Bob Sloane, Deputy Mayor Michael (Bim) Lange, John Angas, Margaret Harris, Mark Grossman, Scotty Milne, Christopher Harms, Richard Miller, Michael Seager and Tony Hurn

OFFICERS PRESENT
Mr Martin McCarthy, Chief Executive Officer, Mr Matt Elding, Director Works and Engineering, Mr Gary Mavrinac, Director Development and Environmental Services, Ms Rebecca Tappert, Manager Community Projects and Ms Lorraine Walsh, Executive Assistant

LEAVE OF ABSENCE
Nil

APOLOGIES
Cr David de Vries

Cr Boothby was not present at his meeting having disclosed a conflict of interest in the matter.

8.2 MANAGER COMMUNITY PROJECTS - CONFIDENTIAL

8.2.1 BAROSSA AQUATIC AND FITNESS CENTRE AND NURIOOTPA WAR MEMORIAL SWIMMING POOL – TENDER FOR PROFESSIONAL MANAGEMENT SERVICES
18/11084

MOVED Cr Milne that Council

(1) Approve the recommendation that the tender be approved and Belgravia Health and Leisure Group Pty Ltd be awarded the contract for the provision of Management Services at the Barossa Aquatic and Fitness Centre, and the Nuriootpa War Memorial Swimming Pool as they represent the best value for money for the services required.

(2) Authorise the CEO to enter into the contract with Belgravia Health and Leisure Group Pty Ltd for the provision of Management Services at the Barossa Aquatic and Fitness Centre, and the Nuriootpa War Memorial Swimming Pool for the value of $201,000 per annum indexed in accordance with the contract, for a term of 5 years plus a 5 year renewal.

(3) Items 1, 2, 4 and 5 released - Item 3 retained in confidence
(4) Having considered this matter in confidence under Section 90(2) of the Local Government Act 1999, makes an order pursuant to Section 91(7), that the minutes, agenda report and all attachments and associated documents in relation to Confidential Council meeting held on 21 August 2018 in relation to item 8.2.1 and titled “Barossa Aquatic and Fitness Centre and Nuriootpa War Memorial Swimming Pool – Tender for Professional Management Services”, other than the Minutes relating to this confidentiality order, be kept confidential and not available for public inspection for the duration of the contract and authorises the Chief Executive Officer to review and revoke the order;

(5) In accordance with Section 91(8)(b) and 91(8)(ba) of the Local Government Act the Chief Executive Officer is authorised to release the necessary information on the identity of the successful tenderer and the reason for the awarding of the contract.

Seconded Cr Lange  CARRIED CO2014/18-82

CLOSURE OF CONFIDENTIAL MEETING

There being no further business the confidential meeting closed at 10.17am.

Confirmed at Council meeting Tuesday 18 September 2018

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

Items 1, 2, 4 and 5 released - Item 3 retained in confidence