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, David de Vries, John Angas, Richard Miller, Christopher Harms, Tony Hurn, Mark Grossman, Leonie Boothby, Scotty Milne and Michael Seager

1.3 LEAVE OF ABSENCE
Nil

1.4 APOLOGIES
Nil

1.5 MINUTES OF PREVIOUS COUNCIL MEETINGS

- **MOVED** Cr Grossman that the Minutes of the Council meeting held on Tuesday 18 September at 9.00am, as circulated, be confirmed as a true and correct record of the proceedings of that meeting.
  - **Seconded** Cr Seager
  - **CARRIED 2014-18/1551**

- **MOVED** Cr Lange that the Minutes of the Special Council meeting held on Tuesday 18 September 2018 at 9.05am, as circulated, be confirmed as a true and correct record of the proceedings of that meeting.
  - **Seconded** Cr Miller
  - **CARRIED 2014-18/1552**

- **MOVED** Cr Harris that the Minutes of the Special Confidential Council meeting held on Tuesday 18 September 2018 at 9.05am, as circulated, be confirmed as a true and correct record of the proceedings of that meeting.
  - **Seconded** Cr de Vries
  - **CARRIED 2014-18/1553**

- **MOVED** Cr Harms that the Minutes of the Confidential Council meeting held on Tuesday 18 September 2018 at 9.47am, as circulated, be confirmed as a true and correct record of the proceedings of that meeting.
  - **Seconded** Cr de Vries
  - **CARRIED 2014-18/1554**

1.6 MATTERS ARISING FROM PREVIOUS COUNCIL MEETING
Nil

1.7 NOTICE OF MOTION
Nil
1.8 QUESTIONS ON NOTICE
Nil

2. MAYOR

2.1 MAYOR’S REPORT

MOVED Cr de Vries that the Mayor’s report be received.
Seconded Cr Hurn  CARRIED 2014-18/1555

3. COUNCILLOR REPORTS
Nil

4. CONSENSUS AGENDA
Cr Lange – 4.5.1.1 – Development Services Report – Mount Lofty ranges Agrarian Landscape World Heritage Site Listing Project – Annual Report and Update Report

5. ADOPTION OF CONSENSUS AGENDA

5.1 ITEMS FOR EXCLUSION FROM THE CONSENSUS AGENDA
Nil

5.2 RECEIPT OF CONSENSUS AGENDA

MOVED Cr Miller that the information items contained in the Consensus Agenda with the exception of 4.5.1.1 - Mount Lofty Ranges Agrarian Landscape World Heritage Site Listing Project – Annual Report and Update Report be received and that any recommendations contained therein be adopted.
Seconded Cr Harris  CARRIED 2014-18/1556

5.3 DEBATE OF ITEMS EXCLUDED FROM THE CONSENSUS AGENDA

4.5.1.1
MOUNT LOFTY RANGES AGRARIAN LANDSCAPE WORLD HERITAGE SITE LISTING PROJECT – ANNUAL REPORT AND UPDATE REPORT

Cr Lange asked why the nomination of the Mount Lofty Ranges Agrarian Landscape World heritage Site Listing project had not been included in the list for assessment by the Australian Heritage Council and if the project would be re-nominated for consideration.

Mr Gary Mavrinac, Director Development and Environmental Services advised that he would seek an answer as to why the project was not included in the list for assessment and that he will confirm if the project would be re-nomining.

MOVED Cr Lange that the report item 4.5.1.1 be received.
Seconded Cr Angas  CARRIED 2014-18/1557

A Report advising of the work undertaken in respect to the World Heritage listing of the Mount Lofty Ranges Agrarian Landscape for the period May 2017 to April 2018 is included in Attachment 1.

An Update Report was presented to Council at its meeting on 15 August 2017 (refer Consensus Agenda Item 4.5.3.1) when it was reported that the Minister for the Environment and Energy, the Hon Josh Freydenberg MP, had not included the nomination on the list of new places for the Australian Heritage Council (AHC) to assess in the 2017-18 assessment period.
The nomination was automatically reconsidered for the 2018-19 period, but unfortunately the Minister did not prioritise the nomination for assessment. Accordingly the nomination has lapsed. As noted in the letter in Attachment 2 the decision does not preclude either the Australian Heritage Council itself from proposing the nomination for future proposed assessment lists, or the Project Bid consortium from re-nominating.

Good progress has been made on obtaining State Government support with Project Team members working in the background with Department of Water and Environment (DEW) in this regard.

6. **VISITORS TO THE MEETING / ADJOURNMENT OF MEETING**

6.1 **VISITORS TO THE MEETING**
Nil

6.2 **ADJOURNMENT OF COUNCIL MEETING**
Nil

7. **DEBATE AGENDA**

7.1 **MAYOR**
Nil

7.2 **EXECUTIVE SERVICES – DEBATE**

7.2.1 **CHIEF EXECUTIVE OFFICER – DEBATE**

7.2.1.1 **ANNUAL CLOSURES OF COUNCIL OFFICES, LIBRARIES, BAROSSA VISITOR CENTRE AND COUNCIL DEPOTS OVER CHRISTMAS/NEW YEAR PERIOD**

**B7484**

**MOVED** Cr Milne that Council:

(1) Endorses the operations of Council in accordance with the table (in the body of the report) over the 2018/19 Christmas/New Year period noting that the relevant services will be closed during the outlined periods but that arrangements for urgent, emergency and other after hours support will be in place and that all services shall reopen with normal operating hours on Wednesday 2 January 2019, and;

(2) Instructs the Chief Executive Officer to publish the amended operating hours in the local papers and relevant Council Facebook sites and on the website.

**Seconded** Cr Hurn **CARRIED 2014-18/1558**

**PURPOSE**

Each year Council endorses closure dates for the Nuriootpa Office, Nuriootpa Library and Branch Office/Libraries, Barossa Visitor Centre and Council Depots over the Christmas/New Year period.

**REPORT**

In accordance with Council past policy position, Council operates basic services and closes relevant offices between Christmas and New Year, with staff taking accrued leave during this period.

*The Barossa Council 18/68731  Minutes of Council Meeting held on Tuesday 16 October 2018*
### Council Operations – Daily Service Provision:

<table>
<thead>
<tr>
<th>Day</th>
<th>Nuriootpa Office</th>
<th>Nuriootpa Library</th>
<th>Tanunda Library</th>
<th>Angaston, Lyndoch &amp; Mt Pleasant Library / Office</th>
<th>Works Depots (Closing 12noon 21 December)</th>
<th>Barossa Visitor Centre</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Friday 21/12/18</strong></td>
<td>Open as per normal hours</td>
<td>Open as per normal hours</td>
<td>Open as per normal hours</td>
<td>Open as per normal hours</td>
<td>Close at 12noon Emergencies &amp; Essential Maintenance - Out of Hours Services provided</td>
<td>Open as per normal hours</td>
</tr>
<tr>
<td><strong>Monday 24/12/18</strong></td>
<td>Close at 3pm Out of Hours Services provided</td>
<td>Close at 3pm</td>
<td>Close at 2.30pm</td>
<td>Close at 2.30pm</td>
<td>Emergencies &amp; Essential Maintenance - Out of Hours Services provided</td>
<td>Close at 2.30pm</td>
</tr>
<tr>
<td><strong>Tuesday 25/12/18</strong></td>
<td>Christmas Day Closed</td>
<td>Christmas Day Closed</td>
<td>Christmas Day Closed</td>
<td>Christmas Day Closed</td>
<td>Christmas Day Closed</td>
<td>Christmas Day Closed</td>
</tr>
<tr>
<td><strong>Wednesday 26/12/18</strong></td>
<td>Out of Hours Services provided</td>
<td>Closed</td>
<td>Open 10am – 4pm</td>
<td>Closed</td>
<td>Emergencies &amp; Essential Maintenance - Out of Hours Services provided</td>
<td>Open 10am – 4pm</td>
</tr>
<tr>
<td><strong>Thursday 27/12/18</strong></td>
<td>Out of Hours Services provided</td>
<td>Open 9am – 6pm</td>
<td>Open 9am – 5pm</td>
<td>Out of Hours Services provided</td>
<td>Emergencies &amp; Essential Maintenance - Out of Hours Services provided</td>
<td>Open 9am – 5pm</td>
</tr>
<tr>
<td><strong>Friday, 28/12/18</strong></td>
<td>Out of Hours Services provided</td>
<td>Open 9am – 5pm</td>
<td>Open 9am – 5pm</td>
<td>Angaston Open 1pm to 5pm Lyndoch Open 9am – 12.30pm and 1.30pm-5pm Mt Pleasant Open 9am – 12.30pm and 1.30pm-5pm</td>
<td>Emergencies &amp; Essential Maintenance - Out of Hours Services provided</td>
<td>Open 9am – 5pm</td>
</tr>
<tr>
<td><strong>Saturday 29/12/18</strong></td>
<td>Out of Hours Services provided</td>
<td>Open 9am – 12noon</td>
<td>Open 9am – 12noon</td>
<td>Lyndoch Open 9am- 12noon Angaston and Mt Pleasant Closed</td>
<td>Emergencies &amp; Essential Maintenance - Out of Hours Services provided</td>
<td>Open 9am – 4pm</td>
</tr>
<tr>
<td><strong>Sunday 30/12/18</strong></td>
<td>Out of Hours Services provided</td>
<td>Open 12noon – 3pm</td>
<td>Closed</td>
<td>Closed</td>
<td>Emergencies &amp; Essential Maintenance - Out of Hours Services provided</td>
<td>Open 10am – 4pm</td>
</tr>
</tbody>
</table>
COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS

Corporate Plan

6.6 Define and deliver on agreed Customer Service Standards for Council service delivery.
6.9 Provide access to Council’s plans, policies and processes and communicate with the community in plain English.
6.10 Embed a culture of continuous improvement across Council, with tools, processes and systems being used to achieve business efficiencies and customer service improvements.

Legislative Requirements
Local Government Act 1999

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

Financial and Resource
Resources will be maintained to ensure continuity of services for Council’s Barossa Visitor Centre, Libraries and Council Depot services. The resources required for the existing service levels during the Christmas to New Year period are within the adopted budget. Any significant events that Council needs to respond to and provide support, resources and rectify any assets, will be reported to Council as per previous incidents/events.

Risk Management
Council provides services on standby as required for essential services, ensuring any risk issues are considered as appropriate for each service provided.

COMMUNITY CONSULTATION
Appropriate notices will be published in the local papers advising of the closures together with notices on Council’s website, message on hold and Council noticeboards.
MOVED Cr de Vries

Council having received and considered:

(i) the independent external party review report and attachments, which was provided to officers on 5 October 2018 by the external reviewer, Felice D'Agostino of Norman Waterhouse Lawyers as regards 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;

(ii) the Agenda and associated Minutes relating to Agenda item 2.1.2 of the Special Council meeting of 27 June 2018, being the Chief Executive Officer Report titled 'Barossa Culture Hub – Outcome of Community Engagement Process' and all attachments;

(iii) the Agenda and associated minutes relating to agenda item 2.1.2 of the Special Council meeting of 26 April 2018, being the Chief Executive Officer Report titled 'Barossa Regional Culture Hub – Draft Master Plan' and all attachments;

and Council having given due consideration to whether the original decision of 27 June 2018 was legally procedurally and meritoriously correct;

(1a) that being satisfied that the decision of 27 June 2018 was legally, procedurally and meritoriously correct, Council determines that the decision was the best and/or preferable decision, and reaffirms its decision of 27 June 2018, the decision being:

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.
Council is asked to receive and consider the report and recommendation given by Ms Felice D’Agostino or Norman Waterhouse Lawyers in her external party review report entitled ‘The Barossa Council - Section 270 Final Report – Matter of the Barossa Regional Culture Hub’, which was provided by the external reviewer to officers on 5 October 2018 as regards 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.

On 12 July 2018, Council administration received a request from applicant, Ms Helen Szuty, to conduct an internal review of this decision, exercising her right to do so under Council’s Internal Review of Council Decision Process (“the Process”).

Internal review of a Council decision enables Council to reconsider all the evidence relied on to make the original decision, and additional available evidence if relevant.

On 21 August 2018, in accordance with Council’s Process, Council appointed an independent external party, Ms Felice D’Agostino of Norman Waterhouse Lawyers to conduct the internal review of this decision.

Introduction
Ms D’Agostino has finalised her investigation, and subsequently her report and recommendations are presented here for Council’s consideration.
In accordance with Council’s Process at clause 4.6.5, an external reviewer cannot vary or revoke a decision made by or on behalf of Council. They must report their recommendation(s) for the internal review to the Elected Body for a determination as to whether the relevant decision should be affirmed, varied or revoked.

Discussion
According to clause 4.6 of Council’s Process, Ms D’Agostino has considered the merits of all the materials and information that were before the Council at the time of the decision of 27 June 2018 and any additional relevant information or material provided by the applicant or which has become available during the course of the review.

Ms D’Agostino considered whether the original decision of 27 June 2018 was legally, procedurally and meritoriously correct having regard to the following, that Council:

- 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 exercise a discretion or power in bad faith, for an improper purpose or while subject to duress or the influence of another person;
- had no conflict of interest, bias or perceived bias;
- ensured that the findings of fact were based on evidence;
- considered any relevant legislation, policies or processes;

and that the decision was reasonable in all the circumstances.

She also considered whether a different decision based on the evidence available or new evidence provided or found provides an improved outcome.

Procedural fairness was observed throughout this review so that the applicant was given an opportunity to put forward information and materials in support of the application for review, informed of the proposed outcome of the review, and had the opportunity to make further submission to Ms D’Agostino on the outcome and have any further matters raised taken into account.

After carefully considering Ms D’Agostino’s report and recommendation(s), and giving due consideration to all the evidence relied on to make the original decision and any additional available evidence if relevant, the Elected Body must make a decision to affirm, vary or revoke its decision of 27 June 2018.

Following Council’s decision, further appeal rights remain available to the Ombudsman SA should the applicant wish to escalate her concerns.

Summary and Conclusion
The Council is asked to consider Ms D’Agostino’s external party review Report and recommendation(s) and either affirm, vary or revoke its decision of 27 June 2018.

**ATTACHMENTS OR OTHER SUPPORTING REFERENCES**

**Attachment 1:** the independent external party review report and attachments prepared by the external reviewer, Ms Felice D’Agostino or Norman Waterhouse Lawyers, entitled ‘The Barossa Council - Section 270 Final Report – Matter of the Barossa Regional Culture Hub’, which was provided by the external reviewer to officers on 5 October 2018, as regards Council’s decision of 27 June 2018

**Attachment 2:** the agenda and associated minutes relating to agenda item 2.1.2 of the Special Council meeting of 27 June 2018, being the Chief Executive Officer Report titled ‘Barossa Culture Hub – Outcome of Community Engagement Process’ and all attachments

**Attachment 3:** the agenda and associated minutes relating to agenda item 2.1.2 of the Special Council meeting of 26 April 2018, being the Chief Executive Officer Report titled ‘Barossa Regional Culture Hub – Draft Master Plan’ and all attachments

**Attachment 4:** Section 270 Internal Review Assessment of Resources
COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS

How We Work – Good Governance

Corporate Plan
Community and Culture:
2.3 Support and promote community involvement and networks and provide opportunities for participation in local decision making.

Good Governance:
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

Risk is mitigated by complying with Section 270 of the Local Government Act and the provisions of Council’s Internal Review of Council Decision Policy and Process.

Pursuant to Council’s decision of 21 August 2018 to engage an external reviewer to review its decision of 27 June 2018, a total cost of $3,987.94 has accrued. A breakdown of costs is included as Attachment 4 of this report. A budget adjustment is $3,987.94 is required to cover the total cost of the internal review.

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).

7.2.1.3

AUTHORISATION UNDER THE ROAD TRAFFIC ACT 1961

Author: Governance Advisor

MOVED Cr Lange that:

(1) Council, in accordance with the Instrument of General Approval and Delegation to Council dated 22 August 2013 from the Minister for Transport and Infrastructure (the “Instrument”), authorises the following persons pursuant to Clause A.7 of the Instrument to endorse Traffic Impact Statements for the purpose of Clause A of the Instrument provided that such persons shall take into account the matters specified in Clause A.7 of the Instrument in respect of Traffic Impact Statements:

Matthew Elding
Steven Kaesler
Amir Eskandari
Council, in accordance with Clause A.7 of the Instrument, is of the opinion that the following persons are experienced traffic engineering practitioners for the purposes of preparing a Traffic Impact Statement as required by Clause A.7 of the Instrument:

- Matthew Elding
- Steven Kaesler
- Amir Eskandari

Council, in accordance with Clause E.2 of the Instrument, is of the opinion that the following persons have an appropriate level of knowledge and expertise in the preparation of traffic management plans:

- Matthew Elding
- Steven Kaesler
- Amir Eskandari

Seconded Cr de Vries  
CARRIED 2014-18/1560

PURPOSE

Pursuant to the Minister for Transport and Infrastructure’s Instrument of General Approval and Delegation to Council (the “Instrument”), a copy of which is attached as Attachment 1, Council is asked to approve the names of officers who are experienced traffic practitioners who can prepare and endorse:

- Traffic Impact Statements when dealing with Traffic Control Devices (see highlighted section on pages 2 and 3 of the Instrument); and
- Traffic Management Plans when dealing with Traffic Control Devices for Events (see highlighted section on page 7 of the Instrument).

A change in staffing now requires an updated appointment schedule for Council endorsement.

REPORT

Background

Pursuant to Sections 11 and 12 of the Road Traffic Act 1961 (the “Act”), the Minister may provide approval for, or, delegate any of the powers or functions under the Act that have been assigned to the Minister, to a council.

Introduction

On 22 August 2013, pursuant to Sections 11 and 12 of the Act, the Minister for Transport and Infrastructure issued an Instrument of General Approval and Delegation to Council (“the Instrument”), contained in Attachment 1 which empowers councils to use traffic control devices, close roads and grant exemptions for events.

The Instrument specifically empowers Council’s Chief Executive Officer to authorise council employees to exercise powers regarding:

- Traffic Control Devices;
- Speed limits at works on roads;
- Traffic Control Devices on roads;
- Temporary Parking Controls;
- Traffic Control Devices for events; and
- Grant approval to another road authority for the above actions.

Pursuant to Clauses A.7 and E.2 of the Instrument, officers preparing and endorsing Traffic Impact Statements and Traffic Management Plans must be authorised by Council to do so and, must, in Council’s opinion:

- be experienced traffic engineering practitioners (see highlighted section on pages 2 and 3 of the Instrument); and
- have an appropriate level of knowledge and expertise in the preparation of Traffic Management Plans (see highlighted section on page 7 of the Instrument).

Council most recently endorsed officers to be authorised under Clauses A.7 and E.2 of the Instrument on 19 July 2018.
Discussion
Following the appointment of the new Manager, Operations (Works and Engineering Services Department), Amir Eskandari, the Chief Executive Officer has reviewed the names of those officers appointed by Council on 19 July 2016 and now presents an updated list of authorised officers (the “Update List”). The list has been updated to:

1. include Mr Eskandari for Council endorsement, alongside existing officers; and
2. remove the previous Manager, Operations, Andrew Evans, who has commenced a different role in Council.

The Updated List is as follows:
- Matthew Elding: Director, Works and Engineering Services
- Steven Kaesler: Manager, Engineering Services
- Amir Eskandari: Manager, Operations

Summary and Conclusion
Council is now asked to approve the updated list of names of officers presented by the Chief Executive Officers, who are experienced traffic practitioners and who can prepare and endorse Traffic Impact Statements and Traffic Management Plans in accordance with Clauses A.7 and E.2 of the Instrument.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES
Attachment 1: Instrument of General Approval and Delegation to Council dated 22 August 2013 from the Minister for Transport and Infrastructure

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS

How We Work – Good Governance

Corporate Plan
6.2 Ensure that Council’s policy and process frameworks are based on principles of sound governance and meet legislative requirements.
6.5 Implement compliant and contemporary risk management initiatives.
6.12 Ensure that our people (workers including employees, volunteers and contractors) have the skills, resources and understanding of organisational processes to do their job.

Legislative Requirements
Sections 44 and 101 of the Local Government Act 1999
Sections 11 and 12 of the Road Traffic Act 1961
Minister of Transport and Infrastructure’s Instrument of General Approval and Delegation to Council dated 22 August 2013

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

Financial
There are no financial considerations.

Resource
Facilitation of these authorisations to the officers will be undertaken according to officer’s existing duties, as required.

Risk Management
Risks are mitigated by the approval of appropriate authorisations which allow those who have the necessary qualifications and/or experience to undertake necessary functions on behalf of the elected Body in a compliant and efficient manner.

COMMUNITY CONSULTATION
There is no legislative requirement to consult the community in this situation, nor, in the officers’ opinions, do the particular circumstances require it as the authorisations themselves are based on prescribed LGA templates where there is no option for amendment through community feedback.
7.2.1.4
REVIEW OF CONFIDENTIALITY ORDER – STRATEGIC LAND PURCHASE PROPOSAL 2
B7321

MOVED Cr de Vries that Council being satisfied that the negotiation to purchase strategic land in Nuriootpa for the long term development of Nuriootpa Centennial Recreation Park has concluded successfully and legal arrangements are now in place for the transfer of the subject land that pursuant to Section 91 of the Local Government Act it revokes the confidential resolutions being part 9 of Council resolution of 11 September 2018 (CO 2014/18-83) and part 3 of Council resolution of 18 September 2018 (CO 2014/18-84).

Seconded Cr Lange  CARRIED 2014-18/1561

PURPOSE
There is a public interest in disclosing Council decisions, given the matter now being substantially concluded the need for the confidentiality order whilst commercial negotiations were being undertaken is no longer relevant.

REPORT

Background and Introduction.
Council at its special meeting of 11 September and special meeting of 18 September 2018 instructed that the matter of the strategic land purchase in Nuriootpa remain confidential. The confidentiality orders (CO2014/18-83 and CO2014/18-84) were in place to ensure the commercial negotiation for the purchase (price) of the land where not disclosed.

The resolutions allowed the Chief Executive Officer to review and revoke the order once transactions had been concluded. However the operation of the order needed only to cover the negotiation period.

Discussion
The period of negotiation and entering into legal arrangements that bind Council and the landowner of the subject land have now been concluded. Settlement takes place on 26 November 2018.

It is considered that the order should be amended by Council and the information released in the public interest. This can only be achieved by Council as the resolutions constrain the CEO only revoking the order once transactions are concluded.

Summary and Conclusion
The confidentiality orders of 11 September and 18 September being resolutions CO2014/18-83 and CO2014/18-84 are no longer necessary as the contractual arrangements have been concluded and the remaining transactions are simply administrative outcomes of Council’s decisions.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES
Nil

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS

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.

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

Legislative Requirements
Section 91 of the Local Government Act
FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS
Nil

COMMUNITY CONSULTATION
Nil required this is a report to release information and is by its nature administrative.

7.2.1.5 APPLICATION FOR A PERIOD OF ANNUAL LEAVE FOR CHIEF EXECUTIVE OFFICER
E1200

Pursuant to S120(1) of the Local Government Act 1999, Mr Martin McCarthy, Chief Executive Officer disclosed a conflict of interest in the matter 7.2.1.5 – Application for a Period of Annual Leave for Chief Executive Officer as the matter relates to approval of employment conditions received by him.

Mr McCarthy advised Council of the conflict of interest and left the meeting at 9.09am.

MOVED Cr Milne that Council approve the application of the Chief Executive Officer for the following annual leave period:

1. Commencing on Tuesday, 25 December 2018 and concluding on Friday, 11 January 2019 noting his first day back at work shall be Monday, 14 January 2019 and that pursuant to Section 102(b) the Chief Executive Officer shall appoint an Acting Chief Executive Officer after consulting with the newly Elected Council during this period; and

2. That all powers, delegations and duties of the Chief Executive Officer shall be extended to the Acting Chief Executive Officer who is appointed under part 1 above.

Seconded Cr Hurn CARRIED 2014-18/1562

PURPOSE
To seek authorisation for annual leave and make appropriate arrangements to appoint an acting Chief Executive Officer.

REPORT
Introduction
Leave applications for the Chief Executive Officer (CEO) that are more than 5 days are currently required to be submitted to Council for approval. With the period of leave extending greater than this the application is hereby submitted.

Discussion
I hereby request a period of annual leave which shall total a period of 14 days (with 3 public holiday) commencing on Tuesday, 25 December 2018 and concluding on Friday, 11 January 2019 noting the first day back at work shall be Monday, 14 January 2019.

Whilst the Chief Executive Officer is on leave an officer must be authorised to act in the position. Due to the impending election it is recommended that the CEO appoint an officer to act in the position once he has had time to consult with the new Council.

Summary and Conclusion
The CEO accrued and estimated annual leave entitlements at the commencement of this requested leave are 53.9 days a period of leave has been sought by the Chief Executive Officer in accordance with Council policy and industrial arrangements.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES
Nil

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

Corporate Plan

6.16 Provide contemporary internal administrative and business support services in accordance with mandated legislative standards and good practice principles.

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

Budgets are set taking into account leave requirements for employees.

COMMUNITY CONSULTATION

Community consultation is not required.

Mr McCarthy returned to the meeting at 9.10am.

7.2.1.6

BAROSSA REGIONAL CULTURE HUB – CONSIDERATION OF APPLICATION FOR BUILDING BETTER REGIONS FUND – INFRASTRUCTURE PROJECT STREAM (ROUND 3)

B8602

Author: Director, Corporate and Community Services

MOVED Cr de Vries that Council determines that it is appropriate for it to make a decision in the matter of considering an application to the Federal Building Better Regions Fund, Infrastructure Project Stream Round 3; this being a “significant decision” as set out in the Caretaker Policy of the 19 June 2018 as determined by the Chief Executive Officer.

And;

(1) Provides approval for Officers to make a Commonwealth grant application to The Department of Infrastructure, Regional Development and Cities for Building Better Regions Fund, Infrastructure Project Stream, Round 3 in respect of the Barossa Regional Culture Hub implementation for a project value up to $10million (excluding GST) including achieving matching funds through existing allocations provided for in the Long Term Financial Management Plan and third party resources.

(2) Endorses the approach to a partnership application with the Tanunda Club for complimentary accommodation with its interface with the Barossa Regional Culture Hub and that there is no funding impact on Council, such that the component of the BBRF application for the Tanunda Club accommodation is self-financed.

(3) Requires Officers to provide an update to the incoming Council on the detailed financing of the matched funding component once the 2017/18 financial statements are concluded.

Seconded Cr Miller  CARRIED 2014-18/1563

PURPOSE

To determine whether Council supports an application for Building Better Regions Fund – Infrastructure Projects Stream – Round 3 to support the implementation of the proposed Barossa Regional Culture Hub component of The Big Project.

REPORT

Background

At its Special meeting on 27 June 2018 Council passed the following resolution:
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 Levet 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 the consultation to people that provided written, formal feedback and where email contact information has been provided.
Seconded Cr Angas
CARRIED 2014-18/1440

The adopted Master Plan drawing is provided as Attachment 1.

At its Special meeting on 26 April 2018 Council passed the following resolution:

MOVED Cr de Vries that Council, having noted the financial, project and risk analysis undertaken and development application undertaken;
(1) Support the Project Premise for the Barossa Global Food and Wine Project (the Project) as presented in Attachment 1 (Ref: 18/27097);
(2) Endorse the prioritisation and phasing analysis for the Project presented in Attachment 2 (Ref: 18/26987);
(3) Commit to The Big Project - Phase 1 - Implementation financial estimate presented in Attachment 2 (Ref: 18/26987) and that they be included in the draft 2018-19 Annual Budget and Business Plan for community consultation; and
(4) Authorise the Chief Executive Officer to continue to negotiate and enter into a Memorandum of Understanding as contemplated by the agreement presented at Attachment 6 (Ref: 18/27049)
(5) Authorise the Chief Executive Officer to submit an Expression of Interest in respect of the Project to the Regional Growth Fund.
(6) Note that if Council is successful funding for detailed design work and assistance to complete the full Business Case will be necessary.
Seconded Cr Miller
CARRIED 2014-18/1378

The Department of Infrastructure, Regional Development and Cities (DIRDC) announced the latest Round (Round 3) of the Building Better Regions Fund, Infrastructure Project Stream (BBRFIPS) on the 27 September 2018 with applications closing on the 15 November 2018. It is envisaged that this current round will be the last major national, regional infrastructure funding opportunity prior to the next Federal Election.

Introduction
The indicative cost of implementing the Barossa Regional Culture Hub Master Plan (the Plan) is documented in the high level Plan Report included in the 27 June Council Report at $9,256,000 ex GST.

While this project forms part of Council’s The Big Project and has been prioritised in the pending Federal Regional Growth Fund Expression of Interest submission, there is the potential, should Council wish to promote this component as best aligning with the specific funding criteria of the BBRFIPS and make a separate application. It is not unusual for Councils to make multiple,
The Barossa Council 18/68731   Minutes of Council Meeting held on Tuesday 16 October 2018

concurrent funding applications to different grant sources for the same projects. Any grant funds secured will have to be matched by Council or leveraged from other funding sources.

**Discussion**

Eligible projects for BBRFIPS Round 3 are:
- The construction of new infrastructure
- The upgrade to existing infrastructure
- The extension of existing infrastructure
- The replacement of infrastructure where there is a significant increase in benefit

The merit criteria for a successful application requires a project to:
- Economic benefits – increases in economic activity; improvements in productivity; wider access to markets or fairer and more equitable economic outcomes.
- Social benefits – increases in regional amenity, improving community connections and inclusion and providing opportunities for learning and knowledge creation.
- Project delivery - capacity, capability and resources to deliver the project.
- Impact of grant funding – impact of grant funding on the project.

Council has engaged, Section 51 Pty Ltd (Section 51) consultants to support it with significant grant funding applications for the Big Project. Advice from Section 51 is that the Culture Hub project best meets the specific merit funding criteria of the BBRFIPS compared to the other Big Project elements. This is particularly because as well as the focus on jobs and tourism; it most closely aligns with the improving community connections and inclusion requirements; learning and knowledge creation criteria.

Refer Attachment 2 for a summary of considerations compiled by Section 51.

Whilst the associated Chateau Tanunda component of the precinct cannot be directly funded through this grant stream, the partnership and collaborative approach to achieving the project outcomes and associated tourism benefits are extremely relevant to the submission and can be referenced and used to support the application. Round 3 of the BBRFIPS specifically allocates $45million to support tourism related infrastructure.

Officers have also already had discussions at a State Government level with the Department of Primary Industries and Regions with indications that the Culture Hub project strongly aligns with the criteria for the continuing and directly allocated funding stream of the State Regional Growth fund. An application has been encouraged once the separate, competitive funding stream process currently underway has been concluded. If monies were to be allocated at a State Level as well the Federal level, Council’s overall investment in the project could be reduced (or at the very least maintained and thus achieve a high level of service for the same infrastructure cost).

Caretaker Period Considerations:

Due to the current Caretaker Period provisions, Council needs to have regard to the following governance matters in the consideration of this matter:
- The BBRFIPS application does not fall within the definitions of a Designated Decision under the Local Government (Elections) Act 1999 (the Act).
- The application could however, constitute a “significant decision” under the terms of the Act.

“A significant decision is any major policy or other decision which will significantly affect the Council area or community or will bind the incoming Council.”

- As per 4.4.4 and 4.4.5 of Council’s Caretaker Policy:
  “The determination as to whether or not any decision is significant will be made by the Chief Executive Officer, after consultation with the Mayor…”

Whilst the incoming Council could refuse to accept any future offers of funding received as a result of this application, the Chief Executive Officer, having consulted with the Mayor, is of the view that this matter constitutes a significant decision.

“Where the Chief Executive Officer has determined that a decision is significant, but circumstances arise that require the decision to be made during the election period, the Chief Executive Officer will report this to the Council. This report should assist Elected Members to assess whether the decision should be deferred for consideration by the incoming Council.”
The following issues as referenced in the Caretaker Policy are relevant to assist Council with its assessment in this instance:

Why the matter is considered “significant”?  
Because it has the potential to bind the incoming Council.

Why the matter is considered urgent?  
BBRFIPS closes on the 15 November 2018 prior to the new Council being sworn in. The work and Officer resource involved in making the application is significant and the earliest determination is required to provide Officers maximum opportunity to work on the submission if the decision is made to proceed.

What are the financial and other consequences of postponing the matter until after the election both on the current and incoming Councils?  
BBRFIPS will have closed by the time the incoming Council is in place. There may not be any further significant Commonwealth regional infrastructure funding opportunities prior to the 2019 Federal election. If Council’s Regional Growth Fund Application / Expression of Interest is unsuccessful and it does not apply for BBRFIPS there is the potential that seeking match funding for the Big Project will be delayed until the middle of 2019 or beyond.

Whether the matter will significantly limit options for the incoming Council?  
At this stage the decision is only whether or not to apply for the grant funding. If the decision is to apply and the application is successful, there is still the opportunity for an incoming Council to withdraw the application or refuse the funding.

The new Council will adopt its own position on the Big Project in general, which may require the strategy and financial plans to change. Making the application does not prevent that happening, however, the reputation of the Council for future funding applications could be detrimentally impacted if a successful application is not taken up.

Whether the matter requires the expenditure of unbudgeted funds?  
The match funding component for the currently budgeted phase 1 implementation of The Big Project is already included in the Long Term Financial Plan with expenditure for the Culture hub spread over the 2019/20 and 2020/21 financial years, which would align with the BBRFIPS timelines. The ability to lever up further funding from Council’s contribution through Federal and State Governments is designed to meet the service outcomes within affordable budget settings.

Whether the matter is the completion of an activity already commenced and previously endorsed by the Council?  
The Barossa Regional Culture Hub has an adopted master and cost plan and has been determined as a Priority 1 project for the purposes of Regional Growth Funding as endorsed by Council at its meeting on the 26 April 2018. Detailed design work is underway for the development of the master plan and costs will be refined during that process. It is intended that a 50% detailed design approach be targeted for inclusion within any BBRFIPS submission.

Whether the matter requires community engagement?  
The adopted master plan has already been the subject of extensive community engagement through the development process. The detailed design process will have input from working group representatives and key stakeholders. The BBRFIPS application itself is not a matter that requires community engagement under the terms of the Local Government Act 1999 and Council’s Public Consultation Policy.

Any relevant statutory obligations or timeframes  
The timeframes imposed under the terms of the Federal Government’s BBRFIPS for submissions by 15 November 2018.

Whether dealing with this matter in the election period is in the best interests of the Council area and community?  
Council will need to determine if the opportunity to access significant funding via an application process at this time to support future implementation of a core element of The Big Project is in the best interests of the Council region and community and in the context of uncertainty regarding the existing RGF EOI and the availability of alternative funding opportunities post the Council elections and prior to the Federal Election process.

Summary and Conclusion
There is an opportunity for Council to access significant federal funding for the activation of the Barossa Regional Culture Hub project outside of its current Regional Growth Fund Expression of Interest.

Specialist advice indicates that this project best meets the specific merit criteria of this funding source compared to other Big Project elements.

The amount of application will have to be matched by Council or a proportion of it secured from other funding sources.

<table>
<thead>
<tr>
<th>ATTACHMENTS OR OTHER SUPPORTING REFERENCES</th>
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</thead>
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<tr>
<td>Attachment 1: Adopted Barossa Regional Culture Hub Master Plan drawing – 18/6574</td>
</tr>
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<td>Attachment 2: Email Section 51 Pty Ltd – 18/69984</td>
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<thead>
<tr>
<th>COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS</th>
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<td>Community Plan</td>
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<td>Natural Environment and Built Heritage</td>
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<td>Community and Culture</td>
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<td>Infrastructure</td>
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<tr>
<td>Health and Wellbeing</td>
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<tr>
<td>How We Work – Good Governance</td>
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</tbody>
</table>

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

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

Financial
A full Due Diligence Report in accordance with Council’s Budget and Business Plan Policy and Process was completed in respect of the Federal Regional Growth Fund Application and is the subject of an interim Prudential Management Report presented to Council at that time. This included preliminary review and opinion from an independent consultant pursuant to the prudential requirements of the Local Government Act, and this has been provided and has stated in this preliminary assessment that the financial estimates are sustainable. At this stage Officers are seeking in principal support for a grant application to be made so that resources can be
committed to meeting the application deadline of 15 November 2018. Any necessary amendments will be the subject of future reports to the incoming Council for consideration.

There is the potential opportunity to reduce (or at least achieve high service levels for the same infrastructure cost) the financial commitment of Council to this element of the Big Project if a successful, Federal grant application contribution can be used to lever up other funding sources at a State or cultural sector level.

**Resource**
The grant application will be prepared by external resources within existing 2018/19 budget allocations with support from internal officer resources. Delivery of the project if the application is successful will be tendered via The Big Project. Funded projects need to be completed by the end of December 2021.

**Risk Management**
The risk assessment for The Big Project considers the risk of not securing significant grant funding and the impact on this of delivering the associated infrastructure and outcomes. Now that the project work has progressed to the investment readiness phase, it will be important not to miss potential significant funding opportunities and maximise the commitments made by Council in its Long Term Financial Plan.

The approach of the incoming Council is not yet known but there has been broad community support through the significant community consultation undertaken to date to progress elements of the project work and secure funding. Council has already adopted this approach with its successful Open Space Funding for Angaston Railway Station.

**COMMUNITY CONSULTATION**
The Barossa Regional Culture Hub Master Plan was adopted by Council following community consultation as detailed in the 27 June 2018 Council Report. The grant application process does not necessitate further consultation under legislation or Council’s policy requirements.

**7.2.2 FINANCE - DEBATE**

7.2.2.1 **MONTHLY FINANCE REPORT (AS AT 30 SEPTEMBER 2018)**

B411

Author: Senior Accountant

MOVED Cr Hurn that the Monthly Finance Report as at 30 September 2018 be received and noted.

Seconded Cr Milne  

CARRIED 2014-18/1564

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

**REPORT**

Discussion

The Monthly Finance Report (as at 30 September 2018) is attached. The report has been prepared comparing actuals to the Original adopted budget 2018/19.

**ATTACHMENTS OR OTHER SUPPORTING REFERENCES**

Attachment 1: Monthly Finance Report 30 September 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. CORPORATE AND COMMUNITY SERVICES – DEBATE

7.3.1 DIRECTOR CORPORATE AND COMMUNITY SERVICES – DEBATE
Nil

7.3.2 MANAGER COMMUNITY SERVICES - DEBATE

7.3.2.1 REQUEST TO INSTALL MEMORIAL BENCH AND PLAQUE AT JUTLAND RESERVE – EASTERN HILLS AND MURRAY PLAINS CATCHMENT GROUP
B7394

Author: Executive Assistant, Corporate and Community Services

Pursuant to S75 of the Local Government Act 1999 Cr Boothby disclosed a perceived conflict of interest in the matter 7.3.2.1 – Request to Install Memorial Bench and Plaque at Jutland Reserve – Eastern Hills and Murray Plains Catchment Group as the Eastern Hills and Murry Plains Catchment Group is a client of her consulting business.

Cr Boothby advised Council of her perceived conflict of interest and left the meeting at 9.34am.

MOVED Cr Seager that Council provides consent to the Eastern Hills and Murray Plains Catchment Group for the installation of the requested bench and memorial plaque at Jutland Water Reserve, in recognition of the commitment by community members, including Roger Lillecrapp and Jeff Dewell, subject to compliance with all Council requirements.

Seconded Cr Grossman CARRIED 2014-18/1565
Cr Lange thanked Cr Seager for his many years as Council’s representative on the Easton Hills and Murray Plains Catchment Group committee.

**PURPOSE**

To consider a request from the Eastern Hills and Murray Plains Catchment Group (EH&MPCG) to approve the installation of a memorial bench seat and plaque at Jutland Water Reserve.

**REPORT**

*Background*

The installation of commemorative memorial symbols within Community Land requires the approval of Council. Council’s Memorials on Community Land Policy has been provided at Attachment 1 for Member information.

*Introduction*

The Jutland Reserve (the Reserve) forms part of the Upper Marne River catchment, 7.5km east of Eden Valley in the Eastern Mount Lofty Ranges and is classified as Community Land. The EH&MPCG has a Memorandum of Understanding with Council to manage the Reserve under a Management Plan.

The former Project Officer from EH&MPCG initially contacted Council in March, regarding the installation of a bench seat and memorial plaque at the Reserve. Details were not yet finalised when he left the organisation. The information required has now been received from the new Project Officer.

*Discussion*

The initial communication from EH&MPCG (Attachment 2) stated that the Group wished to install a memorial bench and plaque in honour of Roger Lillecrapp, who passed away in 2017. Mr Lillecrapp was instrumental in the efforts as part of Blaze Aid in helping to rebuild fences in the area and at the Reserve after bushfires in 2014.

In compliance with Council’s Policy, EH&MPCG provided a photograph of the proposed bench and details of the proposed plaque, together with a map showing the preferred location at the Reserve.

The Project Manager has recently advised that the Group would also like to recognise another community member, Jeff Dewell, and has proposed the following wording for the plaque: “In recognition of the commitment to this reserve by members of the community including Jeff Dewell and Roger Lillecrapp”.

The Director Development and Environmental Services, has reviewed the request and has no issues with the location or installation by the Group, provided they comply with all Council requirements. As with any of their tasks, they would be required to undertake the installation in a safe manner for themselves and the public.

*Summary and Conclusion*

The EH&MPCG has complied with Council’s Policy in their application and request to install the memorial bench and plaque.

**ATTACHMENTS OR OTHER SUPPORTING REFERENCES**

Attachment 1: Memorials on Community Land Policy
Attachment 2: Request and supporting documentation from the EH&MPCG

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

**Community Plan**
- How We Work – Good Governance

**Corporate Plan**
- 6.2 Ensure that Council’s policy and process frameworks are based on principles of sound governance and meet legislative requirements.
- 6.8 Provide opportunities for the community to contribute to the ongoing care, improvement and use of Council’s community facilities.
FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS
The EH&MPCG will pay all costs associated with the installation of the memorial seat and plaque.

The EH&MPCG is an incorporated body and is responsible for undertaking work in a safe manner. Council officers will assist with any further advice they require.

COMMUNITY CONSULTATION
Community Consultation is not required under legislation or Council Policy.

Cr Boothby returned to the meeting at 9.41am.

7.3.2.2
PROPOSED OPENING HOURS 2018/19 CHRISTMAS/NEW YEAR PERIOD – THE REX BAROSSA AQUATIC AND FITNESS CENTRE
B1701

MOVED Cr Hurn that Council approve the following opening hours for the Rex Barossa Aquatic and Fitness Centre over the 2018/19 Christmas/New Year period:

<table>
<thead>
<tr>
<th>Date</th>
<th>Centre</th>
<th>Creche</th>
<th>Group Fitness</th>
<th>Vacation Care</th>
</tr>
</thead>
<tbody>
<tr>
<td>Saturday, 22 Dec</td>
<td>8.00am - 5.00pm</td>
<td>Closed</td>
<td>Revised Timetable</td>
<td>Closed</td>
</tr>
<tr>
<td>Sunday, 23 Dec</td>
<td>8.00am - 5.00pm</td>
<td>Closed</td>
<td>Revised Timetable</td>
<td>Closed</td>
</tr>
<tr>
<td>Monday, 24 Dec</td>
<td>6.00am - 7.00pm</td>
<td>Closed</td>
<td>Revised Timetable</td>
<td>Closed</td>
</tr>
<tr>
<td>Tuesday, 25 Dec</td>
<td></td>
<td>Closed</td>
<td>Closed</td>
<td></td>
</tr>
<tr>
<td>Wednesday, 26 Dec</td>
<td>8.00am - 1.00pm</td>
<td>Closed</td>
<td>Revised Timetable</td>
<td>Closed</td>
</tr>
<tr>
<td>Thursday, 27 Dec</td>
<td>6.00am - 9.00pm</td>
<td>Closed</td>
<td>Revised Timetable</td>
<td>Closed</td>
</tr>
<tr>
<td>Friday, 28 Dec</td>
<td>6.00am - 7.00pm</td>
<td>Closed</td>
<td>Revised Timetable</td>
<td>Closed</td>
</tr>
<tr>
<td>Saturday, 29 Dec</td>
<td>8.00am - 5.00pm</td>
<td>Closed</td>
<td>Revised Timetable</td>
<td>Closed</td>
</tr>
<tr>
<td>Sunday, 30 Dec</td>
<td>8.00am - 5.00pm</td>
<td>Closed</td>
<td>Revised Timetable</td>
<td>Closed</td>
</tr>
<tr>
<td>Monday, 31 Dec</td>
<td>8.00am - 5.00pm</td>
<td>Closed</td>
<td>No Classes</td>
<td></td>
</tr>
<tr>
<td>Tuesday, 1 Jan</td>
<td>8.00am - 1.00pm</td>
<td>Closed</td>
<td>No Classes</td>
<td>Closed</td>
</tr>
<tr>
<td>Wednesday, 2 Jan</td>
<td>6.00am - 9.00pm</td>
<td>8.30am - 12.00pm</td>
<td>Revised Timetable</td>
<td>8.00am - 6.00pm</td>
</tr>
</tbody>
</table>

Seconded Cr Harris

CARRIED 2014-18/1566

PURPOSE
Proposed opening hours for the Rex over the 2018/19 Christmas/New Year period are provided for Council approval.

REPORT
There are no changes to the closure days as per last year. No negative feedback received last year, with the pool and gymnasium open, apart from Christmas Day.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES
None

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS

Community Plan

- Health and Wellbeing

Corporate Plan

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

Legislative Requirements
None
FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS
The proposed operating times aim to balance appropriate service levels for the community to meet seasonal demand, whilst reducing unnecessary staff and other operational overheads.

COMMUNITY CONSULTATION
Centre Managers, Belgravia Leisure, will notify the community of Rex opening hours over the Christmas/New Year period by the following methods:-
- Local newspaper/s notices
- Website notices
- Telephone
- Noticeboards in the Centre

7.4.1 DIRECTOR WORKS AND ENGINEERING SERVICES - DEBATE

7.4.1.1 PROPOSED ROAD CLOSURE – 2019 CRUISE ON
B7475 18/68375
Author: Manager Engineering Services

MOVED Cr Miller that the Commissioner of Police be advised that The Barossa Council endorses the closure of the following roads:
Murray Street, Tanunda, between Bridge Street and Theodor Street, and Basedow Road, Tanunda, between Murray Street and MacDonnell Street
between 4.00pm and 11.00pm on Saturday 19 January 2019 to stage the 2019 “Cruise on” event.
Seconded Cr de Vries CARRIED 2014-18/1567

PURPOSE
Valley Hot Rodders Inc. has applied to The Barossa Council for operational support as they plan the 2019 Cruise On event on Saturday 19 January 2019.

REPORT
Background
The requested road closures have been successfully deployed in a similar format for previous Cruise On events and assists with the safety of participants and the general public.

Introduction
Organisers advise that this year’s “Cruise On” will be the 27th year of the event and that “Cruise On” attracts visitors from all over Australia and is the largest non-wine industry event held each year in the Barossa.

Summary and Conclusion
The requested closures are deemed necessary as a risk mitigation strategy to maintain the safety of participants and the general public.

Organisers have requested the closures to commence at 3.00pm. Officers maintain a 4.00pm start is appropriate to allow local traders maximum trading time on the day.
Council Operations staff has further assisted the local community to prepare and stage this event with assistance in the following areas:
- Street sweeping - as close as possible to the event
- Emptying of bins – pre, during and post event
- Street clean up post event

This requires officers to work in to the early hours of Sunday morning. An alternative would be to engage contractors, at an additional cost to undertake post event clean-up activities.

Attending to these items enables organisers to successfully host this event each year in the Barossa as per the Community Plan.
Council Officers will also request SA Police (SAPOL) direct that persons taking part in the ‘Cruise On’ on the above roads be exempted from all Australian Road Rules relating to pedestrian behaviour on roads.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS

Community Plan

- 2. Community and Culture
- 4. 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 cost of implementation of the road closures are to be funded via Council’s Road Closure Support budget.

Risk Management –
Council officers deem the closures 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.

7.4.1.2
PROPOSED ROAD CLOSURE – 2019 SANTOS TOUR DOWN UNDER – STAGE TWO FINISH
B7475 18/67755

MOVED Cr de Vries that the Commissioner of Police be advised that The Barossa Council endorses the closure of the following roads:

Middle Street, Angaston from Murray Street to Cross Street between 12.00am on Tuesday 15 January 2019 and 7.00pm on Wednesday 16 January 2019.

Murray Street, Angaston from Sturt Street to North Street between 6.00am and 7.00pm on Wednesday 16 January 2019, and

Schilling Street, Angaston from Murray Street to Hill Street East between 6.00am and 7.00pm on Wednesday 16 January 2019, and

Hannay Crescent, Angaston in its entirety between 6.00am and 7.00pm on Wednesday 16 January 2019, and
Tyne Street, Angaston from Murray Street to Newcastle Street between 6.00am and 7.00pm on Wednesday 16 January 2019, and

Newcastle Street, Angaston in its entirety between 6.00am and 7.00pm on Wednesday 16 January 2019, and

Middle Street, Angaston from Cross Street to Newcastle Street between 6.00am and 7.00pm on Wednesday 16 January 2019, and

Cross Street, Angaston in its entirety between 6.00am and 7.00pm on Wednesday 16 January 2019, and

Shemmeld Lane, Angaston in its entirety between 6.00am and 7.00pm on Wednesday 16 January 2019

And speed and parking restrictions including:-

No parking and 25km/h speed restriction to apply between 6.00am and 7.00pm on Wednesday 16 January 2019 on both sides of: Murray Street / Angaston Road, Angaston between 489 Angaston Road and Sturt Street

No parking to apply between 11.00am and 1.00pm on Wednesday 16 January 2019 on: Williamstown Road, Springton between Mildres Street and Miller Street on both sides of the road, and

No parking to apply between 11.00am and 1.00pm on Wednesday 16 January 2019 on: Miller Street, Springton between Williamstown Road / Hamiltons Road and Angas Street / Daly Street on the west side of the road, and

No parking to apply between 11.00am and 3.00pm on Wednesday 16 January 2019 on: Eden Valley Road, Eden Valley between Rushlea Road and Matthews Road / Keyneton Road on both sides of the road, and

to stage the Finish and Sprints associated with Stage Two 2019 SANTOS Tour Down Under.

Seconded Cr Seager

CARRIED 2014-18/1568

PURPOSE
Stage Two of the 2019 SANTOS Tour Down Under is being held on Wednesday 16 January 2019 and will finish in Angaston. Road closures and parking restrictions need to be put in place.

Road closures and parking restrictions in Angaston and parking restrictions in Springton and Eden Valley are required for the safety of all participants and the general public.

REPORT
Background
The SANTOS Tour Down Under is in its twenty first year of operation in South Australia and attracts many interstate and international visitors to the Barossa region.

Introduction
The SANTOS Tour Down Under provides a significant contribution to the state’s tourism industry, and showcases the attractions of South Australia to the world through global television coverage.

Discussion
The Barossa Council has supported this event for many years by organising and implementing the road closures and parking restrictions required for the event.

A request has been received (refer attached) from the organisers seeking The Barossa Council’s authorisation to close road and implement parking restrictions on race days.

Organisers have also made application to SAPOL for 25km/h speed restrictions at several locations and for the removal of traffic infrastructure.

The Barossa Council 18/68731   Minutes of Council Meeting held on Tuesday 16 October 2018
**Summary and Conclusion**
Council continues to support the local Angaston town group as the community work together to host a successful event in the Barossa.

The requested closure and restrictions are deemed necessary as a risk mitigation strategy to maintain the safety of participants and the general public.

**ATTACHMENTS OR OTHER SUPPORTING REFERENCES**
Attachment 1 - Letter of request – 18/67755

**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 funded via Council’s Road Closure Support/Tour Down Under budget.

**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 Advertiser by Events SA and also via placement of the SAPOL notice on Council’s website.

**7.5 DEVELOPMENT AND ENVIRONMENTAL SERVICES - DEBATE**

**7.5.1 DEVELOPMENT SERVICES - DEBATE**
Nil

**7.5.2 ENVIRONMENTAL SERVICES – DEBATE**
Nil

**7.5.3 HEALTH SERVICES – DEBATE**
Nil

**7.5.4 REGULATORY SERVICES - DEBATE**

**7.5.4.1 SHORT TERM DRY AREA - ANGASTON – BAROSSA BEER AND CIDER FESTIVAL**
B1475
The Barossa Council 18/68731   Minutes of Council Meeting held on Tuesday 16 October 2018

Author: Manager, Regulatory Services

MOVED Cr de Vries that Council endorse:

(1) The implementation of a short term Alcohol Dry Area within the Angaston Central Business District as outlined and attached to the report.

(2) The terms of the prohibition as outlined in the draft gazette notice.

(3) The Chief Executive Officer (who may then further delegate) to implement the required Notice of Declaration and notify the Commission of Police and authorise the Chief Executive Officer to make any minor amendment to the notice as required to give effect to the short term dry area.

Seconded Cr Milne  CARRIED 2014-18/1569

PURPOSE

To seek Council’s support for the implementation of a short-term Dry Area in Angaston as part of the management arrangements for the upcoming Barossa Beer and Cider Festival on Sunday 4 November 2018.

REPORT

Introduction

At the September meeting of Council, Elected Members endorsed a road closure to facilitate an application from event organisers to hold the Barossa Beer and Cider Festival (the Festival) in Angaston.

Recent amendments to the Liquor Licencing Act 1997, which came into effect on 24 September 2018, enables councils to implement short-term Dry Areas. Following a resolution of Council, a short-term Dry Area can be declared by providing a Notice in the Government Gazette at least 14 days prior to the event. Approval of Consumer and Business Services is no longer required for short-term Dry Areas of up 48 hours.

Discussion

SA Police have requested that Council consider implementing a short-term Dry Area in the public areas surrounding the event. The event organiser has pre-sold 1250 tickets for the event. Given the scale, location and nature of the event, officers consider that a Dry Area would assist in providing adequate support to SA Police.

Should Council support the implementation of a Dry Area; it is obliged to provide a Notice within the SA Government Gazette no later than 14 day prior to the event and provide notice to the Commissioner of Police no later than 7 days prior to the event.

A draft Prohibition Notice, containing the terms of the Prohibition, is provided as an attachment to this report.

Elected Members may recall that a recent review of permanent Dry Areas for many of Council’s major towns was undertaken. These permanent Dry Areas are in place from 10:00pm to 8:00am.

This report seeks to implement a short term Dry Area between 8:00am to 10:00pm on Sunday 4 November 2018. The Dry Area will be in addition to the existing approved areas and aims to prohibit the possession and consumption of alcohol in the public areas outside of the confines of the event.

The designated area will largely mirror that of the permanent areas, save for an extension towards the designated event parking area at the Angas Recreation Park. The terms of the Prohibition reflect the terms of the existing permanent Dry Areas.

Whilst anti-social behaviour is not anticipated, a Dry Area will provide SA Police additional opportunities and tools to address instances of anti-social behaviour associated with the consumption or possession of alcohol should the need arise.
The organisers of the event are in full support and have agreed to meet the costs of placing the Notice in the Gazette.

Council will need to display additional signage to alert the public of the temporary Dry Area.

The implementation of the Dry Area will not impact on the ability for other licenced premises to trade as normal, nor outdoor dining areas with an existing liquor licence. Patrons will still be able to purchase alcohol from main street businesses and carry it through the Dry Area providing it remains unopened.

It will prevent the consumption and carrying of open containers of alcohol in public area within the designated area during the designated times. Contravention of a designated Dry Area is an expiable offence.

**Conclusion**
The implementation of a short term Dry Area is seen as an important step to assist SA Police ensure the safety of the community.

### ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Attachment 1: Request from SA Police  
Attachment 2: Draft Gazette Notice and Map of Angaston Dry Area

### COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS

**Community Plan**

- Health and Wellbeing
- Community and Culture
- Business and Employment

2.6 Provide, promote and support community arts and cultural events, programs, attractions and services.
2.12 Contribute to a safer community.
4.16 Support and where appropriate provide advocacy for emergency services, crime prevention and law enforcement.
5.13 Support economic development through events.

**Legislation**
Liquor Licencing Act 1997

### FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

**Risk Management**
The implementation of a short term Dry Area as part of the management arrangements for the Festival should assist in reducing the risk of anti-social behaviour associated with the consumption of alcohol in public areas.

The event organisers will also provide 14 Security Guards to manage the behaviour of patrons during and after the event.

**Resource Considerations**
Whist a number of officers have been involved in the assessment of the event application to ensure that appropriate strategies are implemented (to ensure a safe and well run event, and to ensure that minimal disruption is caused to the surrounding area); no further Council resources are expected for the event.

**Financial Considerations**
In order to implement the Dry Area, Council is required to place a Notice (in a prescribed format) within the Government Gazette at least 14 days before the event.

Due to the timing, actual costings had not been received before finalising this report. The estimated cost of placing the Notice in the Gazette is expected to be between $1300 and $1900.
This amount is outside of Council’s budget. The event organiser has agreed to meet the costs of the Gazette Notice.

The cost of temporary signage is approximately $275. Which will be funded from existing budget provisions. The signs will be designed to enable them to be reused for other events, should the need arise.

<table>
<thead>
<tr>
<th>COMMUNITY CONSULTATION</th>
</tr>
</thead>
<tbody>
<tr>
<td>Consultation is not required under Policy or Legislative requirements.</td>
</tr>
<tr>
<td>Council and event organisers will promote the Dry Area to the community and ticket holders through social media.</td>
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</tbody>
</table>

8. CONFIDENTIAL MATTER
Nil

9. REPRESENTATIVES ON COUNCIL COMMITTEES - REPORTS
Nil

10. OTHER BUSINESS
Nil

11. NEXT MEETING
Tuesday 6 November 2018 at 9.00am

12. CLOSURE OF MEETING
Mayor Sloane declared the meeting closed at 9.49am.

Confirmed at Council Meeting – Tuesday 6 November 2018

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